

## The Role of the Prosecutor Against the Actors of Narcotics Crime Category 1 in the Binjai District Prosecutor

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### Abstract

Cases of narcotics trafficking and abuse in recent years have increased rapidly in big cities in Indonesia, including in Binjai City, where the average users are farmers, drivers, students, and school dropouts. The role of prosecutors as one of the important elements in the criminal justice system occupies a very important role in carrying out their duties and authorities in order to carry out law enforcement, namely prosecution in narcotics crime cases in court, so it is important to conduct research on the role of the prosecutor against the actors of narcotics crime category 1 in the Binjai District Prosecutor. This research is normative and descriptive analysis. The legal theory used in this research is the theory of the criminal justice system, law enforcement, and the purpose of the law. The data used is secondary data which can consist of primary legal materials, secondary legal materials, and tertiary legal materials. The data collection technique is library research. Data analysis is qualitative. The Prosecutor's Office as a subsystem of the criminal justice system contained in the current legislation, both in the Criminal Procedure Code and in the Prosecutor's Law No. 16 of 2004, namely as investigators and public prosecutors. Factors that hinder prosecutors in carrying out law enforcement against perpetrators of narcotics crime group I in Binjai City are the facilities or facilities that support law enforcement. Efforts made by the prosecutor in prosecuting the handling of criminal acts of narcotics abuse Category I at the Binjai City Public Prosecutor's Office that have been carried out so far include holding knowledge sharing meetings between fellow law enforcers, conducting management improvements, conducting legal counseling regarding narcotics crimes. In the general public, continuing education of prosecutors, especially narcotics crimes, and the program for prosecutors to enter schools. This activity is to provide counseling to students regarding the dangers and impacts of narcotics use among school children.

### Keywords

role; prosecutor; narcotics



### I. Introduction

The Unitary State of the Republic of Indonesia (NKRI) is a state based on law. This is as confirmed in Article 1 paragraph (3) of the 1945 Constitution, the logical consequences of which are then contained in Article 27 (1) of the 1945 Constitution which reads: "All citizens have the same position in law and government and are obliged to uphold law and government with no exception." The meaning of "upholding the law" according to Marpaung (2010) is obeying the law and behaving in accordance with the provisions set by law.

In an effort to strengthen the principles of the rule of law, legal norms and laws and regulations are needed, as well as professional, integrity and disciplined law enforcement and enforcement officers supported by legal facilities and infrastructure as well as community

legal behavior. Therefore, ideally every state of law, including the state of Indonesia, must have such qualified law enforcement agencies/institutions/apparatuses (Effendy, 2004).

Talking about criminal law enforcement, it can be seen from the way criminal law enforcement is known as the law enforcement system or criminal law enforcement as part of the criminal policy or crime prevention policy. In crime prevention, two means are needed, namely using penal or criminal sanctions, and using non-penal means, namely law enforcement without using criminal sanctions (penal). Law enforcement with the goal of making people obey the law. Public obedience to the law is caused by three things, namely (Sunarso, 2004):

1. Fear of sin.
2. Fear because the power of the authorities is related to the nature of the law which is imperative.
3. Fear of being ashamed of doing evil. Law enforcement with non-penal means has goals and objectives for internalization purposes.

The complexity of the problem of law enforcement when viewed from various angles of study according to various parties always corrects each other, in law enforcement can be influenced by various factors. In addition to this, the purpose of law enforcement is to achieve peace in society. A law enforcement is said to be functional if that goal has been achieved, so that when viewed from the whole, law enforcement is a system. As a system, good law enforcement is if there is harmony between the values set forth in the rules of law or legislation and human behavior as the implementer.

Narcotics use is often associated with crime, narcotics are considered to have a negative influence and cause users to commit crimes. Evil is basically a visible formula. Mustafa said that what is called a crime as a social phenomenon is not merely an act that is prohibited by law, an act that is a biological disorder or a psychological disorder, but these actions are detrimental and violate public sentiment (Mustafa, 2007). If we refer to the formulation of crime as described by Mustafa, the point of determining whether a behavior is considered a crime or not is not using formal rules as a reference.

Narcotics if used irregularly according to the dose/dose will be able to cause physical and mental harm to those who use them and can lead to dependence on the users themselves (Asriwan et al., 2019). This means that there is a very strong psychological desire to use the drug continuously for emotional reasons.

Narcotics crimes keep popping up with different modes and perpetrators which then result in the death toll continuing to increase. Narcotics crime cases in general are not only committed individually but are also carried out together (Tumanggor, 2019). The use of narcotics at a dose regulated by a doctor for medicinal purposes does not have harmful side effects for the body of the person concerned (Zulyadi, 2020). There was nothing wrong with the public's reaction to the state, especially law enforcement officers regarding the eradication of narcotics crimes. So that reactions from the public do not continue to appear, the state in this case law enforcement officers must continue to work even more. Because the state has a big responsibility to stop narcotics crimes and punish the perpetrators of narcotics crimes. Using Narcotics with the aim of eliminating stress or the problems they experienced around (Surya, 2019).

The impact of abuse and illicit trafficking of narcotics is clearly very detrimental and endangers the life of the community, nation and state if it is misused or used without strict and thorough control and supervision. According to the perspective of positive Indonesian law, in addition to being a crime committed by an individual, narcotics crime is also seen as a crime that can be committed by a corporation which involves a group of people and organized wealth.

The circulation of narcotics illegal drugs is still rampant, even recently the crime of narcotics abuse has increased which was previously only a transit area for these prohibited goods, recently it has been used as a destination for narcotics circulation operations by the international narcotics circulation network. Narcotics crime is a serious crime and needs special attention from law enforcers, government and society. In general, narcotics crimes are not committed by individuals but are carried out by secret syndicates that are organized and have experience in carrying out work in this field. This crime is included in the transnational crime that utilizes technological sophistication and ease of transportation in launching its work so that it can be carried out anywhere and anytime.

Although narcotics are very useful and necessary for treatment and health services, if they are misused or used not in accordance with treatment standards, they can harm the community, especially the younger generation and pose a greater danger to the life and cultural values of the nation which will ultimately weaken national resilience.

The high number of narcotics crimes caused the government to make and issue Law Number 35 of 2009 concerning Narcotics. The establishment of Law Number 35 Year 2009 aims to prevent, protect and save the Indonesian people from narcotics abuse and eradicate the illicit trafficking of Narcotics and Narcotics Precursors (Syamsudin, 2011).

The statutory provisions governing the narcotics problem have been drawn up and enforced, however, this crime related to narcotics cannot be appeased. In recent cases, many drug dealers and dealers have been caught and received severe sanctions up to the death penalty, namely shooting to death, but other perpetrators seem to have ignored them and are even more inclined to expand their area of operation.

In the context of preventing and eradicating narcotics, narcotics have been classified into three groups. The description of the classification of narcotics can be found in the complete statutory regulations along with their explanations, namely in Law Number 35 of 2009 concerning Narcotics. Please note that Law Number 35 of 2009 concerning Narcotics is a substitute for Law Number 22 of 1997 concerning narcotics. Because it is considered no longer in accordance with the development of the situation and conditions, Law Number 22 of 1997 concerning Narcotics is revoked and replaced with the enactment of a new regulation, namely Law Number 35 of 2009 concerning narcotics.

Efforts to eradicate the problem of abuse and illicit trafficking of narcotics class I must continue to be carried out and the seriousness of law enforcement against the perpetrators must be carried out seriously. Although law enforcers and various related parties have tried to overcome this problem with many perpetrators being arrested and thrown into prison, be it users, dealers, or dealers, this lucrative and promising money business is spreading rapidly.

Law enforcement against narcotics crime class I, has been widely carried out by law enforcement officers and has received many judges' decisions. Thus, law enforcement is expected to be a deterrent factor against the spread of illicit trade and the circulation of class I narcotics, but in reality the more intensive law enforcement is carried out, the more the circulation and illicit trade of class I narcotics is also increasing.

With regard to law enforcement, this cannot be separated from the provision of sanctions. In the sense of giving sanctions to perpetrators of narcotics crimes, criminal law is given a double track system which is the equivalence between criminal sanctions and action sanctions (Sholehuddin, 2003).

One of the institutions that has the authority to enforce the law against narcotics crimes is the prosecutor's office. Although the implementation of law enforcement for narcotics crimes in Indonesia is also carried out by various other law enforcement institutions such as the Police and the National Narcotics Agency. In carrying out its functions and authorities in the law enforcement process, the prosecutor's office has a strong legal basis, is independent and free from intervention from any party. This means that in carrying out its duties and

responsibilities, the prosecutor's office cannot be influenced by any power, including power, money and one's social status.

The Prosecutor's Office in Indonesia has the main task of screening cases that deserve to be brought to court, preparing prosecution files, carrying out prosecutions and implementing court decisions. The Prosecutor's Office as a sub-system of the criminal justice system is regulated in Law Number 16 of 2004 concerning the Prosecutor's Office. The Prosecutor's Office is a non-departmental institution whose top leadership is held by the Attorney General who is responsible to the President.

Cases of narcotics trafficking and abuse in recent years have increased rapidly in big cities in Indonesia, including in Binjai City, where the average users are farmers, drivers, students, and school dropouts.

The role of prosecutors as one of the important elements in the criminal justice system occupies a very important role in carrying out their duties and authorities in order to carry out law enforcement, namely prosecution in narcotics crime cases in court, so it is important to conduct research on the role of the prosecutor against the actors of narcotics crime category 1 in the Binjai District Prosecutor.

## **II. Research Methods**

This research is normative and descriptive analysis. Descriptive research is a type of research that aims to make a systematic, factual and accurate description of the facts and characteristics of the population of a particular area (Pandiangan et al., 2021).

The legal theory used in this research is the theory of the criminal justice system, law enforcement, and the purpose of the law.

The data used is secondary data which can consist of primary legal materials, secondary legal materials, and tertiary legal materials. The data collection technique is library research. Library research of reference sources is a form of research that uses library facilities by examining theoretical discussions from various books, articles, and scientific works related to writing (Pandiangan, 2018).

Data analysis is qualitative. Qualitatively analyzed data will be presented in the form of a systematic description by explaining the relationship between various types of data, then all data are selected and processed and then described in a descriptive analysis, so that, in addition to describing and expressing answers to the problems raised, it is expected to provide solutions to problems in this research (Pandiangan et al., 2018).

## **III. Discussion**

### **3.1 Prosecutors in Indonesia**

The Prosecutor's Office of the Republic of Indonesia is a government institution that exercises state power independently in the field of prosecution and has other powers based on the law. The Prosecutor's Office itself has actually been found in Indonesia for a long time, even before the formation of the Republic of Indonesia.

The Prosecutor's Office as a subsystem of the criminal justice system contained in the current legislation, both in the Criminal Procedure Code and in the Prosecutor's Law No. 16 of 2004, namely as investigators and public prosecutors.

During the Reformation Order, in addition to six (6) changes to the Attorney General in one period and additional functions related to duties and authorities, the Attorney General was given the authority to conduct investigations and prosecutions of human rights violations with the issuance of Law no. 26 of 1999 concerning the court of human rights (HAM).

Thus, the situation and conditions faced by the Indonesian Prosecutor's Office during the Reform Order period were not much different from the New Order period. But there is one thing that is encouraging is the replacement of Law No. 5 of 1991 concerning the Attorney General's Office of the Republic of Indonesia with Law no. 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia.

The Indonesian constitutional structure is structured in such a way according to certain ideas and characters born from the experience and history of the nation. In the development of science, law can be divided into private law and public law. Private law is the law that regulates individuals, while public law is the law that regulates the relationship between people and the state.

Efforts to implement the law are left to law enforcement officials who are in power or who are authorized to carry out their respective duties. Law enforcement officers in the judiciary in Indonesia do not only consist of one law enforcement officer, but there are several in them who are given the mandate in carrying out their duties as law enforcers, one of the law enforcement officers, namely the prosecutor's office, which has various duties and authorities in it.

Based on narcotics crime cases that often occur, it is necessary to have legislation that has severe sanctions and solid law enforcement officers to uphold the rule of law. The role of the public prosecutor as one of the law enforcement officers is required to be able to carry out their duties and obligations professionally, namely prosecuting narcotics criminals and asking the judge to decide the case. All the actions taken by the public prosecutor are one of the efforts to create order in society and the fulfillment of a sense of justice in the community as well as the creation of successor generations that can compete with other countries.

### **3.2 Factors that Inhibit Prosecutors in Enforcing Law against Actors of Narcotics Crime Category I in Binjai City**

According to Soerjono Soekanto, the main problem in law enforcement actually lies in the factors that might influence it. These factors are the legal factor itself, law enforcement factors, namely those who apply the law, facilities or facilities that support law enforcement, community factors, namely the environment in which the law applies or is applied and cultural factors, namely as a result of work, creativity, and a sense that is based on human initiative in social life.

Normatively, the narcotics law is good and should be able to prevent and provide a deterrent effect to narcotics criminals because the law regulates criminal threats that are heavier than the previous law and provides capital punishment for perpetrators, fulfilling the principles in the formation of laws and regulations, such as not retroactive (the principle of legality), then there are no vague norms, empty norms or conflicting norms in the law, do not conflict with other laws and regulations, so that they should be implemented optimally by law enforcement in practice. Therefore, the legal factor itself does not become an obstacle to law enforcement in dealing with criminal acts of narcotics abuse.

Factors that hinder prosecutors in carrying out law enforcement against perpetrators of narcotics crime group I in Binjai City are the facilities or facilities that support law enforcement such as the lack of quality and quantity of resources for law enforcement officers at each level of the judiciary, limited facilities and infrastructure that support the implementation of law enforcement, such as the absence of the provision of technological equipment, the lack of operational funds in carrying out law enforcement efforts using either penal or non-penal means. The factor of the lack of community participation in eradicating narcotics, the materialistic culture of some members of the community actually makes narcotics circulation a profitable business and the transformation of western culture that is not in accordance with the nation's culture.

### **3.3 Implementation of Preventive Efforts to Prevent the Occurrence of Class I Narcotics Crimes in Binjai City**

This effort is an effort that is strategic in nature and is a medium-term and long-term action plan, but must be seen as an urgent action to be implemented immediately.

The problem of irregularities in the distribution and abuse of narcotics class I occurs in the Binjai City area because of the lack of understanding of the community with the dangers of the negative effects of narcotics that can arise after consuming them, it can be seen by the number of narcotics abuse which continues to increase every year as a result of illicit narcotics trafficking the group I.

Efforts made by the prosecutor in prosecuting the handling of criminal acts of narcotics abuse Category I at the Binjai City Public Prosecutor's Office that have been carried out so far include holding knowledge sharing meetings between fellow law enforcers, conducting management improvements, conducting legal counseling regarding narcotics crimes. in the general public, continuing education of prosecutors, especially narcotics crimes, and the program for prosecutors to enter schools. This activity is to provide counseling to students regarding the dangers and impacts of narcotics use among school children.

Therefore, efforts are needed from the Binjai City Public Prosecutor's Office against the increasingly widespread problems of distribution and abuse of class I narcotics that have entered the Binjai City area. Prevention or overcoming of drug abuse is an effort taken in the context of enforcing both the use, production and illicit trafficking of narcotics class I which can be carried out by every person, individual, community, nation and state.

Preventive Efforts are an effort carried out by the Binjai City Public Prosecutor's Office which is carried out before abuse occurs and is usually in the form of education, campaigns, counseling, socialization, or knowledge dissemination, seminars for private institutions, government agencies, advocacy, workshops on the dangers of drugs in general and narcotics in general. especially because in the fact that in the people of Binjai City narcotics abuse has begun to enter the smallest neighborhood in Binjai City, this method is carried out in various community groups such as: schools, residences, workplaces, Islamic boarding schools and other public places, in practice here people feel happy with the activities carried out by the Binjai District Attorney.

The prevention program is carried out where this program is aimed at healthy people who have never been familiar with narcotics so that they know about the ins and outs of narcotics so that they are not interested in abusing them. Apart from being carried out by the government, this program is also very effective if assisted by an agency and other institutions including related professional institutions, non-governmental organizations, associations, community organizations and others.

The activities carried out by the Binjai District Prosecutor's Office in preventing the circulation of narcotics class I in Binjai City include advocacy that has been carried out by the Binjai City National Narcotics Agency including making cooperation commitments (MoUs) with a number of government agencies, private institutions, and other parties such as community organizations, student organizations, and so on that can assist the performance of the Binjai City National Narcotics Agency to prevent the circulation of class I narcotics in Binjai City.

Special efforts were made to prevent the circulation of narcotics class I in the area by the National Narcotics Agency of Binjai City by continuing to educate the people around the area above. With the aim that the distribution of class I narcotics in Binjai City can be reduced and minimized its existence.

## IV. Conclusion

The conclusions in this study are:

1. The Prosecutor's Office as a subsystem of the criminal justice system contained in the current legislation, both in the Criminal Procedure Code and in the Prosecutor's Law No. 16 of 2004, namely as investigators and public prosecutors.
2. Factors that hinder prosecutors in carrying out law enforcement against perpetrators of narcotics crime group I in Binjai City are the facilities or facilities that support law enforcement such as the lack of quality and quantity of resources for law enforcement officers at each level of the judiciary, limited facilities and infrastructure that support the implementation of law enforcement. , such as the absence of the provision of technological equipment, the lack of operational funds in carrying out law enforcement efforts using either penal or non-penal means.
3. Efforts made by the prosecutor in prosecuting the handling of criminal acts of narcotics abuse Category I at the Binjai City Public Prosecutor's Office that have been carried out so far include holding knowledge sharing meetings between fellow law enforcers, conducting management improvements, conducting legal counseling regarding narcotics crimes. in the general public, continuing education of prosecutors, especially narcotics crimes, and the program for prosecutors to enter schools. This activity is to provide counseling to students regarding the dangers and impacts of narcotics use among school children.

Suggestions for this research are:

1. It is hoped that the Binjai City Public Prosecutor's Office will maintain and improve its performance in order to carry out its authority and function as part of the judicial process.
2. The provision of heavier sanctions in processing cases against narcotics traffickers needs to be carried out so that the deterrent effect aimed at the perpetrators can run effectively. With a culture of giving heavier sanctions to perpetrators of drug trafficking of methamphetamine type, the perpetrators of narcotics trafficking will think again about committing these crimes.
3. The need for more active community participation in order to assist the Binjai City Public Prosecutor's Office in preventing the circulation of class I narcotics by reporting public suspicions of activities related to narcotics trafficking in Binjai City so that further investigation of the report can be made. With active community participation in an effort to prevent the circulation of methamphetamine narcotics in Binjai City, the existence of the perpetrators involved in the distribution of methamphetamine in Binjai City can be minimized.

## References

- Asriwan dkk. (2019). Efektivitas Penegakan Sanksi Pidana Terhadap Penyalahgunaan dan Peredaran Gelap Narkotika di Kabupaten Enrekang. *Indonesian Journal of Legality of Law*, 1(2).
- Effendy, Marwan. (2004). *Kejaksaan RI Posisi dan Fungsinya dari Prespektif Hukum*. Jakarta: Gramedia Pustaka Umum.
- Marpaung, Leden. (2010). *Tindak Pidana Terhadap Kehormatan*. Jakarta: Sinar Grafika.
- Mustafa, Muhammad. (2007). *Kriminologi: Kajian Sosiologi Terhadap Kriminalitas, Perilaku Menyimpang dan Pelanggar Hukum*. Jakarta: FISIP UI Press.

- Pandiangan, Saut Maruli Tua. (2015). Analisis Lama Mencari Kerja Bagi Tenaga Kerja Terdidik di Kota Medan. Skripsi. Medan: Fakultas Ekonomi dan Bisnis, Program Studi Ekonomi Pembangunan, Universitas Sumatera Utara. [https://www.academia.edu/52494724/Analisis\\_Lama\\_Mencari\\_Kerja\\_Bagi\\_Tenaga\\_Kerja\\_Terdidik\\_di\\_Kota\\_Medan](https://www.academia.edu/52494724/Analisis_Lama_Mencari_Kerja_Bagi_Tenaga_Kerja_Terdidik_di_Kota_Medan).
- Pandiangan, Saut Maruli Tua. (2018). Analisis Faktor-faktor yang Mempengaruhi Penawaran Tenaga Kerja Lanjut Usia di Kota Medan. Tesis. Medan: Fakultas Ekonomi dan Bisnis, Program Studi Ilmu Ekonomi, Universitas Sumatera Utara. <http://repositori.usu.ac.id/bitstream/handle/123456789/10033/167018013.pdf?sequence=1&isAllowed=y>.
- Pandiangan, Saut Maruli Tua, Rujiman, Rahmanta, Tanjung, Indra I., Darus, Muhammad Dhio, & Ismawan, Agus. (2018). An Analysis on the Factors which Influence Offering the Elderly as Workers in Medan. *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*, 23(10), 76-79. DOI: 10.9790/0837-2310087679. <http://www.iosrjournals.org/iosr-jhss/papers/Vol.%2023%20Issue10/Version-8/K2310087679.pdf>.
- Pandiangan, Saut Maruli Tua, Resmawa, Ira Ningrum, Simanjuntak, Owen De Pinto, Sitompul, Pretty Naomi, & Jefri, Riny. (2021). Effect of E-Satisfaction on Repurchase Intention in Shopee User Students. *Budapest International Research and Critics Institute-Journal*, 4(4), 7785-7791. DOI: <https://doi.org/10.33258/birci.v4i4.2697>.
- Sholehuddin, M. (2003). *Sistem Sanksi dalam Hukum Pidana*. Jakarta: Raja Grafindo Persada.
- Sunarso, Siswantoro. (2004). *Penegakan Hukum Dalam Kajian Sosiologis*. Jakarta: Raja Grafindo Persada.
- Surya, H., et.al. (2019). Improving Factors of Divorce Rate in Sabang City. *Budapest International Research and Critics Institute-Journal (BIRCI-Journal) Vol 2 (3)*: 104-114.
- Syamsudin, Aziz. (2011). *Tindak Pidana Khusus*. Jakarta: Sinar Grafika.
- Tobing, Murniati, Afifuddin, Sya'ad, Rahmanta, Huber, Sandra Rouli, Pandiangan, Saut Maruli Tua, & Muda, Iskandar. (2018). An Analysis on the Factors Which Influence the Earnings of Micro and Small Business: Case at Blacksmith Metal Industry. *Academic Journal of Economic Studies*, 5(1), 17-23. <https://www.ceeol.com/search/article-detail?id=754945>.
- Tumanggor, F., Muazzul, and Zulyadi, R. (2019). Handling of Narcotics Child Victims in Child Special Coaching Institutions Class I Tanjung Gusta, Medan. *Budapest International Research and Critics Institute-Journal (BIRCI-Journal) Vol 2 (4)*: 50-55.
- Zulyadi, R. (2020). Obstacle Factors on Evidence System of Urine Test Result on Drugs Cases in National Narcotics Board of North Sumatera Province, Indonesia. *Budapest International Research and Critics Institute-Journal (BIRCI-Journal) Vol 3 (2)*: 1316-1324.