

The Role of the Police Force as a Law Enforcement Agency in Preventing Drug Trafficking in the Sea Routes of North Maluku Province Indonesia

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Abstract

This research aims to examine the role of the police force in enforcing the law on drug trafficking via sea routes in North Maluku Province, Indonesia. It also aims to analyze the factors that hinder the effective law enforcement against drug abuse in North Maluku Province. This was empirical legal research which was conducted by studying the legal reality in the field. Indonesia is a great potential market for drugs. North Maluku province becomes one of the gateways to smuggle drugs into Indonesia via sea routes. Unfortunately, the authorities that have the authority to carry out action or prevention have not performed as expected. Therefore, the involvement of the community, especially fishermen in this area, is a necessity. There must also be the support of other authorities such as the National Narcotics Agency (BNN) and the Indonesian National Navy, to prevent the spread of drugs in North Maluku.

Keywords: Police Force, Drugs, Sea Route, Maluku, Law Enforcement

INTRODUCTION

Drug abuse is a type of extraordinary crime which is transnationally and internationally organized. It can pose a serious threat as it can damage various elements of a nation. Therefore, the state of Indonesia needs to fight against this extraordinary crime (Golose, 2023).

The President of the Republic of Indonesia, Joko Widodo, stated that Indonesia is in an emergency situation on drug abuse. For this reason, on the 20th anniversary of the *Badan Narkotika Nasional* (BNN/Indonesian National Drug Agency) in 2022, the President mandated that various parties must continue to enthusiastically work to combat drug abuse throughout Indonesia. This is to achieve a drug-free Indonesia.

The President's statement was based on a description of the threat of drugs in Indonesia based on various aspects. The threat of drugs is as follows: (1) *New types of drugs*. There are discoveries on around 91 new types of drugs and this number is growing; (2) *Drug distribution*. The drugs are distributed in all parts of Indonesia. Drug dealers are targeting various groups, especially children (including pupils), university students, lecturers, artists, etc.; (3) *The involvement of public officials*. Public officials are red-handedly caught abusing drugs. It cannot be denied that state officials (from the Indonesian Army, the Indonesian Police Force, the Indonesian National Drug Agency, Prosecutors, and Judges) are also guilty of drug abuse, even though they must be able to set an example to the community; (4) *Market potential*. Indonesia has a population of approximately 275 million people. This is a great potential market for drugs. There are approximately 3.66 million people who abuse narcotics in Indonesia; (5) *The use of drugs in prisons*. Data revealed that the drug network is controlled by prisoners in correctional institutions, as law enforcement has not provided a deterrent effect; (6) *Terrible destructive power*. Drugs have a great destructive power which is worse and more severe than corruption and terrorism because they damage the brain and there is no guarantee of recovery; (7) *The aspect of international network*. The drug dealers operate in Indonesia with the Golden Triangle (the source of opium and narcotics in the world), Golden Crescent (Asia's two principal areas of illicit opium production) and Golden Peacock (the drug network in Latin America) networks; (8) *Capital support*. The drug operating network in Indonesia has an international scale. It is supported with capital from large criminal organizations; (9) *Routes of entry*. There are various drug

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distribution routes in Indonesia, especially via sea and unofficial ports. They are often called rat routes; (10) *Technological developments*. Drugs are illegally distributed via social media and the dark web; and (11) *Causing losses*. In this dimension, it is estimated that people die every day due to drugs. Apart from that, trillions of rupiahs are lost due to drug abuse.

In Indonesia, the regulations that govern drug abuse are Article 5 paragraph (1) and Article 20 of the 1945 Constitution of the Republic of Indonesia; Law No. 8 of 1976 on the Ratification of the 1961 Single Convention on Drugs and the 1972 Amendment Protocol; and Law No. 7 of 1997 on the Ratification of the United Nations Convention Against Illicit Traffic in Narcotics and Psychotropic Substances 1988.

There have been various efforts carried out to overcome the increasing rate of drug addicts, but they have been hampered by weak laws. Evidence of the Indonesian law's weakness in regulating drug abuse is that the penalties for drug dealers and addicts are very light. Even, alcoholic drinks with a percentage that is above 40 percent (40 percent alcohol) are given a lot of convenience by the government. (Al Hakim et al, 2023) As a comparison, in Malaysia, if a drug dealer or addict is caught carrying more than 5 grams of drugs, that person will be sentenced to death.

Indonesia is blessed with extensive coastlines with rich coral reefs that are beautiful in the eyes of the world. The length of Indonesia's coastline reaches 95,181 km and it is the country with the second longest coastline in the world. As the largest archipelagic country with a total of 17,504 islands, the sea is the life support of the Indonesian people. It is no longer a secret that the sea is the main route for drugs to enter the Indonesian territory. The length of the coastline and the breadth of the surveillance area means that syndicates never stop trying to take advantage of the authorities' negligence in guarding Indonesia's territorial borders. Thus, the government needs to give greater attention to drug distribution in the seas because it is a vulnerable area that is used by drug dealers.

North Maluku Province is one of the largest archipelagic regions in Indonesia. It is a base for drug distribution via sea routes. Therefore, the North Maluku Provincial government must strengthen the Regional Leadership Council's law enforcement against the distribution of drugs, which can spread to the young generation of North Maluku.

The impact of narcotics abuse cannot be considered trivial. Just like corruption, both threaten the nation's progress and state security. Drug abuse cases are still a trend. Its number of cases is still dominant compared to other revealed or recorded crime cases. It is commonly known that many drug abuse cases are "peacefully" resolved (i.e., perpetrators bribe law officers to not prosecute them). Thus, these cases are not recorded and stay as dark numbers.

Institutions that have the authority to handle such a case, such as the BNN, Police Force, Prosecutor's Office, Judges, and other law enforcers, including community components are mandated by statutory regulations to prevent drug abuse. This is regulated in the Narcotics Law. Drug abuse must be prevented as soon as possible with anticipatory measures, including primary prevention, secondary prevention, and tertiary prevention.

In this case, the researchers suggest that institutions that have the authority to prevent and prosecute narcotics crimes should not be limited to those stated in the Narcotics Law. In the coastal area of North Maluku Province, the Water Police, the Indonesian Navy, and Fishing Communities have the role of participating in indirectly monitoring the area to prevent the spread of drugs. This research aims to examine the role of the police force in enforcing the law on drug trafficking via sea routes in North Maluku Province, Indonesia. This paper also aims to analyze the factors that hinder the police force from effectively enforcing the law against drug abuse in North Maluku Province.

METHOD

This was empirical legal research which was conducted by studying the legal reality in the field. (Dimiyati and Wardionp, 2004) This type of research is often referred to as socio-legal research. In the empirical legal research, the authors initially researched secondary data. Then, it is continued with researching primary data in the field. Meanwhile, descriptive research is intended to provide data about drugs from various parties directly

related to the research problem, especially at the North Maluku Regional Police Agency, the North Maluku Provincial Narcotics Agency, as well as Prosecutors and Judges.

RESULTS

Based on the reality that occurs in the field, the role of the Police Force in enforcing the law against drug distribution via sea routes in North Maluku has not worked as expected. The police force is a law enforcement agency which carries out its functions, duties, and authority based on Law No. 2 of 2002 on the National Police Force of the Republic of Indonesia. One of the functions of the police force is to maintain state security, maintain public order, enforce the law, as well as protect and service the community. The National Police Force also has the role of maintaining public peace by upholding human rights (Pradana, 2022).

The Police Force has the obligation to prevent the distribution of drugs via sea routes, especially in North Maluku and enforce the Narcotics Law. It must undergo efforts to reduce the demand and need for illicit drugs. Based on the basic economic principles of demand and supply, as long as the demand still exists, the supply will also exist. On the contrary, if the demand stops or decreases, the supply, including the market, will decrease. The concept of law enforcement by the police is certainly inseparable from the achievement of security and public order (Law Number 2 of 2002 on the State Police of the Republic of Indonesia Article 13 on the Main Duties of the State Police of the Republic of Indonesia, 2002).

In carrying out their job, the police force uses Law of the Republic of Indonesia No. 2 of 2002 on the State Police of the Republic of Indonesia, especially in Article 13 concerning the Main Duties of the State Police of the Republic of Indonesia as a basis. Based on this regulation, the Police Force has the following tasks: maintaining security and public order; enforcing the law; as well as providing protection, guidance and service to the community. Thus, the Police of the Republic of Indonesia is the leading element in dealing with every threat of drug abuse and illicit trafficking. Therefore, it must undergo pre-emptive, preventive, and repressive efforts to deal with drug abuse (Law Number 2 of 2002 on the State Police of the Republic of Indonesia Article 13 on the Main Duties of the State Police of the Republic of Indonesia, 2002).

Narcotics are substances or drugs derived from plants or non-plants which can cause a decrease or change in consciousness, loss of taste, reduce or eliminate pain, and cause dependence. They may be synthetic or semi-synthetic. On the one hand, narcotics are drugs or substances that are useful in the fields of medicine, health services and scientific development. On the other hand, they can cause dependence which is very detrimental if used without strict and thorough control and supervision.

It was found that the spread of narcotics is no longer limited to big cities. But its distribution has entered small towns and spread to sub-districts and even villages. Based on the Supreme Court's Circular Letter No. 7 of 2009 on Placing Drug Users into Therapy and Rehabilitation Homes, this can happen because the entry process is not only on land but also on sea routes. Therefore, there must be strict legal sanctions, especially for drug dealers. If they meet the requirements, they can immediately be sentenced to death. It can be said that on the one hand, there is an extraordinary enthusiasm to punish drug abusers through the Narcotics Law. But on the other hand, it also reflects the spirit of protecting drug addicts as they are also victims (Hartonto, 2017).

Many efforts have been conducted to eradicate drugs, but it is still difficult to prevent drug abuse in teenagers and adults. Even many elementary and middle school-age children have fallen into drug abuse. Until now, the most effective effort to prevent drug abuse, especially among children, is family education. Parents are expected to supervise and educate their children to keep them away from drug abuse.

Meanwhile, the sanction imposed on drug addicts as self-victimizing victims is in the form of serving a sentence in prison. However, drug addicts as victims are given treatment or care provided by rehabilitation facilities. In society, drug abuse is often carried out by distributing or using drugs in illicit ways. Some factors cause drug abuse, including economic factors, environmental factors, and the factor of curiosity.

DISCUSSION

A sanction is implemented to cause a deterrent effect. Criminal sanctions in the form of imprisonment and rehabilitation are stages that are considered quite effective in minimizing the rate of drug abuse. This is based on the provisions of Article 54 on Rehabilitation and Article 127 on Imprisonment Sanctions. Such sanctions can be applied to every class of drug abuse to minimize such cases (Wisantya et al., 2021). Therefore, concrete steps must be taken to prevent and prosecute drug abuse. This is crucial considering the following conditions:

North Maluku is a Maritime Region

North Maluku is one of the archipelagic regions in Indonesia. It is an entry point for drug distribution in Indonesia due to its coastal areas. It is a transitional area between land and sea, where parts of the sea are still influenced by land activities, such as sedimentation and freshwater flows. Then parts of the land are still influenced by ocean activities such as tides, sea breezes, and saltwater seepage (Ketchum, 1972). Coastal areas are land and water areas that are influenced by biological and physical processes from sea waters and land. They are broadly defined for the purposes of natural resource management. So, the delineation of coastal areas can differ depending on administrative, ecological, and planning aspects.

The Republic of Indonesia's Law No. 27 of 2007 as amended by Law No. 1 of 2014 on the Management of Coastal Areas and Small Islands defines coastal areas as transition areas between land and sea ecosystems which are influenced by changes on land and sea. In this context, the scope of regulation of Coastal Areas and Small Islands includes land covering sub-district administrative areas and as far as 12 (twelve) miles of the sea from the coast according to the jurisdictional boundaries of a country (Yonvitner et al., n.d.).

It can be seen that (1) the coast is a strategic area because its topography is relatively easy to develop and it has excellent access (as the sea is utilized as "infrastructure" for movement) and (2) the coast is an area that is rich in natural resources. The resources found in the land and seas are crucial to fulfill human needs. This can be clearly seen in the geographical location of the North Maluku Provincial region, where it has the potential to become quite dominant in the sub-district area. Because of such conditions, drugs are distributed through its coastal areas that can strategically be reached from the Philippines.

The North Maluku Archipelagic Region is an Entry Point for Drug Trafficking

The North Maluku Provincial National Narcotics Agency (BNNP/*Badan Narkotika Nasional Provinsi*) indicated that the Morotai Island district is one of the leading islands on the edge of the Pacific Ocean and is an entry point for illicit drug trafficking. Head of North Maluku BNNP, Richard Nainggolan, said that his institution has had important discussions about handling drug abuse and illicit trafficking in Morotai. It is this institution's main agenda. Thus, a synergy with various stakeholders is needed. In anticipating that Morotai is an entry point for drugs, the North Maluku BNNP requires cooperation with the Morotai City National Narcotics Agency (BNNK/*Badan Narkotika Nasional Kota*), the local police force, and other related agencies to share information and collaborate to eradicate illicit drug trafficking. Therefore, the North Maluku BNNP is establishing intensive communication with the local Police Mobile Brigade Commander, and Police Commissioner. Anang Sumpena, the Morotai Island District Police Chief; Great Assistant Commissioner of Police Matheis Beay; and the Head of the Morotai Island Police Narcotics, Assistant Commissioner of Police Nuralila Balubun at the Police Station spoke about preventing drug trafficking in that area (Fatah, 2024b).

Drug abuse and illegal drug distribution are extraordinary crimes that can destroy order. They indirectly pose a threat to the continuity of development as well as the future of the nation and state. In recent years, Indonesia has become one of the countries used as the main market for a network of narcotics trafficking syndicates with international dimensions for commercial purposes. In terms of drug distribution networks in Asian countries, Indonesia is considered the most commercially prospective market state for international syndicates operating in developing countries. The problem of drug abuse is not only a national problem in Indonesia, but it also requires attention from the globe.

Narcotics are substances or drugs derived from plants or non-plants which can cause a decrease or change in consciousness, loss of taste, reduce or eliminate pain, and cause dependence. They may be synthetic or semi-

synthetic. On the one hand, narcotics are drugs or substances that are useful in the fields of medicine, health services and scientific development. On the other hand, they can cause dependence which is very detrimental if used without strict and thorough control and supervision. In this case, from the juridical aspect, the existence of narcotics is legal. The Narcotics Law only prohibits the use of narcotics that are not in line with the provisions of the law.

At an empirical level, this situation indicates that narcotics are often misused. They are not used for medical and scientific purposes, but rather as a promising and rapidly growing business opportunity. This activity causes physical and psychological damage to all levels of society. In terms of age, drugs are not only misused by teenagers but also by middle-aged and older people. The spread of drugs is no longer limited to big cities but has entered small towns and spread to sub-districts and even villages.

The distribution and illicit circulation of narcotics in this modern era are very diverse, especially via sea routes. This is because not all sea areas receive optimal attention and supervision from the government. This gap is often misused by drug dealers to distribute their goods until they reach users. Based on the research results, it was found that the number of drug abuse cases increased because law enforcement officers increasingly conduct outreach in various places from cities to islands, from children to the elderly. These actions are carried out to minimize the occurrence of these crimes. Mitigation efforts include preventive and repressive ones in the forms of rehabilitation and imprisonment. Such actions are based on the Narcotics Law, the Governmental Regulation on Narcotics and the Minister of Health Regulation on Narcotics which regulates drugs and the efforts to control them.

North Maluku is a province with a vast sea area coverage. However, nowadays, the sea has become one of the most strategic places for smuggling drugs. This is evident from various cases of prosecution and disclosure carried out by the National Narcotics Agency in collaboration with the Police Force and the Director General of Customs and Excise. It was found that the sea is still a favorite route for the entry of narcotics. In handling this, law enforcement officers monitor foreign ships. This is crucial as sea transportation will continue to develop as the Indonesian government's sea toll program progresses. This empowerment program will also require support from the Ministry of Fisheries and Maritime Affairs, the Ministry of Animal Husbandry, the Ministry of Rural Areas and Disadvantaged Communities etc.

The Role of the Police Force in Enforcing the Law and Preventing Drug Smuggling through North Maluku Province's Seas

Nikolas Simanjuntak (Siagian, 2011) explains authority, duties, and obligations as "Authority means the power inherent in the status of the position to freely take or not take action. This authority means that it may be done, it may not be done."

In the exercise of this authority, all subjects to action are obliged to obey regulations. The failure to oblige may lead to the imposition of sanctions by authorized officials. The benchmark is how important the concrete situation is that requires police action to be taken (according to that authority). Authority is the basis for freedom of action for an official who has it. This freedom is also called discretion. So, discretionary authority means freedom of action that is inherent in one's position.

Duties are daily work that the authority carries out and are obligations as an official (Purwadarminto, 1999). Obligations are demands for conducting certain tasks which come with sanctions if one fails to complete them (Purwadarminto, 1999). To resolve a criminal case in a criminal justice system, in the law enforcement process, an investigation is carried out by a National Police investigator. Related to that, in carrying out their duties and authority in the Indonesian territory, especially in the jurisdiction, relevant Police Officials are assigned in accordance with the provisions of statutory regulations, which is Article 17 of Law Number 2 of 2002 on the State Police of the Republic of Indonesia.

The law is actually a system. This legal system is defined as an orderly legal structure consisting of complex elements, namely regulations, decisions, courts, institutions or organizations, and values. The legal system is

continuous and autonomous. It functions to maintain or create a balance of order in society (*restitutio in integrum*) (Mertokusumo, 2010).

As an archipelagic region, in the international context, North Maluku has direct borders with various countries. Meanwhile, in the domestic context, it has direct borders with various provinces such as Maluku, Papua, and Sulawesi. The results of our research show that these various regions also contribute entrance of drug supply to North Maluku through various routes in this province's districts and cities. As an area that directly borders international water traffic routes, communities of coastal areas must be aware of drug trafficking. It is known that international drug trafficking syndicates use a number of coastal areas in the Malacca Strait, such as Rupa Island, as an entry point for drug trafficking.

According to the Hairuddin Umaternate, the Head of the Prevention and Community Empowerment Division of the North Maluku BNN in an interview, the local area predominantly consists of seas. So, 90 percent of drug circulation is carried out via the sea. He referred to Bobong Port, Taliabu Island Regency, Central Halmahera, and Papua. He did not rule out the possibility of unscrupulous dealers smuggling drugs by sea.

Umaternate stated that the results of intelligence analysis from the police force and the North Maluku BNNP indicate that copious amounts of drugs are being circulated, including marijuana and crystal methamphetamine. The main factor is the existence of a demand from unscrupulous dealers and users. "So, we have to break the chain of drug distribution by inviting the public and the younger generation not to use drugs," he admitted. "BNN is tasked with carrying out intensive prevention, eradication, and rehabilitation of the community."

Umaternate stressed that Indonesians must declare war on drugs. He argued that this should not only be promoted by the North Maluku BNN institution, but many stakeholders must work together, including the press, to play a role in fighting drugs. The North Maluku BNNP also provided assistance to strengthen the anti-drug network. This was a follow-up to the formation of a sub-district level network in Ternate city which involved the community, the heads of RW/RT (*rukun warga* and *rukun tetangga*, namely community associations in Indonesian neighborhoods), religious leaders, community leaders, youth leaders, PKK (*Pemberdayaan Kesejahteraan Keluarga*/Family Welfare Empowerment, i.e., an organization for Indonesian women in neighborhoods), and *Majlis Taalim* (Islamic educational groups). Such efforts may only be successful if the North Maluku BNN is supported by all elements of society (Fatah, 2024a).

As many as 80 percent of drugs circulating in North Maluku entered via sea. Head of the North Maluku BNNP, Brigadier General Wisnu Handoko, said that the geographical location of North Maluku, which is flanked by Papua, Sulawesi, and Maluku, makes it easier for dealers to distribute their illicit goods. Meanwhile, according to data from the Regional Police force, the largest gorilla marijuana drug came from Ternate at a price of IDR 2.7 million for 1 gram. It is even suspected that there are suppliers in the district who currently have drug packages.

For this reason, Handoko stated that in order to suppress the high level of drug trafficking in the North Maluku region, in 2021, 80 Anti-Drug Activists participated in capacity-building activities that were conducted through workshops from government agencies, private agencies, the community, and educational institutions.

The North Maluku BNNP also mapped out drug-prone areas, which was a systematic process of describing the community situation. The BNNP collected data and information about people who lived in drug-prone areas, including the profile and social problems that exist in the community. The results of this mapping showed that there were 40 drug-prone areas in North Maluku Province with an alert status that required intervention. Handoko explained that an intervention effort was carried out by improving life skills so that people would no longer be interested in illegal drug businesses and other crimes. This was to create a healthy environment that is clean from drug abuse and illicit trafficking.

Until 2021, the North Maluku BNNP has conducted alternative empowerment in drug-prone areas by providing guidance to vulnerable community groups. The BNNP provided educational programs on cultivating horticultural plants, using woven bamboo to create household equipment, making tote bags, and making tuna fish balls. These educational programs were carried out in groups with a total of 58 beneficiaries. The BNNP hoped that this alternative empowerment program through life skills could be sustainable. Such

activities should be developed by the district/city government according to the potential and local wisdom of each local community.

Head of BNN, General Police Commissioner Budi Waseso said that North Maluku Province is prone to being an entry point for drug smuggling from abroad to Indonesia because its territory consists of islands. "North Maluku's location on the border and [the condition that] it has many traditional ports makes it highly probable for international drug traffickers to use [such conditions] to smuggle drugs into Indonesia," he said after the National Seminar on Strengthening the Role of Civil Society and the North Maluku Community Anti-Drug Declaration in Ternate.

Waseso suggests that to anticipate this, there is a need for community participation, especially in traditional port areas. Support from other related parties such as the local Indonesian Army and the Police Force is also required. Waseso stated that each district/city in North Maluku should have a Regency National Narcotics Agency (BNNK/*Badan Narkotika Nasional Kabupaten*). Unfortunately, due to budget restrictions, of the 10 districts/cities in North Maluku, only three BNNKs have currently been formed. Therefore, BNN is intensively carrying out outreach programs to prevent drug trafficking. This is because it has been recorded that there are at least 5 million drug users in Indonesia due to the various challenges in eradicating drug abuse.

Another effort carried out by the BNN is that it is currently working to create a National Narcotics Laboratory to prevent drug trafficking, including in North Maluku. The Head of the Indonesian BNN, Budi Waseso together with the Head of Public Relations, Sulistiandriatmoko conducted a two-day working visit to North Maluku as it is suspected to be the entry point for illicit drug trafficking via sea routes. It was also found that apart from sea routes, the drug distribution process may also be conducted by air using shipping services.

Meanwhile, the North Maluku Regional Police Chief, Brigadier Police General Dwi Task, stated that his institution was committed to supporting BNN's efforts to eradicate drugs. "I have instructed all district/city police chiefs and even the Sector Police Chief to take firm actions against drug dealers. Then, if drug users or their families report the involvement of their family members as drug users, we will protect their identities and facilitate them to obtain rehabilitation," he said (Fatah, 2024c).



Figure 1. The North Maluku Province of Indonesia is surrounded by seas

Factors inhibiting law enforcement against drug smuggling via sea routes in North Maluku

Law enforcement is crucial in preventing drug abuse in North Maluku. However, it must be understood law enforcement cannot only be interpreted as enforcing statutory norms. This is because the law encompasses values or concepts about justice, truth, benefit, etc.

Thus, Rahardjo argues that the content of the law is abstract. He opined that law enforcement is essentially the enforcement of abstract ideas or concepts and is an effort to make these ideas a reality. In line with this,

Soerjono Soekanto stated that law enforcement is an activity to align values (which are described in principles or perspectives of values) and attitudes of action as a series of value translations. This is to create social engineering and maintain social control in the social life.

If the essence of law enforcement is to manifest the values of justice and truth, then law enforcement is not solely the duty and responsibility of law enforcement officials. But rather, it is everyone's duty and responsibility. This is in line with the opinion of Ilhami Bisri, that law enforcement is the effort of all national forces. It is a collective obligation of all components of the nation. It simultaneously corrects that the law may only be enforced by certain groups, such as (Sengi, 2019):

The state apparatus that is assigned and directed for this purpose, such as the police force, prosecutors, and judges. In the legal realm, they are ideally referred to as the three musketeers with different functions. But the three lead to the creation of a law that is just, orderly, and beneficial for all humans.

Lawyers/advocates who have advocacy and mediation functions for the community. They may either work individually or collectively in legal aid institutions.

Executives who are scattered in various areas of service. They range from government employees who have various functions and duties to administrators who have political (legislative) power.

For this reason, there is a need for community participation in helping prevent and eradicate drug abuse. The three basic components in overcoming crime are the community/school, government, and police force or the law enforcement elements. The community acts as the subject and object of measures to counter drugs. Meanwhile, law enforcement officials, especially the police force, act as facilitators and the government acts as the supporter of the community's activities to counter drugs. (Putra and Miguna, 2022)

The community has the power to contribute to eradicating drug abuse. This is based on the opinion that each organization or group in an area has unique resources that can contribute to eliminating drug abuse. In Indonesian law, community participation is regulated in a separate chapter, namely Chapter XIII on Community Participation starting from Article 104 to Article 108 of Law Number 35 of 2009 on Narcotics.

Article 104 reads of this law reads, "The public is given the greatest opportunity to participate and help prevent and eradicate the abuse and illicit trafficking of Narcotics and Narcotics Precursors." Then, Article 105 reads, "The public has rights and responsibilities in efforts to prevent and eradicate the abuse and illicit trafficking of Narcotics and Narcotics Precursors." Next, Article 106 states that the community's rights in efforts to prevent and eradicate the abuse and illicit trafficking of Narcotics and Narcotics Precursors are manifested in the form of:

Search for, obtain, and provide information regarding suspected crimes of Narcotics and Narcotics Precursors;

Obtain services in searching for, obtaining, and providing information regarding suspected crimes of Narcotics and Narcotics Precursors to law enforcement or BNN which handles cases of crimes of Narcotics and Narcotics Precursors;

Responsibly convey suggestions and opinions to law enforcers or BNN who handle criminal cases of Narcotics and Narcotics Precursors;

Obtain answers to questions about the report provided to law enforcement or BNN; and

Obtain legal protection when the person concerned exercises his or her rights or is asked to attend judicial processes.

In relation to community participation in preventing and dealing with narcotics crimes, on one hand, law enforcement officials regard that the public tends to be reluctant to report drug distribution activities to officers in their community. On the other hand, the public regards that there is a lack of serious response from law enforcement officials, even though so far, the community has tried to provide information and tried to build their strength to eradicate drugs on their own. As the public feels that they do not obtain a serious response, the public becomes suspicious that law enforcement officers participate and are involved in making material profits from the abuse and illicit trafficking of drugs.

Dadang Hawari classifies drug abusers into three, namely (Hawari, 1997):

Drug abuse with primary dependence. People in this group have symptoms of anxiety and depression. This happens to people with unstable personalities;

Drug abuse with symptomatic dependence. Usually, people in this group use drugs just for fun. This occurs in people with psychopathic (anti-social) personalities and criminals;

Drug abuse with reactive dependence. People in this group usually abuse drugs due to curiosity, environmental influences, and peer pressure. This group usually involves teenagers.

In determining the severity of the punishment, it is important to classify abusers into these groups. Such a classification can also be used to determine whether the abuser is a sufferer (patient), a victim, or a criminal. Based on Law No. 35 of 2009 on Narcotics, there are different classes of drugs:

Class I Drugs

This group can only be used for scientific development purposes. It cannot be used in therapy. It has a very high potential to cause dependence, including the *Papaver Somniferum L* plant and all its parts including the fruit and straw, except the seeds; poppy raw, namely a self-congealing sap, obtained from the fruit of the *Papaver Somniferum L* plant which has only undergone processing for packaging and transportation without paying attention to the morphine content; as well as coca plants, plants of all the genus *Erythroxylon* of the family *Erythroxylaceae* including the fruits and seeds.

Class II Drugs

This group can be used in treatment but has a high potential for addiction. Its use for treatment is a last resort. It includes *Alfaacetylmetadol* and *Alfameprodina*.

Class III Drugs

This group has medicinal properties and has a low potential for dependency. This group includes *Acetyldihydrocodeine* and *Dextropropoxyphene: α -(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2butanol propionate*.

In undergoing investigation, the police force must also determine the related policies. This poses challenges as they must make a quick consideration of the actions that need to be taken and which legislation regulates such a case. Investigations must certainly provide evidence that can result in the suspect being prosecuted and punished. However, it is not uncommon in the criminal justice process for investigations to end with the defendant being acquitted. Such events lead to the damage of the good name of the police in society. As stated by Skolnick, quoted by Andi Hamzah:

"Often, the goal of the police force is to ensure that almost all suspects are detained, prosecuted, tried, and convicted. In the police's view, any failure in prosecution and conviction undermines their authority in society. The Public Prosecutor cannot prosecute when the police violate the suspect's rights in the process because such results in the case being acquitted in court."

Law enforcement is part of the problem in Indonesia. It is called a rule of law state which aspires to uphold and manifest social justice for all people. It is also included in the efforts to realize legal fulfillment and protection for all Indonesian people. It is impossible to uphold the law if the law fails to reflect the feelings or values of justice in society.

In the narrow sense, law enforcement is the imposition of sanctions by law enforcement officials on every perpetrator who violates the law. Meanwhile, in the broad sense, law enforcement is the attention and management of unlawful acts that actually occur (*onrecht in adu*) as well as acts against laws that might occur (*onrecht in potentie*). Thus, law enforcement is a process of manifesting legal desires into reality and the legal desires in question are none other than the thoughts of the law-making body which are formulated in legal regulations. In doing so, it must take various problems that occur in the field such as North Maluku into

account. As an archipelagic region, the North Maluku province certainly requires various policies from both the central and regional levels to prevent the distribution of drugs via sea routes in that province.

CONCLUSION

Indonesia is a great potential market for drugs. North Maluku province becomes one of the gateways to smuggle drugs into Indonesia via sea routes. Unfortunately, the authorities that have the authority to carry out action or prevention have not performed as expected, especially the role of the Regional Police of North Maluku Province in enforcing the law and monitoring which is carried out based on ground realities that have occurred so far. Therefore, the involvement of the community, especially fishermen in this area, is a necessity. There must also be the support of other authorities such as the *National Narcotics Agency* (BNN) and the Indonesian National Army, especially the Navy, to prevent the spread of drugs in North Maluku as an archipelagic region.

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REFERENCES

- Alhakim, A., Febriyani, E., Situmeang, A., Tan, D. (2023). Unveiling the Controversy: Legal Analysis of Juvenile Narcotics Use for Medical Purposes. *Jurnal Jurisprudence*. 13(2), 225-243
- Dimiyati, K., Wardiono, K. (2024). *Metode Penelitian Hukum (Legal Methods Research)*. Ums Press
- Fatah, A. (2024a, February 17). Peredaran Narkoba di Maluku Utara Melalui Laut (Drug Circulation in North Maluku by Sea). Antara Maluku. <https://ambon.antaranews.com/berita/32259/peredaran-narkoba-di-maluku-utara-melalui-laut?>
- Fatah, A. (2024b, March 7). BNNP Sinyalir Morotai Pintu Masuk Peredaran Narkoba (BNNP Signals Morotai Entrance to Drug Trafficking). Antara Maluku. <https://ambon.antaranews.com/berita/37470/bnnp-sinyalir-morotai-pintu-masuk-peredaran-narkoba>
- Fatah, A. (2024c, March 23). Maluku Utara Rawan Pintu Masuk Penyelundupan Narkoba (North Maluku is prone to entry points for drug smuggling). Antara Maluku. <https://ambon.antaranews.com/berita/37712/maluku-utara-rawan-pintu-masuk-penyelundupan-narkoba>
- Golose, P. R. (2023). War on Drugs Strategy Paper - Towards a drug-free Indonesia. Public Lecture at Khairun University, North Maluku.
- Hartonto, W. (2017). Law Enforcement Against Narcotics and Drug Crimes Impacting on Security and State Sovereignty in the Era of International Free Trade. *Journal Indonesian Legislation*, 14(1), 5.
- Hawari, D. (1997). *Al-Quran, Mental Medicine and Mental Health*. Primayasa Bakti Fund.
- Law Number 2 of 2002 on the State Police of the Republic of Indonesia Article 13 on the Main Duties of the State Police of the Republic of Indonesia (2002).
- Mertokusumo, S. (2010). *Penemuan Hukum (Legal Discovery)*. UAJY.
- Pradana, Z. (2022). Strategi Satres Narkoba dalam Menanggulangi Penyalahgunaan Narkotika di Wilayah Hukum Polres Sampang (Narcotics Unit Strategy in Overcoming Narcotics Abuse in the Sampang Police Jurisdiction) [Universitas Islam Malang]. repository.unisma.ac.id
- Qamar, N., Zia, M., & Khan, T. (2019). De-Constructing Conjugal Rights in Pakistani Law. *Legal Aid Society*, 1-45.
- Putra, M. M., Miguna, M. A. (2022). Vagueness in Law 35 of 2009 Regarding Narcotics Abuse That Makes Overcapacity Prisons. *Law and Justice*. 7(1). 76-88
- Purwadarminto, W. J. S. (1999). *Kamus Umum Bahasa Indonesia (General Indonesian Dictionary)*. Balai Pustaka.
- Sengi, E. (2019). Upaya Kepolisian Resor Halmahera Utara Dalam Menanggulangi Kejahatan Narkotika Kabupaten Halmahera Utara (North Halmahera Resort Police Efforts in Tackling Narcotics Crime in North Halmahera Regency). *Jurnal Ilmu Hukum*, 4(1), 73.
- Siagian, A. (2011). Tinjauan Umum Tentang Penyidikan (General Review on Indictment). Djarum Beasiswa Plus. <https://blog.djarumbasiswaplus.org/Agustiansiagian/2011/10/26/B-Tinjauan-Umum-Tentang-Penyidikan/>
- Wisantya, K., Sugiarta, I. N. G., & Dewi, A. A. S. L. (2021). Criminal Liability of Narcotics Addicts and Abusers Based on Class. *Journal of Legal Analogy*, 3(3), 341.
- Yonvitner, Susanto, H. A., & Yuliana, E. (n.d.). Pengertian, Potensi, dan Karakteristik Wilayah Pesisir (Definition, Potential and Characteristics of Coastal Areas). In Modul MMP15104. Pustaka UT. <https://pustaka.ut.ac.id/lib/wp-content/uploads/pdfmk/MMPI510402-M1.pdf>