
A LEGAL ANALYSIS OF INDONESIA'S CRIMINAL LAW ON POLICE OFFICERS INVOLVED IN NARCOTICS ABUSE

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ABSTRACT

Drug-related crimes in Indonesia have escalated into a national crisis, affecting not only civilians but also members of the Indonesian National Police (Polri) the institution responsible for enforcing the law. The involvement of police officers in narcotics abuse exposes serious flaws within the criminal justice system, including inconsistent enforcement, selective punishment, and the absence of justice-based principles. These shortcomings have eroded public trust and underscored the urgent need for legal and institutional reform. This study examines the criminal law framework governing police officers implicated in narcotics offenses, assessing whether current legal provisions ensure fairness, equality, and accountability. Using a qualitative normative legal method, it analyzes key statutes Law No. 35 of 2009 on Narcotics, Law No. 2 of 2002 on the Indonesian National Police, Government Regulation No. 2 of 2003, and Police Regulation No. 14 of 2011 alongside judicial circulars such as SEMA No. 4 of 2010. Findings reveal that existing criminal and disciplinary mechanisms fail to achieve substantive justice in narcotics cases involving police officers. Internal disciplinary measures often supersede criminal prosecution, leading to unequal legal treatment between officers and civilians. Moreover, the lack of an integrated rehabilitation policy, coupled with weak oversight and corruption, limits the system's restorative potential. The study recommends harmonizing narcotics and police laws, reinforcing ethics education, institutionalizing rehabilitation programs, and ensuring transparent accountability through civilian oversight. A justice-based, reform-oriented approach is essential to restore integrity, uphold equality before the law, and rebuild public trust in Indonesia's law enforcement system.

Keywords: Narcotics, abuse, police, accountability, criminal law reform, Indonesia.

1.1 INTRODUCTION

Drug-related crimes have become a major concern globally, drawing continuous attention at both national and international levels. The problem of narcotics abuse transcends geographical and political boundaries, posing a persistent challenge that affects nations across the world. The detrimental effects of drug misuse are far-reaching impacting physical and mental health, eroding emotional stability, and weakening the moral and social fabric of society. More critically, narcotics abuse has evolved into a transnational organized crime that undermines state security, economic development, and public welfare.¹

Within Indonesia, the issue of narcotics abuse represents one of the most urgent and complex challenges in the country's criminal justice system. Despite extensive legal measures, drug-related offenses remain widespread and increasingly sophisticated. Of particular concern is the involvement of law enforcement officers, especially members of the Indonesian National Police (POLRI), in narcotics misuse and trafficking activities. Such violations not only erode public trust in the integrity of law enforcement institutions but also expose weaknesses in the nation's legal mechanisms for ensuring accountability and upholding justice.²

Indonesia's criminal law framework governing narcotics cases is primarily grounded in Law No. 35 of 2009 on Narcotics, supplemented by provisions in the Criminal Code (KUHP) and the Police Law (Law No. 2 of 2002 on the Indonesian National Police). Additionally, internal disciplinary regulations such as Government Regulation No. 2 of 2003 on Disciplinary Regulations for Members of the National Police govern ethical and administrative sanctions for police misconduct. However, these legal instruments often fail to effectively regulate the dual position of police officers as both law enforcers and potential offenders. This duality has created a persistent ambiguity in the application of legal sanctions and has contributed to disparities in punishment, leniency in sentencing, and selective enforcement.³

¹ Clarissa, 'Implementation of Criminal Law in Narcotics Cases in Indonesia' (Universitas Jambi, 2024) https://www.researchgate.net/publication/385566571_Implementation_of_Criminal_Law_in_Narcotics_Cases_in_Indonesia accessed 11 October 2025.

² Avrila Anzani, 'The Narcotics Abuse Rehabilitation for Police Members by the National Narcotics Agency (2022), Jurnal Daulat Hukum, Volume 5 Issue 2,

³ Asif Khan, Muhammad Usman and Sohail Amja, 'The Effectiveness of International Law: A Comparative Analysis' (2023) 2(3) *International Journal of Contemporary Issues in Social Science*, Volume, 2, Issue3 available at https://www.researchgate.net/publication/375829867_THE_EFFECTIVENESS_OF_INTERNATIONAL_LAW_A_COMPARATIVE_ANALYSIS.

The current criminal law regulations concerning police officers involved in narcotics abuse have not yet fully embodied justice-based principles, such as equality before the law, proportionality in punishment, and accountability of state officials. In many cases, disciplinary measures within the police institution are prioritized over criminal prosecution, resulting in inconsistent treatment compared to ordinary citizens. Such practices contradict the ideals enshrined in Article 27(1) and Article 28D (1) of the Constitution of the Republic of Indonesia, which guarantee equality before the law and the right to fair legal treatment.⁴

Therefore, it is essential to conduct a legal analysis of Indonesia's criminal law concerning police officers involved in narcotics abuse through a justice-based perspective. This approach aims to evaluate whether existing legal frameworks adequately ensure fairness, integrity, and proportional accountability, and to explore possible reforms that would align criminal law enforcement with the fundamental values of justice, as mandated by the Indonesian Constitution and the principles of the rule of law.

1.2 Drug Abuse: A Global and Indonesian Challenge

Drug abuse is widely recognized as a global phenomenon. The illicit drug trade has permeated nearly every country, exerting profound impacts on public health, social development, and national security. According to the UNODC World Drug Report 2023, about 296 million people worldwide (aged 15-64) used drugs in 2021 an increase of 23 % over the previous decade. The illicit drug market is massive, estimated in the hundreds of billions of U.S. dollars annually, and continues to grow.⁵

The damages caused by narcotics abuse extend far beyond individual health. They include physical and psychological deterioration, emotional trauma, family breakdowns, and erosion of social and moral values. Moreover, drug networks contribute to organized crime, money laundering, and cross-border criminal syndicates, thereby threatening public order, governance, and development. In Indonesia, the narcotics problem is especially acute. The country lies along major trafficking routes in Southeast Asia, and recent years have seen a surge in synthetic

⁴ See, the Constitution of the Republic of Indonesia of 1945

⁵ United Nations Office On Drugs and Crime, 'World Drug Report' (2023), United Nations Publication- New York Available At https://www.unodc.org/res/WDR-2023/WDR23_Exsum_fin_DP.pdf,

drug use, especially methamphetamine (commonly known as “sabu”).⁶

1.3 Literature Review and Conceptual Framework

Law enforcement personnel are not immune to the growing challenge of substance misuse, a problem increasingly recognized within police institutions globally. As Ted R. Miller and Deborah M. Galvin observe, officers often face exposure to alcohol, illicit drugs, or prescription drug misuse either personally, within their families, among colleagues, or through professional duties.⁷ The rise in prescription opioid addiction among officers, including cases where drugs were misappropriated from evidence storage, illustrates systemic weaknesses in oversight and accountability. Such incidents highlight how addiction within policing is not merely a personal failing but a reflection of institutional vulnerability that threatens both operational integrity and public confidence in law enforcement.⁸

This phenomenon provides an important comparative lens for Indonesia, where similar cases of narcotics abuse involving police officers have surfaced. The insights from Miller and Galvin suggest that substance misuse within law enforcement must be addressed through a justice-based legal framework that combines criminal accountability with preventive and rehabilitative strategies. Within the Indonesian context under Law No. 35 of 2009 on Narcotics and Law No. 2 of 2002 on the Indonesian National Police their findings reinforce the urgency of ensuring that officers who violate drug laws are treated equally before the law, while institutional reforms are pursued to prevent recurrence and restore public trust in the justice system.⁹

The concept of criminal law has been the subject of extensive debate among legal scholars, with no single definition achieving universal acceptance due to the law’s multifaceted nature. L.J. van Apeldoorn emphasizes that law possesses numerous dimensions and manifestations, making it nearly impossible to construct one comprehensive definition that satisfies every perspective. From a sociological standpoint, Bellefroid views law as a mechanism that

⁶ Lengsi Manurung, ‘The Impact of Drug Abuse on Families and Society (Literature Review)’ *Majority Science Journal (MSJ)* Vol. 2 No. 2, May 2024, available at <https://www.jurnalhafasy.com/index.php/msj/article/view/168/213>.

⁷ Ted R Miller and Deborah M Galvin, ‘Assessing and Responding to Substance Misuse in Law Enforcement’ (2016) 40 *Southern Illinois University Law Journal* 470–499. Available at https://law.siu.edu/_common/documents/law-journal/articles-2016/spring-2016/12-miller-sm.pdf.

⁸ Arthur J Lurigio, Justine Andrus and Christy K Scott, ‘The Opioid Epidemic and the Role of Law Enforcement Officers in Saving Lives’ (2018) *An International Journal of Evidence-Based Research, Policy, and Practice* https://www.researchgate.net/publication/329081322_The_Opioid_Epidemic_and_the_Role_of_Law_Enforcement_Officers_in_Saving_Lives.

⁹ *Ibid*

maintains social order and derives its legitimacy from the prevailing power structures within society. Similarly, Karl von Savigny, representing the historical school of thought, argues that law originates from customs and the collective consciousness of the people, evolving naturally through historical and cultural processes rather than being merely imposed by the state.¹⁰

Other scholars provide complementary perspectives that highlight law's normative and ethical dimensions. Notohamidjojo defines law as the entirety of written and unwritten rules that govern human conduct within and among nations, aimed at ensuring justice and social harmony while fostering human dignity. C.S.T. Kansil similarly portrays law as a collection of rules comprising commands and prohibitions designed to maintain public order, while S. Amin underscores its function as a system of norms and sanctions to preserve peace and security in social relations.¹¹

The concept of *pidana* or criminal sanction, derived from the Dutch term *straf*, is generally understood as a form of punishment imposed by the state on individuals who violate criminal norms. As Soedarto (in *Muladi and Barda Nawawi Arief*) explains, punishment represents deliberate suffering imposed on offenders who have fulfilled the conditions of criminal responsibility. From this foundation, scholars have developed several definitions of criminal law.¹²

Wirdjono Prodjodikoro regards it as the body of legal provisions related to punishment, representing the state's authority to impose penalties on wrongdoers. S.R. Sianturi defines it as the positive law of a state that regulates prohibitions, penalties, and the accountability of offenders, while ensuring procedural justice in investigation, prosecution, and sentencing. Meanwhile, W.L.G. Lemaire conceptualizes criminal law as a system of norms prescribing commands and prohibitions, each connected by the legislature to specific sanctions in the form of punishment.¹³

¹⁰ Mayson, S.G. The Concept of Criminal Law. *Criminal Law, Philosophy* 14, 447–464 (2020). <https://doi.org/10.1007/s11572-020-09530-z> or available also <https://link.springer.com/article/10.1007/s11572-020-09530-z#citeas>.

¹¹ Gundugurti PR, Bhattacharyya R, Kondepi S, Chakraborty K, Mukherjee A. Ethics and Law. *Indian J Psychiatry*. (2022) S7-S15. doi: 10.4103/indianjpsychiatry.indianjpsychiatry_726_21. Epub 2022 Mar 22. PMID: 35599656; PMCID: PMC9122144.

¹² Bowles, Roger, et al. "The Scope of Criminal Law and Criminal Sanctions: An Economic View and Policy Implications" (2008) *Journal of Law and Society*, vol. 35, no. 3, pp. 389–416. JSTOR, <http://www.jstor.org/stable/40206854>.

¹³ *Ibid*

Criminal law serves as a fundamental instrument for maintaining social order and justice by regulating human conduct and imposing sanctions on offenders. As Soedarto explains, punishment represents a deliberate infliction of suffering, making criminal law a last resort when other social measures fail. Philosophers such as Aristotle, Bentham, and Sudikno Mertokusumo emphasize that the purpose of law lies in achieving justice, promoting collective welfare, and ensuring societal balance. Modern legal thought further defines criminal law as both protective and preventive safeguarding society from crime while restraining the arbitrary use of state power.¹⁴

According to Adami Chazawi, it functions to protect individual, public, and state interests while legitimizing state authority within the bounds of justice. Thus, criminal law operates not merely as a punitive mechanism but as a moral and institutional framework that upholds justice, order, and the rule of law.¹⁵

Historically, narcotics have served both medicinal and harmful purposes used in ancient civilizations for pain relief and anesthesia but later becoming substances of dependence and social concern. The term ‘narcotics’ derived from the Greek narcosis meaning ‘to numb’ refers to substances capable of altering consciousness and inducing addiction. Over time, their misuse transformed from a medical issue into a legal and social problem requiring state intervention.¹⁶

1.5 Discussion and Results

A. Types and Misuse of Narcotics

Narcotics are generally classified according to their source into two broad categories: those derived from plants and those produced through non-plant (synthetic or semi-synthetic) processes. Plant-based narcotics, such as opium, cocaine, and cannabis, are naturally occurring substances extracted from specific plants with psychoactive properties. In contrast, non-plant narcotics, such as morphine derivatives, amphetamines, and methadone, are developed through

¹⁴ Askari, H., Mirakhor, A. (2020). The Utilitarian Conception of Justice and Its Critics (Bentham to Hayek). In: Conceptions of Justice from Islam to the Present. *Political Economy of Islam*. Palgrave Macmillan, Cham. https://doi.org/10.1007/978-3-030-16084-5_4.

¹⁵ Babajide Ilo, ‘Functions, Theories and Practice of Administrative Law in Contemporary Governance’ (2022), *Administrative and Environmental Law Review* 3(1):49-62, available at https://www.researchgate.net/publication/362233610_Functions_Theories_And_Practice_Of_Administrative_Law_In_Contemporary_Governance.

¹⁶ Guy Faguet, *Pain Control and Drug Policy: A Time for Change* (2010) https://www.researchgate.net/publication/216107164_Pain_Control_and_Drug_Policy_A_time_for_change

chemical or laboratory processes intended for medical or research use but often misused due to their addictive effects.¹⁷

Under *Law No. 35 of 2009 on Narcotics*, Indonesian law establishes a more detailed classification of narcotics into three legal categories, each based on their medical utility and potential for dependence. Category I narcotics are substances with a high risk of addiction and no recognized medical use, reserved strictly for scientific and educational research. Examples include heroin, cocaine, opium, cannabis, cathinone, and MDMA (ecstasy), totaling 65 substances¹⁸. Category II narcotics have limited medicinal value and can be administered as a last resort in treatment or research but carry a significant potential for abuse and dependency; this group includes morphine, pethidine, fentanyl, and methadone, encompassing 86 identified substances. Category III narcotics, on the other hand, exhibit milder addictive properties yet are widely used in medicine and research for their therapeutic benefits, with examples such as codeine, buprenorphine, and *ethylmorphine* comprising 14 regulated substances.¹⁹

Broadly speaking, narcotics are psychoactive compounds that affect the central nervous system, producing effects such as sedation, pain relief, euphoria, or stimulation. However, when misused outside medical supervision, they can lead to dependency, impaired consciousness, and severe physiological or psychological harm. This layered classification reflects Indonesia's dual legal approach: balancing the legitimate medical and scientific value of narcotics with the need for strict control to prevent misuse, addiction, and the rise of narcotics-related crimes that endanger public health and national security.²⁰

B. Narcotics Abuse

According to *Flavianus Darman*, narcotics abuse refers to the use of drugs or hazardous substances for non-medical or non-research purposes and without proper dosage or supervision. Continuous misuse leads to dependence, addiction, and psychological as well as

¹⁷ UNODC, 'Understanding Clandestine Synthetic Drug' Global Illicit Drug Trends 2001, Pp. 11-24 available at <https://media.neliti.com/media/publications/602000-law-enforcement-of-criminal-actions-abou-754b1953.pdf>.

¹⁸ Law of the Republic of Indonesia Number 22 of 1997 on Narcotics (National Narcotics Board, Republic of Indonesia)

¹⁹ Ibid

²⁰ Anghel D M Ciucă, Nițescu G V, Tiron A T, Guțu C M and Baconi D L, 'Understanding the Mechanisms of Action and Effects of Drugs of Abuse' (2023) 28(13) *Molecules* 4969 <https://pmc.ncbi.nlm.nih.gov/articles/PMC10343642>.

emotional harm.²¹ Legally, Article 1(15) of defines a narcotics abuser as “a person who uses narcotics without authorization and unlawfully. The law aims to: (1) ensure availability of narcotics for medical and scientific purposes; (2) prevent and protect Indonesian citizens from narcotics abuse; (3) eradicate illicit drug trafficking; and (4) provide rehabilitation for addicts and users.²² Although all unauthorized narcotics activities are criminalized, the law distinguishes between users, addicts, and victims of narcotics abuse. Addicts and victims must undergo medical and social rehabilitation, while users may face imprisonment under Article 127(1).

The purpose of act is outlined in Article 4, which aims to: Ensure the availability of narcotics for medical services and scientific or technological research; Prevent, protect, and save the Indonesian people from narcotics abuse; Combat the illicit trafficking of narcotics and their precursors; and Guarantee the regulation of medical and social rehabilitation efforts for narcotics abusers and addicts.²³

1.6 The Legal Framework and Judicial Policy Governing Police Officers Involved in Narcotics Offenses in Indonesia

Narcotics-related crimes in Indonesia are primarily regulated under Chapter XV (Articles 111-148) of Law No. 35 of 2009 on Narcotics, which establishes the principal legal framework for penal provisions addressing narcotics offenses. Although the law does not explicitly label these offenses as ‘crimes’ their prohibited nature, coupled with severe sanctions, unequivocally places them within the realm of criminal acts.²⁴ Importantly, narcotics activities are not absolutely banned; under certain conditions, their production, distribution, and use are permitted strictly for medical and scientific purposes. However, any activity conducted without legal authorization or outside these purposes such as trafficking, possession, or misuse constitutes a criminal narcotics offense subject to prosecution. Because this law operates as a

²¹ National Collaborating Centre for Mental Health (UK), Drug Misuse: Psychosocial Interventions (British Psychological Society, Leicester 2008) NICE Clinical Guideline No 51, ch 3 <https://www.ncbi.nlm.nih.gov/books/NBK53217/>.

²² *Ibid*, Law No. 35 of 2009

²³ Law No. 35 of 2009

²⁴ Agha Hadi Saputra, Kristiawanto, Joko Sriwidodo and Ramlani Lina Sinaulan, ‘Law Enforcement of Criminal Actions About Narcotics Class I in the Criminal Justice System in Indonesia’ (2023) *World Bulletin of Management and Law* 20, 21–25 <https://media.neliti.com/media/publications/602000-law-enforcement-of-criminal-actions-abou-754b1953.pdf>.

special criminal statute outside the Indonesian Criminal Code (KUHP), it applies unique procedural and substantive principles distinct from general criminal law.

A narcotics offense is understood as any unauthorized or unlawful act that violates statutory provisions, rooted in both formal legality (no punishment without prior legal basis) and material legality (alignment with societal norms and justice). The law classifies narcotics offenses into four broad categories: (1) possession or control of narcotics and precursors; (2) production, import, export, or distribution; (3) transactions such as sale, purchase, or mediation; and (4) transportation or transit. Each category carries varying levels of criminal liability and punishment depending on the offender's intent, role, and the nature of the substance involved.²⁵

The unlawful element derives from the absence of recognized purposes such as treatment or research. Based on this law, narcotics abusers are categorized into three groups: users, addicts, and victims of abuse. Each group carries different legal implications users may face criminal penalties under Article 127(1), while addicts and victims are mandated to undergo medical and social rehabilitation as part of a restorative justice approach aimed at recovery rather than punishment.

When applied to members of the Indonesian National Police (Polri) involved in narcotics abuse, this framework exposes critical challenges within law enforcement accountability. Despite their duty to uphold justice, instances of drug misuse among officers' reveal gaps in disciplinary mechanisms and inconsistencies in enforcement.²⁶ Current criminal law regulations concerning police officers implicated in narcotics-related offenses are not yet grounded in the principles of substantive justice, reflecting a pressing need for reform. A more equitable and transparent legal framework emphasizing rehabilitation, proportional punishment, and ethical accountability is essential to restore public trust, strengthen institutional integrity, and ensure that justice is applied uniformly to all individuals, regardless of their official status.

The Supreme Court Circular of the Republic of Indonesia on the Placement of Narcotics

²⁵ Ibid

²⁶ Nazaruddin, Edy Purnama, Husni and Mohd Din, 'Protection And Justice Concepts For Members Of Indonesian Police As Narcotics Abusers In Line With State Of Law' (2024) 12(3) *Journal of Law and Sustainable Development* 1–19
https://www.researchgate.net/publication/379321536_PROTECTION_AND_JUSTICE_CONCEPTS_FOR_MEMBERS_OF_INDONESIAN_POLICE_AS_NARCOTICS_ABUSERS_IN_LINE_WITH_STATE_OF_LAW.

Abusers, Victims of Abuse, and Addicts in Medical and Social Rehabilitation Institutions²⁷ provides a key legal framework for identifying individuals who fall under the classification of narcotics abusers and are thus liable to criminal sanctions under Article 127(1). The circular adopts a comprehensive approach by grouping abusers, addicts, and victims of narcotics misuse within the same category of narcotics-related offenses. However, while these classifications share a common foundation in unlawful narcotics use, they differ substantially in terms of underlying causes and legal treatment.

These distinctions are grounded in the definitions established under Law No. 35 of 2009 on Narcotics, which clarifies that narcotics abuse includes all unauthorized or unlawful use whether self-inflicted, resulting from addiction, or as a consequence of victimization. The concept of “unlawfulness” in this legal context is understood in two forms: formal unlawfulness, referring to conduct that directly contravenes statutory provisions, and material unlawfulness, referring to acts that, while not expressly illegal, contradict broader principles of justice and morality. Within narcotics legislation, the unlawful element is interpreted in a formal sense, meaning that any use, possession, or activity related to narcotics conducted without legal authorization automatically constitutes a criminal act punishable under the law.²⁸

An individual caught possessing a small quantity of a Category I narcotic, as specified in SEMA No. 4 of 2010, may be presumed to use it personally. However, if medical assessments and court evidence reveal that the person is not an addict or a victim, they are subject to imprisonment under Article 127(1) (a) rather than rehabilitation under Article 103. This differentiation arises because Article 54 of Law No. 35 of 2009 mandates rehabilitation only for addicts and victims of narcotics abuse, not for general users. Therefore, individuals categorized solely as narcotics abusers face penal sanctions, while addicts and victims are entitled to medical and social rehabilitation as part of Indonesia’s rehabilitative approach to narcotics-related crimes.²⁹

²⁷ SEMA No. 4 of 2010

²⁸ Ibid

²⁹ Wilson Bugner F Pasaribu, Syafruddin Kalo Madiasa and Ablisar Suwanto, ‘Legal Implications in the Implementation of Rehabilitation Assessment for Narcotics Abuse Addicts’ (2024.) *Revista de Gestão Social e Ambiental*, 18(4) 1–15 available at https://www.researchgate.net/publication/377787085_Legal_Implications_in_The_Implementation_of_Rehabilitation_Assessment_for_Narcotics_Abuse_Addicts.

1.7 Criminal Policy and Legal Accountability for Police Personnel Involved in Drug Abuse in Indonesia

The police, as members of a legal profession, are governed by the Professional Code of Ethics established by the Indonesian National Police (Polri) and are subject to the Disciplinary Regulations applicable to all officers. Each police officer carries a constitutional mandate under the 1945 Constitution to uphold public security and order. According to Article 13 of the Indonesian National Police, the principal duties of Polri include maintaining public order and safety, enforcing the law, and providing protection, guidance, and service to the community.³⁰

Law enforcement inefficiencies remain a major obstacle in addressing narcotics abuse. A comparable situation can be observed in Indonesia, where weak enforcement and corruption have hindered the effectiveness of anti-drug policies. Reports indicate that certain narcotics operations are compromised by bribery and abuse of authority, including among law enforcement personnel themselves. Moreover, access to rehabilitation facilities remains critically limited.³¹

The police serve as the frontline enforcers of law and order, entrusted with upholding justice and protecting the public. However, some officers misuse their authority by becoming involved in the use or distribution of illegal narcotics. Such misconduct severely undermines public confidence in the police's ability to ensure legal certainty and safeguard citizens' rights. Moreover, these actions represent a clear abuse of position and responsibility. Instead of engaging in unlawful activities, police officers are expected to act as role models for society, demonstrating integrity and commitment to their duty particularly in leading efforts to combat and eliminate narcotics-related crimes.³²

Police officers who engage in narcotics use are in direct violation of both disciplinary regulations and the professional code of ethics, as every member of the force is obligated to uphold the law and preserve the honor, integrity, and dignity of the Indonesian National Police

³⁰ Law No. 2 of 2002

³¹ Mordecai Oweibia et al, 'Drug Abuse in Nigeria; The Public Health Impact of Collective Actions and Inactions: A Systematic Review. Department of Public Health, Bayelsa Medical University, (2025), available at <https://www.medrxiv.org/content/10.1101/2025.05.13.25327537v1.full.pdf>.

³² Panji Putra Pratama & Ismail Jalili, 'Law Enforcement Procedures for Police Members Involved in Drugs Abuse in the Polda Bengkulu' (2023), *Journal of Sharia and Legal Science*, Vol. 1 No. 2, available at: https://www.researchgate.net/publication/377100117_Law_Enforcement_Procedures_for_Police_Members_Involved_in_Drugs_Abuse_in_the_Polda_Bengkulu

(Polri). Any breach of these ethical and disciplinary standards is subject to formal investigation, and if proven, appropriate sanctions are imposed. Importantly, disciplinary or ethical penalties do not absolve the offending officer from criminal liability under the law. Consequently, officers involved in narcotics abuse face multiple forms of accountability disciplinary action, ethical sanctions, and criminal prosecution in accordance with Regulation of the Indonesian National Police³³ on the Police Code of Ethics and Government Regulation on Police Disciplinary Rules.³⁴

The Indonesian National Police (Polri) plays a crucial administrative and structural role in ensuring the effective functioning of government institutions and the success of national development initiatives. The efficiency of governance and the achievement of the goals outlined in the Broad Guidelines of State Policy (GBHN) are closely tied to the professionalism and integrity of state apparatuses particularly Polri. The police institution's understanding of its strategic function within national development serves as a key indicator of effective governance. Moreover, the smooth and coordinated execution of Polri's operational framework directly influences the stability, order, and overall progress of government administration and national development efforts.³⁵

The main disciplinary measure enforced is PTDH (Dishonorable Discharge), as outlined in Article 12 of Government Regulation³⁶, which mandates that any member of the Indonesian National Police (Polri) be removed from service if found guilty by a legally binding court decision and considered unsuitable to continue their duties. In addition, Article 22(1)(a) of Police Regulation³⁷ concerning the Professional Code of Ethics provides that a PTDH recommendation may be issued by the Ethics Commission (KKEP) against officers who deliberately commit criminal acts carrying a minimum sentence of four years or more and whose convictions have been finalized by the court. The implementation of such dismissal falls under the Human Resources Division of the National Police, upon authorization and approval

³³ No. 14 of 2011

³⁴ No. 2 of 2003

³⁵ Moh. Renaldy, Martam, N. K., & Amu, R. W. (2025). Analisis Hukum Normatif terhadap Anggota Polri yang Melakukan Pelanggaran Kode Etik Profesi Kepolisian. *Demokrasi: Jurnal Riset Ilmu Hukum, Sosial Dan Politik*, 2(3), 1–14. <https://doi.org/10.62383/demokrasi.v2i3.920>.

³⁶ No. 1 of 2003

³⁷ No. 14 of 2011

from the officer's immediate superior authority.³⁸

Given their professional status, members of the Indonesian National Police (Polri) are obligated to adhere to the Disciplinary Regulations and the Professional Code of Ethics, as stipulated in Government Regulation No. 2 of 2003 on the Disciplinary Rules for Polri Members and Police Regulation No. 14 of 2011 on the Police Professional Code of Ethics. Consequently, when a police officer commits a violation or criminal act, they are subjected to a comprehensive legal process that encompasses three levels of adjudication: proceedings in the general court, a disciplinary hearing, and a code of ethics tribunal.³⁹

1.8 Conclusion and Recommendations

Drug-related crimes remain one of the most complex and persistent challenges confronting Indonesia's criminal justice system. Despite the existence of comprehensive laws such as Law No. 35 of 2009 on Narcotics, Law No. 2 of 2002 on the Indonesian National Police, and various disciplinary regulations, the effectiveness of enforcement continues to be hindered by systemic weaknesses, including corruption, leniency in punishment, and inconsistencies in the application of justice. The phenomenon of police officers' involvement in narcotics abuse represents a serious institutional and moral crisis that undermines both public trust and the credibility of law enforcement as an institution tasked with upholding justice.

The dual role of police officers as law enforcers and potential offenders creates a critical tension within Indonesia's legal framework. While they are constitutionally mandated to protect the public and uphold the law, cases of drug abuse and trafficking among members of the Indonesian National Police (Polri) illustrate how weaknesses in supervision, accountability, and ethical enforcement have allowed such misconduct to persist. These cases expose the fragility of internal disciplinary mechanisms and demonstrate how administrative sanctions often fail to deliver justice equivalent to that imposed upon ordinary citizens.

Furthermore, the principles of equality before the law as guaranteed in Articles 27(1) and 28D(1) of the 1945 Constitution are frequently compromised. In practice, disciplinary and

³⁸ Andri Winjaya Laksana et al, 'The Disparities in Punishment for Narcotic Addiction: Does it Reflect the Value of Justice?' (2025), *Jurnal Media Hukum*, 32(1): 134-150, available at <https://journal.umy.ac.id/index.php/jmh/article/view/25678>

³⁹ Buala Zega et al, 'Reconstruction of Criminal Policy for Police Personnel Who Abused Drugs Based on Justice Value' (2022), *Scholars International Journal of Law, Crime and Justice*, 5(1): 30-36. Available at https://saudijournals.com/media/articles/SIJLCJ_51_30-36.pdf.

ethical sanctions are often prioritized over criminal prosecution, resulting in unequal treatment and selective enforcement. This creates a perception of impunity within the police institution and reinforces public skepticism toward the justice system. Such disparities reveal that Indonesia's current criminal policy toward police officers involved in narcotics abuse is not yet justice-based, as it lacks proportionality, transparency, and consistency in applying sanctions.

The research also reveals that the existing framework does not sufficiently integrate a rehabilitative approach for officers identified as addicts or victims of drug misuse. Instead, disciplinary dismissal or imprisonment tends to be the dominant response, without addressing underlying causes such as psychological distress, occupational stress, or systemic exposure to drug-related environments. While SEMA No. 4 of 2010 provides a pathway for rehabilitation of narcotics abusers, its practical application within police institutions remains limited and inconsistently enforced. As a result, many officers who could benefit from medical and social rehabilitation are instead criminalized, further contributing to institutional instability and loss of human capital within the police force.

In essence, the regulation and handling of police personnel involved in narcotics offenses remain fragmented, punitive, and inadequately aligned with restorative justice principles. A justice-based criminal policy must therefore move beyond punishment toward an integrated system that combines legal accountability, institutional reform, and rehabilitation. This would ensure that law enforcement personnel, as both protectors of the law and public servants, are held accountable in a manner that upholds constitutional guarantees, promotes integrity, and safeguards societal trust in the rule of law.

The Study Further Proposes the Following Recommendations

The Indonesian government should revise and harmonize Law No. 35 of 2009 on Narcotics, Law No. 2 of 2002 on the Indonesian National Police, and Government Regulation No. 2 of 2003 on Disciplinary Rules for Polri Members to establish a clearer and more coherent framework for handling police officers involved in narcotics offenses. These revisions should explicitly mandate criminal prosecution for serious offenses, while allowing rehabilitative alternatives for cases classified as addiction rather than trafficking. Such reforms would align national policy with the principles of equality before the law and substantive justice.

Institutional Accountability and Oversight: Strengthening internal oversight mechanisms

within Polri is essential to ensure impartiality and transparency in handling drug-related violations. The Internal Affairs Division (Propam) and Ethics Commission (KKEP) should operate under stricter supervision, with external civilian oversight from bodies such as Kompolnas (National Police Commission) and the National Narcotics Board (BNN). This would help eliminate the culture of protectionism and favoritism often found in disciplinary proceedings and ensure that police misconduct receives consistent legal scrutiny.

Integration of Rehabilitation Programs: Rehabilitation should be institutionalized as a component of criminal policy for officers identified as narcotics users or addicts. Following the provisions of SEMA No. 4 of 2010 and Articles 54 and 103 of Law No. 35/2009, rehabilitation centers specifically designed for law enforcement personnel should be established under joint coordination between BNN, Polri, and the Ministry of Health. Such programs should focus on medical, psychological, and social reintegration while maintaining disciplinary consequences to reinforce accountability.

Ethical Reorientation and Education: Ethical training within Polri academies and continuing professional development programs should be reinforced to instill a strong sense of moral integrity and duty. Curriculum updates should include courses on ethics, mental health management, and the dangers of substance misuse within the law enforcement environment. This proactive approach would cultivate ethical awareness and resilience among officers, reducing susceptibility to drug-related temptations and misconduct.

Transparent Enforcement of PTDH and Disciplinary Measures: The process of imposing PTDH (Dishonorable Discharge) and other disciplinary actions must be conducted transparently, with clearly documented justifications accessible to the public. The Human Resources Division of Polri should collaborate with the Attorney General's Office to ensure that disciplinary proceedings complement, rather than replace, criminal prosecution. This dual-track accountability would reinforce public confidence in the integrity of the justice system.

Data Collection and Public Reporting: To enhance transparency and policy evaluation, Polri should maintain and publicly disclose annual data on drug-related offenses involving police officers, including statistics on disciplinary actions, criminal prosecutions, and rehabilitation outcomes. Such data-driven transparency will not only facilitate academic research but also allow civil society to monitor the consistency and fairness of law enforcement accountability.

Public Trust and Restorative Justice: Restoring public confidence in Polri demands more than punitive measures; it requires the institutionalization of restorative justice principles that focus on rehabilitation, restitution, and the reintegration of reformed officers into society. A transparent and accountable justice system that prioritizes fairness and human dignity will not only strengthen national integrity but also reinforce the legitimacy of the police as a guardian of justice and public order.

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