

Optimizing The Death Penalty for Drug Trafficking Police Officers As A Deterrent Effect (Study of Decision No.2611/Pid.Sus/2017PN.Lbp and Decision No. 2611/Pid.Sus/2017PN.Lbp. 96/Pid.Sus/2023/Pn.Jkt.Brt)

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Abstract

Indonesia is a state of law, so every criminal offense that occurs must be processed through the law. No act is punishable unless it has been regulated in law, so the perpetrator can be subject to sanctions or punishment including ignorance of the status or profession of the perpetrator. One of these criminal acts is the abuse and distribution of narcotics. Narcotics crime is a special crime based on Law No. 35 of 2009 concerning Narcotics. (Law No. 35/2009 on Narcotics) Narcotics abuse does not look at age or profession, both among children, adults, and law enforcement officials, one example of a case of narcotics abuse by law enforcement officials is among police officers. A recent case is that of the former Jambi Police Chief, Inspector General Tedy Minahasa, who obscured and circulated 5 kg of methamphetamine from the evidence to be destroyed. There are many other cases committed by a number of police officers. With the many cases of drug abuse committed by various police officers, it is necessary to conduct research to find out the factors that cause drug abuse and to find out the effectiveness of the law in handling these cases so that it can provide a deterrent effect for perpetrators of drug abuse. What is the maximum penalty sanction applied to police officers involved in drug trafficking as a deterrent effect.

Keywords: *Drug Abuse, Police Officer, Death Penalty*

I. INTRODUCTION

Narcotics crime is one of the *extraordinary crimes*, so it is necessary to eradicate it in an extraordinary manner such as the threat of criminal sanctions. Law Number 35 of 2009 concerning Narcotics includes criminal sanctions, namely fines, imprisonment up to the heaviest, namely the death penalty, the death penalty sanction is contained in Articles 113, 114, 116, 118, 119, 121 and 133 of Law Number 35 of 2009 concerning Narcotics, and the targets of the application of these criminal sanctions are not only Narcotics dealers, but also Narcotics precursor dealers. This aggravation of criminal sanctions is realized in the form of special minimum punishment, and maximum punishment with imprisonment of 20 (twenty) years, life imprisonment, or death penalty, which is based on the class, type, size and amount of Narcotics, with the hope that this aggravation of criminal sanctions will

make the eradication of Narcotics criminal acts effective and reach the maximum. According to Muladi, special minimum sanctions for certain crimes are aimed at In order to reduce the *disparity of sentencing* and show the severity of the criminal offense concerned. This shows that Law No. 35 of 2009 regulates a special minimum criminal provision because narcotics crime is one of the serious and serious crimes. The aggravation of punishment in Law No. 35 of 2009 can also be seen from its nature, which is cumulative, meaning that if a person is proven to have committed a Narcotics crime, he will be subject to imprisonment and fines, while law enforcement officials who commit Narcotics crimes can be imposed with basic criminal sanctions and additional criminal sanctions. In the main punishment itself, there is an aggravation of criminal sanctions based on Article 52 of the Criminal Code because it is mandatory for a State Official and Investigator of the Indonesian National Police.

The law distinguishes between the grounds of general criminal aggravation and basis of special criminal aggravation. The basis of general criminal aggravation is the basis of criminal aggravation that applies to all kinds of criminal offenses, both those in the codification and criminal offenses outside the Criminal Code. The basis of special criminal aggravation is formulated and applies to certain criminal offenses only, and does not apply to other criminal offenses. The law regulates about 3 (three) bases that become the cause of general criminal aggravation, namely:

a. Grounds for aggravation of punishment due to position

The aggravation due to position is provided for in Article 52 of the Penal Code, the full formulation of which is: "When an official violates the specific duties imposed on him by his position, or when he commits an act, the perpetrator makes use of his authority, resources and opportunities." When a criminal makes use of his/her abilities, resources and opportunities by virtue of his/her position or the commission of a crime, the punishment shall be increased by one third". The basis for the aggravation of the punishment in Article 52 lies in the circumstances of the position and the quality of the perpetrator (official or civil servant) regarding 4 (four) things, namely in committing a criminal offense by:

1. Violating a specific duty of office;
2. Using the power of his office;
3. Using opportunities because of his/her position;
4. Using facilities provided by his/her position.

The subject of the law, for which the punishment may be increased by one third, is an official or public servant (*ambtenaar*) who commits a criminal offense by violating and or using the four circumstances mentioned above.

b. The use of the national flag is the basis for criminal aggravation of using the state flag

to commit a criminal offense formulated in Article 52 (a) of the Criminal Code which reads: "When at the time of When the National Flag of the Republic of Indonesia is used in the commission of a crime, the punishment for such crime shall be increased by one third". Article 52 (a) expressly states that the use of the national flag is during the commission of a crime, so it does not apply to offenses, it applies to any crime, including crimes under legislation outside the Criminal Code.

c. Grounds for aggravation of punishment due to recidivism

There are 2 (two) meanings of repetition, one according to society and one according to criminal law. According to the community (social), the community considers that every person who after being convicted and then commits a criminal offense again, here there is a repetition without paying attention to other conditions, while repetition according to criminal law, which is the basis for this criminal aggravation, is not enough to see the repetition of committing a criminal offense alone, but also linked to certain conditions stipulated by law. The basic ratio of criminal aggravation on repetition is located in 3 (three), namely:

1. Factors of more than one criminal offense;
2. The factor of having been punished by the state for the first criminal offense;
3. The punishment has been executed by the person concerned.

In addition to the general grounds for criminal aggravation, the law also mentions several grounds for special criminal aggravation. The basis of the special criminal aggravation is that it only applies to certain criminal offenses that are included in the aggravation, and does not apply to other criminal offenses. The purpose of the aggravation is not seen as a retaliation against the perpetrator, but is intended to educate the perpetrator so that he/she becomes aware and deterrent so that he/she will no longer repeat his/her actions.

The aggravation of punishment due to position, also applies to law enforcement officers who committing criminal acts of narcotics abuse. Criminal sanctions with aggravation are given to law enforcement officers who are involved as narcotics dealers and are part of an international trafficking network. The reality of the case can be seen in Decision 2611/Pid.Sus/2017/PN. Lbp dated March 23, 2018, with the defendant Suherianto alias Heri, and Decision No. 96/Pid.Sus/2023/PN.Jkt.Brt with the defendant Teddy Minahasa Putra who is a member of the National Police, legally and convincingly guilty of committing a criminal act without the right and against the law committing a conspiracy to embezzle and deliver Narcotics Group I (one) not a plant that weighs more than 5 (five) grams, the defendant's actions have been included in the narcotics trafficking network of shabu- shabu type between countries, the defendant's actions that do not help the government in eradicating narcotics crimes have become the cause of the panel of judges imposing imprisonment on the defendant.

The involvement of police officers in an international drug trafficking network is unfortunate, as law enforcement officers, members of the National Police should be at the forefront of efforts to eradicate drugs in the country. They should also help prevent drug abuse among the community, especially among the youth and as citizens who understand the law, members of the National Police understand that drug abuse and trafficking are criminal offenses. The occurrence of drug trafficking by law enforcers clearly indicates that the complete eradication of drug trafficking is still difficult to realize optimally.

II. METHODOLOGY

This research uses normative legal research, which is a research that prioritizes the study of positive legal provisions and general legal principles. Normative legal research is research based on legal materials, both primary and secondary. This research is descriptive-analytical, meaning that in addition to describing and analyzing a situation or symptom at the level of positive law, it also seeks to establish the right rules (*das sollen*) and resolve legal issues related to the severity of the punishment imposed on law enforcement officers who distribute drugs. The statutory approach, case approach, and conceptual method are the three types of approaches used in this research. The data that has been collected will then be analyzed with a qualitative approach.

III. RESULT AND DISCUSSION

A. The Importance of Aggravation and Maximum Punishment Sanctions Against Law Enforcement Officials as Narcotics Dealers

The circulation of narcotics, psychotropic substances, *precursors*, and other addictive substances will not be separated from the development of its circulation in Indonesia. Narcotics can affect social life in society, which has the potential to become an obstacle to Indonesia's development and can threaten the security and sovereignty of the State. Drug trafficking in Law Number 35 of 2009 concerning Narcotics is any activity or series of activities of distribution or delivery of Narcotics, either in the context of trade, non-trade or alienation, for the benefit of health services and the development of science and technology. However, in reality, even though drug trafficking has been emphasized in the law as an illegal act and to deal with drug trafficking, the police as an institution that should be responsible for overcoming drug trafficking is actually involved in drug trafficking.

There are various factors that encourage a person to fall into narcotics crime. In general, the factors that cause narcotics crime can be grouped into 2 (two), namely:

1. Internal factors of the perpetrator

There are various psychiatric causes that can push a person into drug offenses, among others:

a. Selfish Feelings

This trait often dominates a person's behavior unconsciously, as well as for people who deal with drugs/users and drug dealers. His tendency to selfishness may at some point motivate him to buy and/or highly value any products that may arise from drug use. In this case the selfishness factor also often influences a person to fall into drug crime, the selfishness to have something at any cost even if it has to be against the law by using drugs as a tool to get something desired without thinking about the impact caused.

b. Free will

This will to be free appears and manifests into behavior whenever a person is overwhelmed by thoughts and feelings. In this case, a person who is in a crush interacts with other people in connection with drugs, so it is very easy for people to fall into drug crime.

c. Soul Shock

In an unstable mental state, if there are parties who communicate with him about drugs, he will easily get involved in drug crimes.

d. Curiosity

This feeling is generally more dominant in humans who are still young, this feeling of desire is not limited to positive things, but also to things that are negative in nature. Drug-related crimes can also be committed by those who are simply curious about drugs. External.

Factors of the Perpetrator Factors that come from outside, among which the most important are the following:

a. Economic Situation

Basically, this economic situation can be divided into 2 (two), namely a good economic situation and an economic situation that is less or poor, in a good situation, people can achieve or fulfill their needs easily. Likewise, on the contrary, if the economic situation is not good then the fulfillment of needs is very difficult, because. Therefore, people will try to get out of the economic crush. In relation to drugs, people who belong to a good economic group can accelerate the desire to know, enjoy, and so on about drugs. Meanwhile, those whose economic situation is difficult can also do this, but the possibility is smaller than those whose economy is sufficient. Since narcotics consist of various kinds and their prices vary, in any economic situation narcotics can circulate and narcotics crimes can occur.

b. Association/Environment

In essence, the social/environmental setting consists of the residential setting, the school or work environment and other social settings. These three settings have the potential to have a negative impact on a person, meaning that interaction with these three settings can have a positive impact on a person's behavior or vice versa. If access to drugs is easy under these conditions, the tendency to commit drug-related crimes will be greater.

c. Ease

Here, convenience implies that the likelihood of drug-related crimes increases with the variety of drugs available on the black market.

d. Lack of Supervision

Supervision here is intended to control drug supply, use and distribution. Community-based monitoring is therefore included alongside government-mandated surveillance. The manufacture, distribution and use of illicit drugs are all subject to significant restrictions by the government. Black markets, illegal manufacturing, and the number of drug users will increase if there is no supervision. In turn, it is difficult to regulate this situation. However, since the family is the foundation of society, it has an obligation to provide strict supervision of its members to ensure that they do not engage in activities that could be considered drug-related offenses. When there is no supervision, as mentioned earlier, it is not difficult to commit drug-related offenses.

e. Displeasure with social circumstances

For someone who is crushed by social circumstances, drugs can be a means of escaping from the crush, even if it is only temporary. But for certain people who have money, and so on, not only can they use drugs as a means of escaping from the crush of social circumstances, but furthermore can be used as a tool for achieving certain goals.

Based on the two factors mentioned above, it does not always run independently in a narcotics crime event, but it can also be an event caused by the two factors influencing each other together. One of the factors mentioned above can also affect law enforcement officials involved in narcotics trafficking. The most severe sanction given to law enforcement officers who commit narcotics crimes is the death penalty. In Law No. 35 of 2009 concerning Narcotics, the death penalty is contained in Articles 113, 114, 118, 119, 121, 144. Based on the contents of these articles, it can be seen that the factors that cause the imposition of the death penalty against the perpetrators of narcotics crimes are as follows:

1. The perpetrators are narcotics dealers class I and II which are carried out in an organized manner.

2. The perpetrator is the owner of class I and II narcotics, totaling 300 grams or more.
3. The perpetrator is a processor or person who produces class I and II narcotics.
4. The perpetrator is a carrier of narcotics class I and II.
5. The perpetrator is an introduction to narcotics class I and II.
6. The perpetrator is linked to a large narcotics syndicate.

Law enforcement officers sentenced to death in Indonesia already exist. One of the law enforcement officers sentenced to death is the police. The factors that cause members of the police to abuse drugs, among others:

1. The pressures of life and work as a police officer are very heavy. This can be seen in terms of the demands of the task, for example, being ready to be ordered by the commander and so on, so it is not uncommon for them to hate their arrogant and selfish superiors; the existence of minimal salaries (especially a few years ago) which are not balanced with the needs of life; the existence of many home (official) facilities that do not get; as well as household conflicts, and so on. Thus it can be concluded that the stress of life, low stress resistance and the lack of self-defense mechanisms to deal with the pressure resulted in a police officer being able to abuse drugs.
2. Duty demands. For example, a police officer on duty at a nightclub will be lured by the temptation that taking the drug can increase stamina. In this case narcotics are proven to provide endurance and freshness.
3. Those who deal with the catch of narcotics. It is not uncommon to be tempted to take some of it (secretly). They steal some of the evidence, either for their own use or for resale.
4. Low punishment. Where their superiors often let them go even though they have been caught using drugs. So there is no deterrent effect from the leadership, only locked up for two or three days, then released again. The National Police Chief said that the punishment for police caught using drugs is very unclear. When a policeman has started using drugs, and he knows where the dealers are. The dealer knows the weakness of the policeman and pays him a few packages once or twice a week as "tribute" and in the end t h e dealer is left alone.
5. When a dealer is caught, and happens to still be on Police business, they usually settle for a certain price. As long as it hasn't been brought to court, evidence can be organized and reduced to the point of elimination. This is done both at the Polsek and Polda levels. Even though the person who did it was unscrupulous, the mistake is often striking. This can open the door to friendship between them.

However, with the existence of legal aggravation in Law No. 35 of 2009 concerning narcotics, a law enforcement officer who becomes a narcotics dealer can be subject to

legal aggravation, one of which is the death penalty. The reality of the case of law enforcement officers can be seen from Decision Number 56/Pid.sus/2020/PN Dpk jo Decision Number 241/PID.SUS/2020/PT.BDG, where in the consideration of judges law enforcement officers who abuse narcotics are the police, even though these law enforcement officers must eradicate those who violate the law so as to create the principle of *presumption of innocence* with the aim of cleaning up the image that exists in the police institution itself.

In this decision, the factors that influence the aggravation of punishment against law enforcement officers as drug dealers are as follows:

1. Actions that do not support government programs in the eradication of narcotics;
2. Actions that disturb the community;
3. The actions of the defendants can damage the future of the younger generation;
4. Law enforcement officers join the narcotics trafficking syndicate.

Another reality can be seen in Decision Number 2611/Pid.Sus/2017/PN Lbp jo Decision Number 395/Pid.Sus/2018/PT. MDN jo Decision Number 2859K/PID.SUS/2018, where the defendant who is a law enforcement officer, namely the police, is proven to be an international narcotics dealer so that the judge considers that the actions of the defendant are contrary to the applicable laws and regulations, so the panel of judges sentenced the defendant to death. The factors that influence the aggravation of punishment against law enforcement officials as narcotics dealers in this decision are as follows:

1. The actions of the Defendant did not help the Government in eradicating narcotics;
2. That Indonesia is in a narcotics emergency situation that can endangering the nation's generation;
3. The amount of shabu-shabu evidence is very large;
4. The defendant was part of an international drug trafficking network.

Based on the two decisions above, according to the author, which is a factor in the aggravation of punishment against law enforcement officers who become narcotics dealers, is:

1. Actions that committed by officials enforcers law enforcement officers does not support/help the government program in eradicating narcotics.
2. His actions disturbed the community and could damage the future of the younger generation.
3. The amount of narcotics is too large
4. Law enforcement officers join the narcotics trafficking syndicate

Law enforcement officers, who have a background of someone who understands the rules of legislation that should enforce the law, but with the actions of law enforcement

officers as narcotics dealers, this is an act that is not commendable because it can damage the image and authority of the institution of law enforcement officers.

B. How the Criminal Law Policy Taken Against Law Enforcement Officials as Narcotics Dealers/Brokers

Criminal Law Policy (*penal policy*) is a rational effort from the community in tackling crime or further said that crime prevention policy is a science to tackle crime. Criminal policy is a science as well as an art that ultimately has a practical goal to enable positive legal regulations to be formulated better and to provide guidance not only to lawmakers, but also to courts that apply the law and also to organizers or executors of decisions.

Crime prevention policy according to G. Pieter Hoefnagels can be simplified in two ways. First, *penal policy*, which is commonly referred to as "criminal law application." Second, *non-penal policy (non-penal*

Penal policy consists of "*prevention without punishment*" and "*influencing views of society on crime and punishment (mass media)*." Basically, *penal policy* focuses more on repressive measures after the occurrence of a criminal offense, while *non-penal policy* focuses more on preventive measures before the occurrence of a criminal offense. Criminal law enforcement is actually not only how to make the law itself, but about what law enforcement officials do in anticipating and overcoming problems in law enforcement that occur in society can be done by *penal (criminal law)* and *non-penal (without using criminal law)*, the following explanation:

1. Penal Policy

In terminology, *policy* comes from the term "*policy*" (English) or "*politiek*" (Dutch). This terminology can be interpreted as general principles that serve to direct the government (including law enforcement) in managing, regulating or resolving public affairs, community problems or areas of drafting laws and allocating laws / regulations in a (general) goal that leads to efforts to realize the welfare and prosperity of society (Citizens).

Penal efforts are one of the efforts of law enforcement or all actions taken by law enforcement officials who are more focused on eradicating after the occurrence of crimes committed with criminal law, namely criminal sanctions, which are a threat to the perpetrators. Investigation, further investigation, prosecution and so on are parts of criminal politics.

The politics of criminal law or criminal law policy can be said to be part of *law enforcement policy*. In addition, crime prevention efforts through the making of criminal laws are essentially also an integral part of efforts to protect society (*social welfare*). Criminal law policy becomes very reasonable if it is an integral part of *social policy*. *Social policy* can be defined as all rational efforts to achieve public

c welfare and at the same time includes the protection of society. With Thus, the definition of *social policy* includes *social welfare policy* and *social defense policy*. When viewed in a broad sense, criminal law policy (*penal policy*) can cover the scope of policies in the field of material criminal law, in the field of formal criminal law and in the field of criminal implementation.

Law enforcement on narcotics crime should be able to be one of the factors preventing the rampant circulation of narcotics. However, in reality, regulations or laws governing narcotics have not been able to prevent narcotics trafficking. Even law enforcement officials are involved in the distribution of narcotics even though the sanctions stipulated in Law Number 35 of 2009 concerning Narcotics are quite severe, for example the threat of life imprisonment and the death penalty.

Crime prevention policies using penal means by some criminology experts are also called repressive means. Repressive action focuses on efforts to eradicate / suppress / destroy after the crime occurs, namely by imposing criminal sanctions. Repressive efforts are carried out through penal policy in tackling narcotics crime. This policy is carried out by conducting investigations and investigations into narcotics crimes. *Repressive* is all efforts or actions that must be carried out by certain state apparatus in accordance with the provisions of the applicable procedural law if there has been a violation of the law, the forms of repressive action can be in the form of:

- a. Administrative measures;
- b. Juridical actions or legal actions that include, among others:
 1. Investigation;
 2. Prosecution;
 3. Examination by the court;
 4. Execution of court decisions or executions.

The death penalty imposed on narcotics dealers is a form of deterrent punishment so that the perpetrators of criminal acts of drug dealers and dealers feel deterrent to distribute them and as a form of lesson for narcotics criminal cases that still exist and roam today. The imposition of the death penalty for convicted drug trafficking cases are regulated in Article 135 paragraph (2) and Article 114 paragraph (2) of Law Number 35 of 2009 concerning narcotics.

Narcotics law enforcement efforts in Indonesia include accountability criminal, acts that qualify as criminal offenses and criminal sanctions. The imposition of the death penalty for narcotics offenders, especially drug dealers and dealers, is a maximum law enforcement effort. The imposition of the death penalty for drug dealers is a form of the state's seriousness towards handling narcotics cases in this country. The death penalty is one of the most severe forms of punishment carried out by a

convict by taking his life.

Barda Nawawi expressed the importance of using penal means in order to tackle crime, namely: *"Firstly, Criminal sanctions are indispensable, we cannot live, now or in the future without them; Secondly, Criminal sanctions are the best tool or means available, which we have to deal with crimes or great dangers and to deal with threats of danger; Thirdly, Criminal sanctions are at one time the best guarantor and at another time the main threat to human freedom. It is a guarantor when used sparingly, carefully and humanely; it is a threat when used carelessly and forcibly."*

Thus the Penal Policy focuses more on the *repressive* nature after the crime of narcotics crime occurs, then the perpetrators of narcotics crimes can be given criminal sanctions in accordance with the provisions of Article 111 - Article 127, Article 129 and Article 137 of Law No. 35 of 2009 concerning Narcotics, and the sanctions for aggravating crimes against narcotics dealers based on Law No. 35 of 2009 concerning Narcotics are 20 years imprisonment, life imprisonment, and death penalty. In addition, administrative sanctions are given to law enforcement officials who commit narcotics crimes.

The application of sanctions against narcotics dealers is generally clearly regulated in Law No. 35 of 2009, but the law does not yet explain the special penalties for law enforcement officials who are not involved in the implementation of the law. As a drug dealer, it is necessary to have strict legal reforms regulated in the form of regulations regarding law enforcement officials who abuse their authority to become drug dealers. This is because the actions of the perpetrators of drug trafficking crimes or drug dealers can destroy a larger human race so it is very appropriate to be given the death penalty to eradicate the crimes they commit and save more people.

2. Non Penal Policy

Non-penal countermeasures are more focused on the nature of *Preventive* (prevention) before the occurrence of crime and indirectly carried out without using criminal means or criminal law, for example handling the object of criminality with physical or concrete means to prevent the relationship between the perpetrator and the object by means of security, providing supervision on the object of criminality:

- a. Reduce or eliminate opportunities for criminal behavior by improving the environment.
- b. Awareness-raising about shared responsibility for crime will have a positive impact on crime prevention.

Preventive is any effort or action intended to prevent violations of the law, this effort

can include:

- a. Increased legal awareness for citizens themselves;
- b. Patrol or security measures for law enforcement policies;
- c. Continuous supervision or control, for example the supervision of cults.

The non-punitive approach according to Hoefnagels is an approach to crime prevention without using the means of *punishment (prevention without punishment)*, which includes *community mental health planning, national mental health, social workers and child welfare*, as well as the use of civil law and administrative law (*administration & civil law*). Based on these rights, crime is rooted in factors related to with the social environment of the community itself. The efforts to prevent the circulation and abuse of narcotics include:

- a. Primary prevention or early prevention, which is aimed at individuals, families, or communities and societies that have not been touched by the problem of drug abuse and trafficking, with the aim of making individuals, families, groups and communities alert and have the deterrence and prevention power and resilience to reject and fight it.
- b. Secondary prevention or vulnerability prevention is aimed at groups or communities that are prone to drug abuse, such as those living in slums or working in entertainment venues. The aim is for them to strengthen their defenses against persuasion and seduction or coercion from other parties or the emergence of an urge from within themselves to try drugs.

Tertiary prevention or prevention of relapsed users/addicts who have participated in therapy and rehabilitation programs, so that they do not relapse. Prevention of drug abuse is carried out in the family, school, community, workplace, and the wider community, through communication, information and education activities using various media that allow it to be adjusted to the conditions in the field.

Based on the above, the efforts to overcome criminal law enforcement in the perspective of criminology can be done among others: improve the legal system (*Improvement of System*), improve the morality and ethics of law enforcement officials (*The Moralistic Improvement and the Ethics of Legal upholders*), improvement of Legal Education (*Improvement of Legal Education*), and improvement of religious awareness (*The Realization of religion*).

V. CONCLUSION

The maximum penalty sanctions against law enforcement officers as narcotics dealers are internal and external factors. The internal factors of the perpetrator, namely the existence of

selfish feelings, the will to be free, the existence of mental shock, the existence of curiosity. While the external factors of the perpetrator or namely economic conditions, association / environment, convenience, lack of supervision, displeasure with social conditions. Based on these factors, the aggravating factor in the judge's decision is that the actions of law enforcement officers do not assist the Government in eradicating narcotics, where Indonesia is in a narcotics emergency situation that can endanger the nation's generation, besides that law enforcement officers are included in the narcotics trafficking network of shabu type between countries. Furthermore, regarding the criminal law policy taken against law enforcement officers as narcotics dealers is divided into 2, namely *First*, Penal Policy which focuses more on the *repressive* nature after the crime of narcotics crime occurs, then the perpetrators of narcotics crimes can be given criminal sanctions in accordance with the provisions of Article 111, Article 127, Article 129 and Article 129. 137 Law No. 35 of 2009 concerning Narcotics, and the maximum criminal sanctions against narcotics dealers based on Law No. 35 of 2009 concerning Narcotics are 20 years imprisonment, life imprisonment, and death penalty. While *Second*, Non Penal Policy which focuses more on the *preventive* nature before the crime of narcotics crime occurs, by conducting legal counseling awareness of the consequences of narcotics abuse and besides that administrative sanctions can be given to law enforcement officials who commit narcotics crimes.

REFERENCE

- Adami Chazawi, *Lessons in Criminal Law; Interpretation of Criminal Law, Basis of Punishment, Aggravation & Leniency, Admitted Crimes, Combating & Causality Teachings*, Jakarta: RajaGrafindo Persada, 2002
- AR Sujono and Bony Daniel, *Commentary and Discussion of Law Number 35 of 2009 concerning Narcotics*, Jakarta: Sinar Grafika, 2011
- Barda Nawawi Arief, *Law Enforcement Problems and Criminal Law Policy in Crime Control*, Jakarta: Kecana Prenada Media Group, 2007
- _____, *Bunga Rampai Kebijakan Hukum Pidana (The Development of the New Criminal Code Conceptualization)*, Jakarta: Kecana Prenada Media, 2016.
- Ediwarman, *Criminal Law Enforcement in the Perspective of Criminology*, Yogyakarta: Genta, 2014
- Gatot Supramono, *Indonesian Drug Law*, Jakarta: Djambatan, 2004
- Ira Helviza. Dkk, *Constraints of the National Narcotics Agency (BNN) in Combating Narcotics Abuse in Banda Aceh City*, Journal: scientific students of Unsyiah Civic Education, Volume 1, Number 1, August 2016.
- Lilik Mulyadi, *Bunga Rapai Criminal Law Theoretical Perspective and Practice*, Bandung: Alumni, 2008
- Mahmud Mulyadi, *Criminal Policy: An Integral Approach to Penal Policy and Non Penal Policy in Combating Violent Crime*, Medan: Pustaka Bangsa Press, 2008
- Muladi, *Human Rights, Politics, and the Criminal Justice System*, Semarang: Diponegoro University, 2002
- Moh. Taufik Makarao, et al, *Narcotics Crime*, Jakarta: Ghalia Indonesia, Second Print, 2003
- Muladi and Barda Nawawi Arief, *Criminal Theories and Policies*, Bandung: Alumni, 2013
- O.C. Kaligis & Associates, *Drugs and Justice in Indonesia, Criminal Law Reform through Legislation and Courts*, Bandung: PT Alumni, 2009
- Republic of Indonesia, Law No. 1 of 1946 on Criminal Law Regulation Republic of Indonesia, Law No. 35 of 2009 on Narcotics
- Ridhuan Syahrani, *Essentials of Legal Science*, Bandung: Citra Aditya Bakti, 1999
- Sadjijono, *Police Law in the Perspective of Its Position and Relationship in Administrative Law*, Yogyakarta: LaksBang PRESSindo, 2006
- Soerjono Soekanto, *Introduction to Legal Research*, UI-Press, Jakarta, 1986. Soedjono Dirdjosisworo, *Scope of Criminology*, Bandung: Teen Works, Bandung, 1984
- Sudarto, *Law and Criminal Law*, Bandung: Alumni, 2001