

The Problem of Classification of Perpetrators in Narcotics Crimes During the Investigation Stage at the North Sumatra Regional Police

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Abstract

This study aims to analyze the problematic classification of perpetrators in narcotics crimes during the investigation stage, particularly in distinguishing between users and dealers at the North Sumatra Regional Police. This issue is important because errors in perpetrator classification have direct implications for the form of criminal responsibility imposed, whether through a rehabilitative or repressive approach. The research method used is a normative juridical supported by an empirical juridical approach. Data were obtained through a library study of laws and legal literature, as well as field data sourced from case handling practices at the North Sumatra Regional Police. The results of the study indicate that normatively, Law Number 35 of 2009 concerning Narcotics has regulated the distinction between users and dealers. However, in investigative practice, various problems are still found, such as limited evidence, differences in interpretation by law enforcement officers, and non-judicial factors that influence the determination of perpetrator status. This condition causes inconsistencies in the application of the law. This study concludes that clearer guidelines are needed for perpetrator classification, improved evidence quality, and strengthened coordination between law enforcement agencies to ensure legal certainty and justice in handling drug crimes.

Keywords: Perpetrator Classification, Narcotics, Investigation, Users, Dealers.

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2nd International Conference on Islamic Community Studies (ICICS)

Theme: History of Malay Civilisation and Islamic Human Capacity and Halal Hub in the Globalization Era

<https://proceeding.pancabudi.ac.id/index.php/ICIE/index>

Introduction

The problem of narcotics crime in Indonesia remains a highly complex and multidimensional issue, as it relates not only to criminal law but also to social, economic, public health, and national security dimensions. Illicit drug trafficking has evolved into organized crime involving networks across regions and even countries, posing a serious threat to national security. This situation demonstrates that narcotics crime cannot be viewed as an ordinary crime, but rather as an extraordinary crime that requires systematic and comprehensive handling.

In Indonesia's positive legal system, regulations regarding narcotics crime are firmly and comprehensively stipulated in Law Number 35 of 2009 concerning Narcotics, which serves as the primary basis for law enforcement against perpetrators. This law defines various forms of conduct categorized as criminal offenses and establishes different criminal sanctions based on the perpetrator's role, such as user, addict, courier, dealer, and dealer. With these regulations, the law has provided clear boundaries regarding the classification of drug offenders.

However, in practice, various problems still arise, particularly in determining the classification of offenders between users and dealers. This issue is crucial because the difference in status will determine the form of criminal responsibility imposed, whether through a rehabilitative or repressive approach. This lack of clarity in determining status indicates a gap between applicable legal norms and actual practice.

The investigation stage is one of the most crucial stages in the criminal justice system, as it is at this stage that law enforcement officials determine the direction of case handling, including determining the perpetrator's status. Decisions made at this stage will significantly impact the subsequent legal process, from prosecution to court verdict. Therefore, accurate classification of perpetrators during the investigation stage is crucial to ensure justice and legal certainty.

In practice, cases are often found where individuals who are actually just drug users are instead processed as dealers due to the discovery of a certain amount of evidence. Conversely, there are also perpetrators who have strong indications of being part of a drug distribution network, but whose involvement cannot be fully proven, and therefore are only processed as users. This situation indicates uncertainty in the application of the law, which has the potential to lead to injustice.

Empirical data shows that drug trafficking in Indonesia remains at an alarming level, with an increasing number of cases and a variety of types of drugs circulating in the community. This situation demonstrates that law enforcement against narcotics crimes still faces various challenges, particularly in identifying the roles of perpetrators within increasingly complex drug trafficking networks.

North Sumatra is one of the regions with a high level of vulnerability to drug trafficking, due to its strategic geographic location as a distribution route. This means that law enforcement officers in the region, particularly the North Sumatra Regional Police, face more complex challenges in handling narcotics cases than in other regions.

In investigative practice at the North Sumatra Regional Police, determining the classification of perpetrators depends heavily on available evidence, such as physical evidence, laboratory test results, and witness statements. However, in many cases, the available evidence is insufficient to fully reveal the perpetrator's role, requiring investigators to use subjective judgments that can potentially lead to differing legal interpretations.

In addition to legal factors, non-legal factors also influence the law enforcement process, such as the perpetrator's socio-economic status, education level, and the community's legal culture. Many perpetrators engage in narcotics crimes for economic reasons, acting as couriers or intermediaries without fully understanding the legal consequences of their actions.

This adds to the complexity of determining perpetrator classification.

According to law enforcement theory, the effectiveness of law enforcement is influenced by several factors: the substance of the law, law enforcement officers, facilities and infrastructure, the community, and legal culture. If any of these factors are not functioning properly, law enforcement will not achieve its intended goals. In the context of narcotics crimes, these five factors are interrelated and influence the overall law enforcement process.¹⁰

Another frequently encountered problem is the disparity in handling similar cases, where perpetrators with similar circumstances may be subject to different sanctions. This indicates an inconsistency in the application of the law, which can undermine public trust in the criminal justice system.

The problem of classifying perpetrators in narcotics crimes during the investigation stage is complex and relates not only to the legal aspects but also to the implementation of the law in practice, which is influenced by various factors. Therefore, an in-depth study is needed to comprehensively understand this issue.

Based on this description, this research is crucial to analyze the problematic classification of perpetrators in narcotics crimes during the investigation stage, particularly at the North Sumatra Regional Police. This research can contribute to improving the law enforcement system and achieving legal certainty and justice.

Research Methodology

This research employs a legal research method with a normative juridical approach supported by an empirical juridical approach. The normative juridical approach is used to examine applicable legal provisions, particularly those relating to the classification of perpetrators in narcotics crimes based on Indonesian positive law, which is sourced from statutory regulations, legal doctrine, and scientific literature.

The empirical juridical approach is used to analyze the application of the law in law enforcement practices in the field, specifically during the investigation stage at the North Sumatra Regional Police. This approach aims to examine how law enforcement officers determine the classification of perpetrators between users and dealers in narcotics crime cases.

This research is descriptive and analytical, systematically describing the problems under study and analyzing the conformity between legal norms and their implementation in the field. Therefore, this research focuses not only on normative aspects but also on the empirical realities that occur during the investigation process.

The types and sources of data used in this research consist of primary and secondary data. Primary data was obtained through field studies, comprising information from case handling practices at the North Sumatra Regional Police. Secondary data was obtained through a literature review, comprising primary, secondary, and tertiary legal materials, such as laws and regulations, books, scientific journals, and other relevant literature.

Data collection techniques included library research and field research. The former examined various relevant legal sources, while the latter aimed to obtain a concrete picture of law enforcement practices in classifying drug offenders.

The data analysis method used was qualitative analysis, which systematically processed data through classification, interpretation, and drawing conclusions. This analysis aimed to identify problems in determining offender classification and to find appropriate solutions to achieve legal certainty and justice.

Results

1. Legal Regulations on the Classification of Offenders in Narcotics Crimes

The classification of offenders in narcotics crimes under Indonesian positive law is a crucial element in determining the direction of criminal responsibility for perpetrators. In the Indonesian criminal law system, criminal responsibility is determined not only by the act committed, but also by the perpetrator's role and position in the crime. This aligns with the

basic principles of criminal law, which emphasize that every perpetrator must be held accountable according to the level of culpability and their role in a criminal event.

Normatively, the regulation of narcotics crimes in Indonesia is regulated by Law Number 35 of 2009 concerning Narcotics, which serves as the primary legal basis for combating narcotics crimes. This law explicitly stipulates various forms of prohibited acts, including possessing, storing, controlling, producing, and distributing narcotics without authorization or against the law.

In this law, perpetrators of narcotics crimes are classified into several categories, including users, addicts, couriers, dealers, and dealers. This classification has direct implications for the types of criminal sanctions imposed on perpetrators. Users and addicts tend to receive a rehabilitative approach, while dealers and dealers are subject to heavier criminal sanctions because they are considered the main actors in drug trafficking.

Provisions regarding drug users are specifically regulated in Article 127 of Law Number 35 of 2009 concerning Narcotics, which provides opportunities for users to receive medical and social rehabilitation. This demonstrates that Indonesian criminal law is not solely oriented toward punishment but also considers the humanitarian aspect in dealing with perpetrators who are victims of drug abuse.

In contrast, for those acting as dealers, legal provisions are contained in various articles, such as Articles 111, 112, and 114 of Law Number 35 of 2009 concerning Narcotics, which impose severe penalties, including long-term imprisonment, life imprisonment, and even the death penalty under certain circumstances. This demonstrates that the state views drug trafficking as a serious crime that must be firmly eradicated.

The difference in treatment between users and dealers reflects a differentiated criminal law policy. This policy aims to strike a balance between the interests of protecting society and the interests of rehabilitation for victims of drug abuse. In this context, criminal law functions not only as a repressive tool but also as a means to achieve social justice.

However, despite the normative clarity of these provisions, in practice, problems remain in defining the line between users and dealers. This is because the law does not provide clear indicators regarding the quantity or quality of drugs that can be used as a reference in determining the classification of perpetrators. As a result, the interpretation of a perpetrator's status often depends on law enforcement officials.

In criminal law doctrine, determining criminal responsibility must take into account the elements of unlawful acts, fault, and capacity to take responsibility. Therefore, in narcotics cases, the classification of perpetrators should not only be based on the quantity of evidence, but also on the perpetrator's intent, purpose, and involvement in the narcotics distribution network. This approach is crucial to ensure that law enforcement is carried out fairly and proportionally.

Furthermore, criminal law recognizes the concept of accomplice (*deelneming*), which allows someone to be convicted as a principal perpetrator, co-conspirator, or accessory. In the context of narcotics crimes, this concept is often used to ensnare perpetrators who act as couriers or intermediaries. However, the application of this concept must also be based on strong evidence to avoid errors in determining criminal responsibility.

Based on this description, it can be concluded that the legal regulations regarding the classification of perpetrators in narcotics crimes in Indonesia are comprehensively regulated in Law Number 35 of 2009 concerning Narcotics. However, there are still weaknesses in the implementation aspect, particularly related to the absence of clear indicators to differentiate between users and dealers, thus potentially causing problems in law enforcement practices.

2. Problems with Classifying Perpetrators in Narcotics Crimes During the Investigation Stage at the North Sumatra Regional Police

The problem of classifying perpetrators in narcotics crimes during the investigation stage is a crucial issue in the Indonesian criminal justice system. The investigation stage is the starting point for determining the direction of case handling, including determining the

perpetrator's status as a user or dealer. Mistakes in this classification will directly impact the form of criminal responsibility imposed, potentially leading to injustice in law enforcement.¹

In practice at the North Sumatra Regional Police, determining perpetrator classification often faces various obstacles, particularly in distinguishing between users and dealers. This is due to the lack of clear indicators in the law regarding the quantity or quality limits that can be used as a basis for determining perpetrator status. As a result, investigators often use subjective judgment in determining this classification.

One of the main factors contributing to this problem is the limited evidence. In many cases, investigators rely solely on physical evidence in the form of narcotics found during arrest, without supporting evidence such as financial transactions, digital communications, or links to drug trafficking networks. This situation makes it difficult to comprehensively prove the perpetrator's role.

Furthermore, differences in legal interpretation by law enforcement officials also contribute to uncertainty in the classification of perpetrators. Investigators, prosecutors, and judges often have differing views on the perpetrator's status, leading to inconsistencies in the handling of similar cases. This indicates that the implementation of the law still relies heavily on the individual interpretations of law enforcement officials.

In several cases, it was found that drug users who should have received rehabilitation were instead processed as dealers due to the discovery of a certain amount of evidence. Conversely, there were also perpetrators who had indications of being part of a distribution network, but this could not be optimally proven and were therefore only processed as users. This situation indicates an imbalance in the application of the law.

Non-legal factors also have a significant influence in determining the classification of perpetrators. The socio-economic conditions of perpetrators are often the background to their involvement in narcotics crimes, especially for perpetrators who act as couriers or intermediaries. In many cases, perpetrators become involved due to economic pressures, thus not fully understanding the legal consequences of their actions.

Furthermore, the legal culture of the community also influences the effectiveness of law enforcement. Low public legal awareness and the fear of reporting narcotics crimes hinder the investigation process. This makes it difficult for law enforcement officials to obtain accurate information regarding narcotics distribution networks.

According to law enforcement theory, the effectiveness of law enforcement is greatly influenced by factors such as law enforcement officers, facilities and infrastructure, and the community's legal culture. In this context, limited human resources and supporting facilities, such as forensic technology, are obstacles to optimally solving narcotics cases.

Furthermore, pressure on law enforcement officials to demonstrate performance in eradicating narcotics can also influence the investigation process. In some cases, the focus of case handling is directed more towards the number of cases handled than the quality of network disclosures, potentially neglecting the aspect of fairness in the classification of perpetrators.

Based on this description, it can be concluded that the problematic classification of perpetrators in narcotics crimes during the investigation stage at the North Sumatra Regional Police is influenced by various factors, both legal and non-legal. Therefore, improvements in the law enforcement system are needed, including through the development of clearer guidelines, improving the quality of evidence, and strengthening coordination between law enforcement agencies to ensure legal certainty and justice.

Conclusion

1. Legal regulations regarding the classification of perpetrators in narcotics crimes under Indonesian positive law are comprehensively regulated in Law Number 35 of 2009 concerning Narcotics. Normatively, the law distinguishes between users who are directed towards a rehabilitative approach and dealers who are subject to severe

criminal sanctions. However, this regulation does not provide clear indicators for determining the line between users and dealers, thus leaving room for interpretation in its application.

2. Problems in the classification of perpetrators during the investigation stage at the North Sumatra Regional Police are influenced by various factors, both legal and non-legal. Legal factors include limited evidence and differing interpretations of the law by law enforcement officials, while non-legal factors include the perpetrators' socio-economic conditions, the community's legal culture, and the complexity of the narcotics distribution network. These conditions lead to inconsistencies in determining the perpetrator's status, which has implications for legal uncertainty and potential injustice in law enforcement.

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