

THE ROLE OF THE NATIONAL NARCOTICS AGENCY IN THE ERADICATION OF NARCOTICS IN SOUTH SULAWESI PROVINCE

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ABSTRACT

This research aims to analyze how the role of the National Narcotics Agency in the eradication of Narcotics Crimes in South Sulawesi Province based on Law no. 35 of 2009. This type of research is socio-yuridical, to describe the findings empirically in the field as a whole using existing basics. The research design was exploratory, namely conducting in-depth studies of the problem, namely the role of the National Narcotics Agency in eradicating narcotics crimes in South Sulawesi Province.

The role of BNNP in handling narcotics law enforcement and other illegal drugs that have been regulated in the provisions of the law. No. 35 of 2009 was also carried out by other law enforcers which contradicted the Law which was Lex Specialis (Special Law) for BNN/BNNP. The role in handling narcotics law enforcement and other illegal drugs has overlapping roles from other law enforcement agencies, namely the police, prosecutors and courts. This happens due to a weakening in the implementation of law enforcement which does not understand the provisions of the Act.

Keywords: Role, National Narcotics Agency, Eradication of Narcotics Crime.

1. INTRODUCTION

The National Narcotics Agency (abbreviated as BNN) is an Indonesian Non-Ministerial Government Institution (LPNK) which has the task of carrying out government duties in the field of prevention, eradication of abuse and illicit trafficking of psychotropics, precursors, and other addictive substances except for addictive substances for tobacco and alcohol. BNN is led by a head who reports directly to the President through the coordination of the Head of the Indonesian National Police. BNN's legal basis is Law Number 35 of 2009 concerning Narcotics. Previously, BNN was a non-structural institution established based on Presidential Decree No. 17/2002, which was later replaced by Presidential Regulation No. 83/2007. [1]

BNN has an urgent, vital, and strategic role in assisting the law enforcement process against narcotics crimes and overcoming drug abuse crimes, especially at this time which is already transnational in nature which is carried out with high modus operandi and sophisticated technology. But the reality of its development, the crime of drug abuse is still high.

The Makassar BNNP and City Regency BNN work systems in eradicating narcotics crime have been regulated and implemented, but narcotics crime is still a chronic problem that plagues the Indonesian nation even though various ways have been carried out by the Makassar BNNP, the Government and other institutional ranks and law enforcement officers. Research Objectives is to assess the role of BNN in South Sulawesi Province in law enforcement of narcotics and other illegal drugs . [2]

The Role of the National Narcotics Agency (BNN)

The National Narcotics Agency is a non-ministerial government agency located under the President and responsible to the President. From the position and domicile of the BNN, legally, it has provided protection to the community from falling into the abyss of narcotics. However, when we look at the reality that is happening, there are still our people out there who are perpetrators and victims of narcotics or in the science of victimology it can be called (crime without victim). The thing that becomes a problem globally is that in the world 2501 new types of plants have been found that contain narcotic effects.

The National Narcotics Agency as an independent institution is expected to work better and be transparent and accountable in quelling Narcotics crime. The National Narcotics Agency is also expected to be optimal in providing protection to the public and increasing international cooperation so that transnational narcotics networks can be destroyed.

The role of the National Narcotics Agency if it is related to the prevention of narcotics crime is a reality that cannot be released, in accordance with Presidential Regulation Number 43 of 2019 concerning the National Narcotics Agency, namely: [3]

- 1) Develop and implement national policies regarding the prevention and eradication of abuse and illicit trafficking of narcotics and narcotics precursors;
- 2) Prevent and eradicate abuse and illicit trafficking of narcotics and narcotic precursors;
- 3) Coordinate with the head of the National Police of the Republic of Indonesia in the prevention and eradication of abuse and illicit trafficking of narcotics and narcotics precursors;
- 4) Improving the capacity of medical rehabilitation and social rehabilitation institutions for narcotics addicts, whether organized by the government or the community;
- 5) Empowering the community in preventing abuse and illicit trafficking of narcotics and narcotic precursors;
- 6) Monitor, direct, and improve community activities in preventing abuse and illicit trafficking of narcotics and narcotic precursors;

- 7) Carry out bilateral and multilateral cooperation, both regionally and internationally, in order to prevent and eradicate illicit trafficking of narcotics and narcotics precursors;
- 8) Develop narcotics laboratory and narcotic precursors.
- 9) Carry out administrative investigations and investigations into cases of abuse and illicit trafficking of narcotics and narcotics precursors;
- 10) Make an annual report regarding the implementation of duties and authorities.

Efforts to overcome the circulation and abuse of narcotics, BNN has a very important role, which is expected to overcome the problem of narcotics because BNN is a government institution that is devoted to handling the prevention and eradication of drug abuse and illicit trafficking (P4GN).

The National Narcotics Agency (BNN) needs to carry out several activities and good cooperation between related agencies so that the implementation of P4GN tasks can run well and smoothly. In addition, in carrying out its role as an institution in charge of the prevention and eradication of narcotics, BNN also has a role in implementing programs or activities carried out, including:

1. BNN has a role as a socializer or extension agent for the Prevention, Eradication, Abuse and Illicit Trafficking of Drugs (P4GN).
2. BNN has a role as a facilitator for example in commemorating the International Anti-Drug Day (HANI) or the campaign for the dangers of narcotics.
3. BNN has a role as a coordinator in meetings and consultations within and outside the region as well as in cooperative relationships with relevant agencies such as the Indonesian National Police, the Health Service, and the Rehabilitation Institute. [4]

The role of the National Narcotics Agency in efforts to overcome narcotics abuse through several approaches which are broadly grouped into three parts, including: [5]

- a. Supply control, namely an integrated effort through activities that are useful for emphasizing or eliminating the availability of narcotics on the market or in the community. For example, conducting raids on nightclubs or narcotic-prone areas.
- b. Demand reduction, namely an integrated effort through rehabilitative activities that are useful in increasing community resilience so that they have deterrence and are not tempted to abuse narcotics both for themselves and the surrounding community. Examples include socialization and coaching about the dangers of narcotics.

c. Harm reduction, namely efforts through rehabilitative activities with interventions to victims or users who are already dependent so that it does not get worse or dangerous for themselves and prevent negative impacts that occur on an ongoing basis. An example is rehabilitation.

Furthermore, in an effort to make the prevention and eradication of narcotics abuse and illicit trafficking more effective, the National Narcotics Agency requires institutional strengthening arrangements so that it can play a greater role and function in dealing with narcotics problems and be able to become the spearhead in preventing or tackling the occurrence of narcotics abuse.

3. RESEARCH METHOD

This type of research is socio-juridical, to describe the empirical findings in the field as a whole by using the existing basics. The normative type is used to examine legal rules, statutory regulations, legal theories related to the role of the National Narcotics Agency (BNN) in eradicating narcotics crimes. The empirical type is used to find out the reality that occurs through exploratory studies and interviews with informants / resource persons. The research design is explorative, namely conducting an in-depth study of the research problem, namely the role of the National Narcotics Agency in eradicating narcotics crime in South Sulawesi Province.

3. RESULTS AND DISCUSSION

The Role of BNN in South Sulawesi Province in Law Enforcement on Narcotics and Other Illegal Drugs.

South Sulawesi BNNP in law enforcement of Narcotics and other illegal drugs does not carry out its roles and functions as stipulated in the Law. No. 35 of 2009 which gives full authority in terms of law enforcement as regulated in article 72 that investigations and investigations are the full authority of the Provincial BNNP. This is due to the existence of other law enforcement institutions such as the police, prosecutors and courts that play a role in enforcing the law in question, while the BNN/BNNP is only limited to coordinating with other law enforcement agencies, resulting in overlapping or overlapping in terms of investigation, investigation, prosecution. and the imposition of a crime by judges which has a controversial impact in the application of different laws because of the interpretation and implementation that are not in accordance with the provisions of the existing law. Meanwhile, prosecution and criminal prosecution are not part of the South Sulawesi BNNP. The South Sulawesi BNNP should have the same authority as the National Police in terms of investigating, investigating, prosecuting and imposing criminal charges on the abuse and illicit trafficking of narcotics and narcotics precursors. Based on the regulations in Law. No. 35 of 2009 which gives full authority to BNN/BNNP in terms of law enforcement as regulated in Article 72, means that investigations, investigations, prosecutions and criminal convictions are actually not the monopoly of the Polri agency because narcotics crimes require expertise in handling and disclosing cases. Based on Law. No. 35 of 2009, regarding narcotics, investigations, investigations, prosecutions and

criminal prosecutions of abuse and illicit trafficking of narcotics and other illegal drugs should be a unit that should be handled by experts who master this field, namely BNN/BNNP.[6] However, with the existence of equal authority between BNNP, the Police, and the Court, problems arise due to overlapping authorities in the legal process. The problem that is quite crucial is that there is often a throwing of responsibilities in carrying out their duties and responsibilities.

Special handling of the role of BNNP in law enforcement of narcotics and other illegal drugs that have been regulated in the provisions of the law. No. 35 of 2009 was also carried out by other law enforcers which contradicted the Law which was Lex Specialist (Special Law) for BNN/BNNP. This overlapping of roles is due to a weakening in the implementation of law enforcement which does not understand the provisions of the Act. Against law enforcement in overcoming narcotics abuse and crime by other law enforcers, it has created confusion, causing a lot of reactions from the community where the punishment imposed on perpetrators of narcotics crime is not maximal. The discrepancy in law enforcement is due to the fact that there are many elements from the police, prosecutors and judges who take advantage of opportunities for narcotics abuse and crime cases to be used as business fields to enrich themselves.

That what is meant by BNNP to coordinate with the government, private parties and other law enforcement agencies does not mean to provide opportunities to take on the roles and functions and authorities of BNN/BNNP as regulated in the Act. No. 35 of 2009. All perpetrators of narcotics crimes should be handed over to the BNN/BNNP for further legal processing in accordance with applicable legal regulations. To overcome the polemic of overlapping handling that still continues to this day, then one way to stop the practice of trading the law, then the law. No. 35 of 2009 concerning narcotics needs to be amended/revised to emphasize that the handling of cases of abuse and eradication of narcotics crimes is entirely the responsibility of BNN/BNNP, as well as to avoid different legal interpretations in its application. [7]

There is a weakness in law enforcement against narcotics abuse and crime as stated by Soejono Soekamto, (2012), that affects law enforcement, namely: [8]

- a. Regarding the rules or the law itself which can provide opportunities for other law enforcers to participate in determining the legal process, which is not understood or guided by the principles of the enactment of the law.
- b. The absence of implementing regulations which are implementation instructions on how to implement or apply the Law
- c. Another factor relates to the unclear meaning of words or sentences contained in the law, resulting in overlaps in law enforcement due to its interpretation and application.

Law enforcement has a broad meaning because it involves directly or indirectly involving oneself in the field of law. It should be understood that law enforcement from a sociological perspective contains its own charm where each has a certain position which is commonly referred to as a role holder. The problem of the role in law enforcement is very important in addition to human resources, as well as the need for facilities and infrastructure to complete the role in carrying out the mandate of the law. [9]

4. CONCLUSION

The role of BNNP in handling narcotics law enforcement and other illegal drugs that have been regulated in the provisions of the law. No. 35 of 2009 was also carried out by other law enforcers which contradicted the Law which was *Lex Specialis* (Special Law) for BNN/BNNP. The role in handling narcotics law enforcement and other illegal drugs has overlapping roles from other law enforcement agencies, namely the police, prosecutors and courts.

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