

BALANCE BETWEEN LAW ENFORCEMENT AND SOCIAL PROTECTION IN DRUG ABUSE CRIMES (STUDY AT LABUHANBATU RESORT POLICE)

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Article Info	Abstract
Article History Received : 2024-09-03 Revised: 2024-09-05 Published: 2024-10-01 Keywords: <i>Law Enforcement, Social Protection, Criminal Acts, Drug Abuse.</i>	Narcotics crime is a serious issue with widespread impacts on society. In Indonesia, despite the existence of Law No. 35 of 2009 on Narcotics, law enforcement against drug abusers and addicts still faces various challenges, including the imbalance between imprisonment and rehabilitation. The majority of narcotics cases result in imprisonment, even though the law mandates rehabilitation, indicating a disparity in legal application. This study employs a normative legal approach to analyze the law enforcement mechanisms in Labuhanbatu Regency, focusing on the balance between law enforcement and legal protection for drug abusers. The study's findings indicate that despite comprehensive law enforcement efforts, including legal actions, medical and social rehabilitation, and strict supervision of the investigative process, imprisonment remains dominant in practice. This balance is achieved through the integration of deterrence theory, Community Policing, and human rights, emphasizing the importance of rehabilitation and social reintegration for drug abusers. In conclusion, to achieve fair and proportional legal protection, there is a need for reform in legal application, with a greater focus on rehabilitation over imprisonment, as well as the enhancement of the integrity and professionalism of law enforcement officers.

I. INTRODUCTION

Mala in se, known as crimes, are acts that are considered unjust from the start because they violate community norms, even before being determined by law as a criminal act. Therefore, the purpose of the law must include three main aspects, namely justice, certainty, and benefit. These aspects are often seen as fundamental goals that must be possessed by every legal product that will be applied in society. One of them is the problem of perpetrators or victims who are users or addicts of narcotics. The problem of narcotics is an extraordinary problem. Narcotics crimes can be categorized as extraordinary crimes, which are also referred to as heinous crimes. This crime is considered extraordinary because it has a negative impact on the lives of the wider community.

The increase in the number of drug cases shows that law enforcement and the government have not fully resolved drug cases, both for users and addicts, this can be seen from the increase in drug cases in Indonesia. One example of a drug case in North Sumatra has increased from 2019 to 2020. According to Law Number 35 of 2009, Article 1 paragraph 13, it is explained that drug addicts are people who use or abuse narcotics and

are in a state of dependence on narcotics, both physically and psychologically.

Meanwhile, based on Article 4 letter d related to Article 54, Article 55, Article 103, and Article 127 of the Narcotics Law, it ensures that this law is formed to guarantee the regulation of medical and social rehabilitation efforts for drug abusers and addicts, as described in the provisions of the article regarding the purpose of regulating rehabilitation for drug abusers and addicts. This is what distinguishes the current Narcotics Law from the previous law. Research on drug abuse has been carried out previously, such as Bunker; Dewangga; Reza; Suherdin & Maryanto; I Gede Darmawan Ardika, I Nyoman Sujana, I Made Minggu Widyantara discussing prison sentences for drug abuse. The problem of drug trafficking is increasingly rampant when there are new types of narcotics circulating in Indonesia. Drug trafficking with sophisticated techniques has reached all of Indonesia, where syndicates now choose to produce psychotropics locally rather than import them. The production process is carefully planned, including procurement of raw materials to recruitment of workers, which is seen from the increasing number of narcotics factories. This crime is cross-border, uses sophisticated

technology and *modus operandi*, and is supported by a wide network, which is detrimental to society and causes many victims, especially among the younger generation.

Law enforcement against narcotics crimes has been widely carried out and received many judges' decisions. Although it is expected to reduce the trade and illicit distribution of narcotics, in reality it has actually increased. Although regulations have been implemented and many perpetrators have been arrested, narcotics crimes remain uncontrolled, and the perpetrators have actually expanded their operations. Law enforcement against crimes in Indonesia is carried out by the government to protect and improve the welfare of the community through planned policies in the national development program. This policy is included in social policy, where law enforcement and crime prevention are part of the policy.

In addition to law enforcement efforts in eradicating drugs, legal protection efforts for drug abusers are also no less important. In practice, there is still an imbalance in law enforcement in Indonesia, especially in the treatment of perpetrators and victims of criminal acts. The criminal justice process should protect the interests of all parties, including perpetrators, the community, and victims. This imbalance is feared to distance the purpose of the law to create order and peace in society and resolve conflicts.

II. RESEARCH METHODS

This type of research uses a normative legal approach method (legal dogmatics). Ahmad Mukti Fajar ND and Yulianto explain the definition of normative legal research as "legal research that places law as a norm system. The norm system in question is regarding the principles, norms, rules, from laws and regulations, court decisions, agreements and doctrines (teachings). In legal research there are several approaches, namely the statute approach and the concept approach. In this study, data analysis was carried out with a descriptive analysis nature, meaning that researchers in analyzing want to provide a description or explanation of the subject and object of research as the results of the research conducted.

III. RESULTS AND DISCUSSION

A. Law enforcement mechanisms for drug abusers in Labuhanbatu Regency

Handling of drug crimes for abusers tends to end in criminal punishment, which is considered a last resort if other methods fail. However, this punishment is not effective in providing specific or general prevention. In addition, prisons are not able to optimally carry out their main task of improving and reintegrating perpetrators into society. Law enforcement against drug abuse shows the phenomenon of criminal inflation, where judges more often impose prison sentences to achieve legal goals. Criminal punishment does not stand alone, because in the double track system there are also sanctions in the form of rehabilitative measures.

In handling drug abuse in Indonesia, the concept of rehabilitation is considered a more just step compared to criminalization. Rehabilitation is one of the government's steps to overcome drug abuse as an alternative to criminalization. Drug abusers are also seen as victims who need treatment through rehabilitation facilities. This rehabilitation is determined by the judge as an alternative punishment and is counted as part of the sentence. Article 54 of Law Number 35 of 2009 concerning Narcotics states that addicts and victims of drug abuse are required to undergo medical and social rehabilitation. Article 57 also allows healing to be carried out through government agencies or the community with a religious and traditional approach. The implementation of rehabilitation is very important to ensure that these regulations are implemented. This law provides different treatment for drug abusers, who were previously treated the same as dealers and producers. Drug users are considered both perpetrators of criminal acts and victims.

The new paradigm in handling drug users views them as victims who need treatment and recovery, not just as criminals who must be imprisoned. The punishment model for victims of drug abuse should focus on recovery through medical or social institutions, either through medical channels through reporting points in various regions, or law enforcement by the police and BNN to take victims to rehabilitation centers. Previously, there was SEMA Number 4 of 2010, which basically emphasized an approach that led to the decriminalization of drug users and emphasized the importance of rehabilitation as a more humane and effective solution.

The criminal law approach to drug abuse has so far used more criminal sanctions, with prison sentences ranging from 7 to 30 months. Prisons carry out prisoner development based on

Law Number 12 of 1995 concerning Corrections, which is based on the principle of equality, so that the development method is applied uniformly. This development includes aspects of personality, which aim to raise prisoners' awareness not to repeat their mistakes, and aspects of independence, which focus on developing competencies so that prisoners can be independent after returning to society.

This approach is in line with the spirit of national legal development that is adaptive to the needs of society and international developments, where handling drug abuse is not only seen as a legal problem, but also a public health problem. In the context of drug abuse, the legal approach applied in Indonesia reflects these principles. Initially, the approach taken tended to be repressive, with more emphasis on criminal penalties. This is in line with the objectives of national legal development which are aimed at creating a more democratic legal system and supporting social welfare.

The success of correctional institutions in handling drug abuse crimes needs to be studied more deeply. The trend shows an increase in drug abuse cases, both from new perpetrators and perpetrators who have been convicted. Imprisonment still dominates the judge's decision, which seems to use a talionist approach in sentencing. This raises questions about how effective criminal law is in providing benefits for handling drug abuse.

The judge's decision related to narcotics crimes described in this manuscript shows a disparity or difference in sentencing the defendant. An example is the Rantau Prapat District Court Decision No. 159/Pid.Sus/2019/PN.Rap., where the defendant was charged with Article 112 paragraph (1) of the Narcotics Law and sentenced to 5 years in prison and a fine of IDR 1,000,000,000. The evidence submitted was in the form of narcotics in the form of crystal methamphetamine weighing 0.14 grams and 1.16 grams and a smoking device (bong). A similar case occurred in Decision No. 629/Pid.Sus/2020/PN.Rap., where the defendant was sentenced to 3 years in prison and the same fine, with evidence in the form of crystal methamphetamine weighing a total of 0.64 grams. These two decisions show that judges did not use Article 127 of the Narcotics Law, which is more appropriate for drug users who need medical or social rehabilitation, but instead punished them as dealers.

This disparity in decisions is caused by several factors, such as different interpretations of the law by judges, the ambiguity in Article 112 and Article 127 of the Narcotics Law which are often open to multiple interpretations, and the external influence of certain law enforcement officers who collaborate with drug dealers to trap users and practices of bribery and extortion in the law enforcement process. To achieve better justice, it is necessary to apply articles that are consistent in accordance with the role of the defendant and the wise discretion of judges in digging up the truth and considering aspects of rehabilitation for drug users. Reform in the drug justice system in Indonesia is very important to achieve more equitable and humane justice.

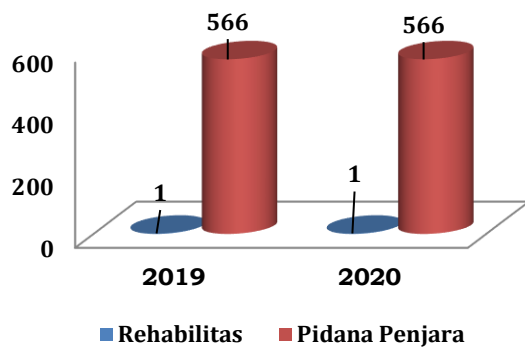
The implementation of rehabilitation for drug users in Indonesia also faces the challenge of disparity in judges' decisions. Although Article 54 of Law No. 35 of 2009 concerning Narcotics requires rehabilitation for addicts and victims of drug abuse, in reality many users are still sentenced to prison. The provisions in the Regulation of the Head of the BNN No. 11 of 2014 concerning Procedures for Handling Suspects and/or Defendants of Drug Addicts and Victims of Drug Abuse into Rehabilitation Institutions are often not applied consistently. This shows that there is still a mismatch between applicable laws and practices in the field, which requires improvements in the justice system to ensure justice for drug users.

Problems in implementing rehabilitation obligations in the North Sumatra Police Narcotics Directorate involve a lack of synergy between institutions and differences in perception in handling drug abusers. Investigators qualify perpetrators as drug dealers or abusers based on investigation and filing mechanisms, and construct cases into rehabilitation articles in accordance with related provisions. Although an assessment is carried out by the TAT team formed by the BNN, court decisions often still impose prison sentences. At the investigation level, investigators rarely or do not dare to apply Article 127 paragraph (1) alone because of obstacles in the prosecution process that require the use of Article 112 paragraph (1).

Based on research data from T. Riza Zarzani, et al. in 2020 Based on the analysis of the total number of narcotics cases at the Rantau Prapat District Court in 2019, there were 567 cases. The number of narcotics perpetrators who were rehabilitated was 1 and the number of prison sentences imposed by the judge on narcotics

perpetrators was 566 cases. There were more sentences in the form of imprisonment than rehabilitation for narcotics perpetrators.

Graph. Rantau Prapat Narcotics Case Data 2019

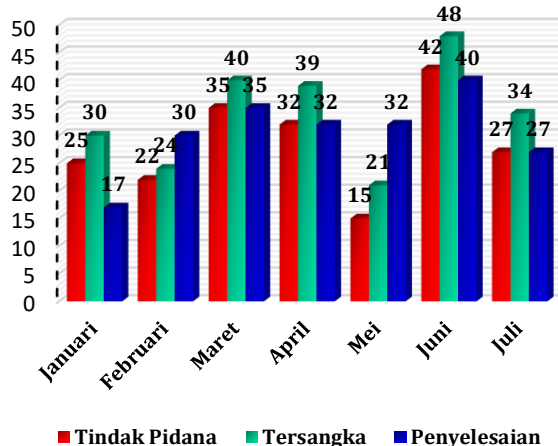


Source: Rantau Prapat District Court

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Meanwhile, the total number of narcotics cases in the Rantau Prapat Court in 2020 was 577 narcotics cases. The number of prison sentences was 576 and for narcotics perpetrators who were rehabilitated was only 1. According to the graph above, there has been an increase in the number of narcotics cases in the Rantau Prapat District Court from 2019 to 2020.

Graph. Settlement of Narcotics Crimes in the Labuhanbatu Police Area from January to July 2023



Source: Public Relations of Labuhanbatu Police, 2023.

Data on drug crimes at the Labuhan Batu Police from January to July 2023 show significant variations in the number of cases, the number of suspects, and case resolutions. In June, there was the highest spike with 42 criminal cases and 48 suspects, which was also followed by the highest number of case resolutions of 40 cases. March and April also recorded relatively high numbers, with March having 35 cases and 40 suspects, and April recording 32 cases and 39 suspects. On the other hand, May recorded the lowest number of cases and suspects, namely 15 cases and 21 suspects respectively, although the number of case resolutions was quite high, namely 32 cases.

The variation in the number of drug crimes can be linked to the theory of law enforcement that explains how the law is applied by law enforcement officers in dealing with criminal acts. In the drug case at the Labuhan Batu Police, law enforcement can be seen from the number of cases identified, the number of suspects arrested, and the number of cases resolved. This theory emphasizes that the effectiveness of law enforcement is not only seen from the number of crimes revealed, but also from the quality of the legal process carried out, starting from investigation, arrest, to case resolution.

In addition, fluctuations in the number of drug crimes that occur can be analyzed through crime prevention theory, which focuses on efforts to prevent crimes from occurring before they occur. For example, an increase in cases in June may reflect challenges in the prevention strategies implemented, while a decrease in May may indicate the success of preventive measures. This theory also explains that the effectiveness of crime prevention can be preventive or repressive, and fluctuations in the number of cases can be an indicator of the extent to which prevention strategies are successful or need to be improved.

The law enforcement mechanism for drug abusers in Indonesia includes various steps regulated in Law Number 35 of 2009 concerning Narcotics. Article 54 of this Law states that drug addicts and victims of drug abuse are required to undergo medical and social rehabilitation. This rehabilitation aims to restore the health and social function of drug users, which can be done through two main approaches: medical rehabilitation and social rehabilitation. Medical rehabilitation includes symptomatic and substitution therapy aimed at overcoming the symptoms of drug dependence, while social rehabilitation involves mental and spiritual guidance, such as spiritual enlightenment and feeling sharing therapy.

The rehabilitation process begins with a diagnosis by the organizing hospital, which is then followed by medical and social rehabilitation. The stages of social rehabilitation include induction, primary stage, and re-entry stage. The induction stage involves introducing the resident to the new environment and regulations. The primary stage focuses on emotional adjustment and social responsibility, while the re-entry stage aims for physical and psychological recovery so that the resident can function again within the family and society. In addition, SEMA Number 3 of 2011 provides guidelines that rehabilitation can begin from the investigation stage to prosecution and trial, with the judge's assessment as the basis for determining rehabilitation.

The role of rehabilitation institution officers is very important in helping victims of drug abuse at the National Narcotics Agency (BNN) of Labura Regency. Officers act as facilitators by conducting screening tests in the form of assessment stages, urine tests, and motivational interviews to determine the extent of drug abuse and the resident's rehabilitation needs. In this process, officers help residents maintain a drug-free condition and restore their physical, psychological, and social functions. In addition, officers also play a role in community prevention and empowerment (P2M) by providing socialization and counseling to the community about the dangers of drug abuse, which aims to increase awareness and reduce the demand for narcotics in the community.

However, in carrying out their duties, rehabilitation institution officers at the BNN Labura Regency face several obstacles, such as limited budget and the number of personnel is not comparable to the number of residents who must be served. This causes the results of socialization and counseling to be less than optimal and not all communities can be reached by the program. Other obstacles include the lack of cooperation from the community in reporting drug abusers and the involvement of law enforcement officers who actually hinder the process of eradicating narcotics. Nevertheless, officers remain committed to carrying out their duties properly and responsibly to support the prevention, eradication, abuse, and illicit trafficking of narcotics (P4GN) program.

Based on this, the eradication of narcotics crimes must be carried out through law enforcement related to three factors of the legal system, namely the legislative side (substance) then law enforcement institutions (structure) and

legal culture (legal culture) in this case the legal culture of law enforcers must be competent, honest, dedicated, and their integrity is guaranteed, thus the eradication of narcotics crimes will run effectively. In line with that, according to Barda Nawawi Arief, from a criminal policy perspective, what can be done is not only the renewal of laws or legal substances (legal substance reform) but also the renewal of legal structures (legal structure reform) and the renewal of legal culture (legal culture reform) which also includes the renewal of legal ethics and legal science/education reform (legal ethic and legal science/education reform)".

B. The balance between law enforcement and legal protection for drug abusers in Labuhanbatu Regency

The legal protection and law enforcement strategies implemented by the Labuhanbatu Police in dealing with drug abuse combine elements from various legal theories to create a comprehensive and multi-level approach. As a first step, the deterrence theory is actualized through repressive actions such as drug village raids and random urine tests. The purpose of these actions is to prevent crime through the deterrent effect caused by the serious legal consequences of drug abuse.

The Community Policing approach adopted by Polres Labuhanbatu through dialogic patrols and intense interaction with the community strengthens the relationship between the police and the community. This is important to understand and address the causes of crime and to build better trust and cooperation with the community. This approach is aimed at reducing feelings of alienation between citizens and law enforcement, as well as increasing the effectiveness of public policies.

Within the framework of Legal Protection, the application of Human Rights Theory is evident in the rehabilitation program designed to provide recovery and reintegration opportunities for victims of drug abuse. This demonstrates the commitment of the Labuhanbatu Police to respect and protect individual rights, ensuring that they receive fair treatment and opportunities to improve their lives.

Activities such as mutual cooperation, seminars, and discussion forums held by Polres Labuhanbatu emphasize the principle of Restorative Justice. It focuses on the recovery of victims, perpetrators, and communities from the

impact of crime, facilitating better dialogue and understanding between the various parties affected by drug abuse. These activities are designed to repair social damage and restore social harmony disturbed by drugs.

The Theory of Legal Responsiveness is the basis for adjusting legal activities to social values and needs. Polres Labuhanbatu through counseling and distribution of educational materials seeks to change norms and behavior in society. Utilizing media and educational activities to spread anti-drug messages and educate the public about the dangers and consequences of drug abuse.

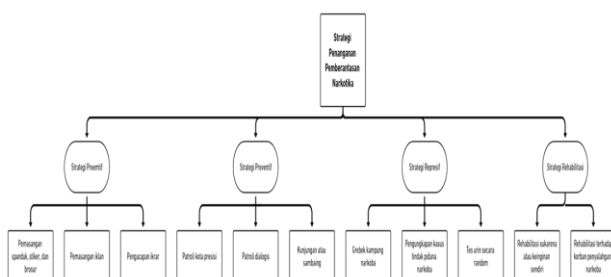
Table. List of Drug-Free Villages (KBN) in the Jurisdiction of the Labuhanbatu Police

Labuhanbatu Regency	North Labuhanbatu Regency (Labura)
KBN Padang Bulan	Tax Village
Matinggi Field	Marbau
Pardamian	Bright moon
Stone Cottage	East Aek Kanopan
Old Country	Leidong Cape
Eagle's Nest Cape	
Partition Gate	

Source: *elshinta.com*, 2023.

Furthermore, the implementation of Crime Prevention Through Environmental Design (CPTED) elements indirectly occurs through the Drug-Free Village initiative. Although the main focus is not on physical design, changes in environmental settings and increased communal activities in the area contribute to reducing crime opportunities, creating an environment that is less conducive to illegal activities.

Chart. Strategy for Handling Drug Eradication in the Labuhanbatu Police Area



Adopted from Source: *Public Relations of Labuhanbatu Police*, 2023.

Throughout 2022, the Labuhanbatu Police have demonstrated their commitment to a more humane approach to dealing with drug abuse by facilitating rehabilitation for 27 drug addicts. The collaboration between the Labuhanbatu Police and the Medan "Insyaf" Social Rehabilitation Center for Drug Abuse Victims (BRSKPN) is a positive step that illustrates the legal system's efforts to implement rehabilitative solutions in accordance with national policies that emphasize recovery rather than punishment. This approach not only supports the recovery of the individuals involved but also has the potential to reduce the burden on overcrowded prisons and minimize the negative social impacts that often arise from incarcerating addicts. This initiative also indicates a recognition that addiction is a health problem that requires medical and psychosocial intervention, not just a harsh punitive approach. Through this collaboration, the Labuhanbatu Police and the Medan "Insyaf" BRSKPN provide an example of the implementation of the principle of restorative justice that prioritizes victim recovery and social reintegration, which are important aspects in combating the drug problem effectively and sustainably.

In 2023, the BNN Pratama Berkah Clinic in North Labuhanbatu Regency has recorded access to outpatient rehabilitation services for 80 addicts and victims of drug abuse, marking an important step in the approach to therapy and recovery in the region. The focus on rehabilitation is not only as a medical and social response alone, but also as an opportunity for social reintegration and long-term recovery of addicts, making it the best solution for those struggling with addiction.

Furthermore, the program run by BNNK Labura does not only end their efforts at the rehabilitation stage. They also provide post-rehabilitation support and recovery services for 10 clients who have successfully gone through the rehabilitation program, underlining the importance of ongoing support after the intensive treatment period. These services are crucial to reducing the risk of relapse and helping individuals reintegrate into society.

Integrated assessment services were also conducted for 104 people from the Labuhanbatu and South Labuhanbatu Police applications, indicating a comprehensive effort in identifying the specific needs of each individual in the context of rehabilitation. This approach highlights the importance of a personalized and targeted

response, which is critical in addressing the complexity of drug abuse.

The program reflects a holistic approach to dealing with drug abuse, where the physical, mental and social recovery of addicts is a top priority. This demonstrates a strong commitment to the recovery and reintegration of addicts as part of society, opening up opportunities for them to start anew and achieve a better future.

In the judicial context, judges have the authority to impose rehabilitation sanctions for drug addicts in accordance with Article 103 of the Narcotics Law. This is intended to create a balance between strict law enforcement and the interests of recovery for drug users. However, in practice, sometimes there is reluctance from judges to implement rehabilitation decisions, even though the charges filed by the Public Prosecutor are based on Article 127 paragraph (1) of the Narcotics Law, which identifies addicts as victims (Sasono, 2022).

This inconsistency poses challenges in creating a balance between strict law enforcement and protecting the rights of individuals who are victims of drug abuse. It also shows the complexity of applying existing laws and the need for a more sensitive approach to the conditions of victims.

In implementing the Narcotics Law policy, law enforcement includes determining the type of punishment, minimum and maximum imprisonment and fines, and rehabilitation which are part of the judge's authority in judicial policy (Sasono, 2022). The legal reactions that arise, including community responses and criminal penalties by law enforcement officers, are very important because they disrupt public order and security.

According to the theory of Legal Ideals, there are three elements that must be present proportionally in law enforcement: legal certainty, justice, and benefit. In the context of law enforcement against drug abusers, prisons often do not provide the expected benefits because they tend to increase the number of inmates in prison and have the potential to have a negative impact on other inmates, making imprisonment less effective and efficient in ensuring legal certainty (Rahmanto, 2017).

The Joint Regulation on Handling Drug Addicts and Victims of Drug Abuse requires that drug abusers must undergo medical rehabilitation. The purpose of this regulation is to provide justice and speed in the recovery of drug users, reduce their addiction, and restore their

psychological condition back to society (Mujab et al., 2021).

Legal certainty in law enforcement against drug abusers must be balanced with fair legal protection, considering their vulnerable situation. A more comprehensive approach needs to be implemented, not only enforcing the law rigidly, but also protecting the rights of abusers, including providing rehabilitation as a more humane alternative to imprisonment (Julyano & Sulistyawa, 2019).

In the context of law enforcement, there is often a conflict between the principles of legal certainty and justice, especially when the law is applied literally without considering the humanitarian aspect. Proportional legal protection for drug abusers must always be considered, including the right to receive rehabilitation according to their condition (Julyano & Sulistyawa, 2019).

Ideally, drug users who are victims of abuse should not be imprisoned, but rather rehabilitated in accordance with Article 54 of the Narcotics Law. However, legal practices that still often end in imprisonment indicate the need for legal reconstruction to ensure that victims of drug abuse receive appropriate and balanced protection (Saputri, 2023).

IV. CONCLUSIONS AND RECOMMENDATIONS

The law enforcement mechanism for drug abusers in Labuhanbatu Regency involves comprehensive steps regulated by Law No. 35 of 2009 concerning Narcotics and Regulation of the Republic of Indonesia National Police Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice, which includes legal enforcement, medical and social rehabilitation, and strict supervision of the investigation and prosecution process. Although the law mandates rehabilitation for drug users, practices in the field still show a dominance of prison sentences, often with disparities in judges' decisions. The main challenges in this mechanism are suboptimal implementation, the need for more consistent legal reform, and the importance of the integrity and professionalism of law enforcement officers in handling drug abuse cases fairly and humanely.

The balance between law enforcement and legal protection for drug abusers in Labuhanbatu Regency is realized through an approach that integrates the theory of deterrence, Community Policing, and human rights in repressive, preventive, and rehabilitative efforts.

Labuhanbatu Police focuses on preventing crime through repressive actions and building relationships with the community to support anti-drug policies. Meanwhile, rehabilitation and post-rehabilitation support programs emphasize the importance of recovery and social reintegration for drug abusers, prioritizing the principles of humanistic and proportional justice. This approach demonstrates a commitment to providing balanced legal protection, avoiding unnecessary imprisonment, and ensuring access to proper rehabilitation.

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