



## IMPLEMENTATION OF THE ROLE OF THE MILITARY POLICE IN OVERCOMING NARCOTICS CRIMES COMMITTED BY THE INDONESIAN NATIONAL ARMY (STUDY AT POMDAM I/BB)

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### Abstract

Narcotics crimes are part of extraordinary crimes which result in dependence on the user so that the recovery process takes a very long time and requires a very long period of time to eliminate the effects of dependence on illegal drugs, drug dependence will affect a person's way of thinking, It's not just the mindset that has changed, but it has a big impact on state order or state security, for example narcotics perpetrators from among members of the TNI, who really threaten the state and can destroy the image of law enforcement institutions. The aim of this research is how the role of the Military Police plays in overcoming narcotics crimes committed by the Indonesian National Army (study at Pomdam I/BB) and what are the obstacle factors in overcoming narcotics crimes committed by the Indonesian National Army (study at Pomdam I/BB ). The results of this research in terms of the role of military police are the same as ordinary investigators and all procedures for perpetrators are the same, but there is a specialization in the position structure where the position is removed from the TNI institution, the obstacles experienced by the TNI in dealing with Narcotics Crime, in terms of Investigations, administrative sanctions, witnesses, inaccurate evidence and difficulty in obtaining information from suspects of narcotics crimes.

**Keywords:** *Role, Prevention, Narcotics, TNI*

### A. INTRODUCTION

Narcotics crimes among the TNI are very bad, because the TNI is a national defense tool to maintain the security of the Unitary State of the Republic of Indonesia. Every human being has self-awareness in doing things with his mind and mind which creates all positive activities and negative activities that have an impact or risk on each individual person. We need to realize that every action we do must have a reciprocity for us. Likewise, this is what happens to the current young generation who have a high sense of enthusiasm for activities that foster curiosity, which increases in the end, resulting in feelings of wanting to do the same thing without considering the impact that will be felt in the future on themselves, one of which is social interactions that lead to destruction. yourself, namely drugs. A clear explanation of the drug problem has often become a topic of public discussion and we often hear it but never realize it and think this is a normal problem and even think this problem will never happen in our lives, but as humans we should not take action like that. understand, early prevention must be applied in our lives, for example in drug cases. Enforcement of punishment is an effort to uphold legal norms carried out by law enforcement officials to ensure that legal subjects obtain every right if there is a violation of rights. Law enforcement against narcotics crimes has been widely proposed by law enforcement officials and received many judge's decisions. Law enforcement must be a factor in preventing illegal trade and narcotics trafficking. However,

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illegal trade and narcotics trafficking continues to increase. The more intensive enforcement is, the circulation of narcotics and illegal trade will also increase.

Narcotics are basically an abbreviation for narcotics, psychotropics and other addictive substances. In terms of terminology in the Big Indonesian Dictionary, drugs are drugs that can calm the nerves, relieve pain, cause drowsiness or stimulate feelings. Narcotics has the same meaning as narcosis which means to anesthetize. Some say that the word narcotics comes from the Greek "narke" which means being drugged so you don't feel any pain. Soedjono and social pathology, formulated the definition of narcotics as follows, narcotics are substances that primarily have an anesthetic effect or can reduce consciousness. Meanwhile, the definition of narcotics according to Law Number 35 of 2009 concerning Narcotics Article 1 number 1 is a substance or drug derived from plants or non-plants, whether synthetic or semi-synthetic, which can cause a decrease or change in consciousness, loss of taste, reduce or eliminate pain, and can cause very severe dependence or addiction.

Drug crime is a very serious crime compared to other crimes, which affects all aspects of a person's life and has a very big impact, because of the increasingly rampant promiscuity factor and environmental factors that are affected by people who use these illicit goods. Currently, narcotics or illegal drugs are goods that are not legalized by the government to be distributed freely, let alone misused for various reasons. Apart from that, it can damage personal health and can also cause damage to the family and community environment. Abuse of narcotics and illegal drugs among today's young generation is increasing, the widespread deviation in behavior of the young generation can endanger the survival of this nation in the future, young people as a generation who are expected to be the nation's successors are increasingly vulnerable to being eaten by addictive substances that destroy nerves. so that these young people cannot think clearly as a result, a generation of strong and intelligent nation's hopes will only remain a memory. The targets of this drug distribution are young people or teenagers. If the average age of the drug targets is students aged 11 to 24 years, the danger of abuse is not only limited to users, addicts and dealers, it can even have further consequences, namely disruption to the order of people's lives which could have a catastrophic impact on the collapse of a nation in the world.

Historically, the drug problem has been a major problem whose eradication has been the focus of all levels of society in various parts of the world. The influence of drugs is not only felt by elderly people, even the younger generation is very susceptible to being influenced by these illicit substances. It could happen as a result of environmental factors and promiscuity which trigger the growth of curiosity or attachment as most of the people around them use these haram items. The emergence of problems that occur in society, let alone causing unrest in the environment, such as juvenile delinquency and all aspects of actions that deviate from social rules can still be tolerated, but when it comes to narcotics there will never be tolerance and drugs are also diseases that truly require a recovery process within a period of time. a very long time.

The rise of narcotics and illegal drugs has greatly affected the mental health and education of today's students. The future of this great nation depends entirely on efforts to free young people from the dangers of drugs. Drugs have touched an ever closer circle to all of us. Our friends and relatives begin to become ensnared by drugs which can often be deadly. As God's creatures who are increasingly mature, we should always think clearly to face the globalization of technology and globalization which has a direct impact on families and the nation's future youth in particular. From the New Order era until now, the development and distribution of narcotics has increased rapidly, because narcotics are very easy to obtain, due to

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the lack of supervision from the authorities, and the profits obtained from their sales are quite large.

Narcotics abuse is not only carried out by students, students, civil society and officials but has spread to law enforcement, one of which is the abuse carried out by the Indonesian National Army (TNI). Before we enter into an explanation regarding narcotics abuse from members of the Indonesian National Army, we must first understand the definition of the Indonesian National Army. The Indonesian National Army is an inseparable part of the Indonesian people, born from the nation's struggle for independence, raised and developed together with the Indonesian people in defending and fulfilling independence. The military is the armed forces of a country which are regulated based on statutory regulations I and are citizens who are given the task and authority by law in maintaining and upholding the sovereignty of the country and they are given the right and authority to hold and use weapons in accordance with statutory provisions. In general, the abuse of narcotics can have quite a fatal impact on its users, one of which can cause a person's brain performance system to weaken, especially for soldiers who consume it, it can create a new threat to the nation regarding state security and national life.

Indonesian National Army (TNI) soldiers who are proven to be abusing narcotics will also be dealt with firmly. As was done by one of the TNI-AD soldiers with the rank of Sertu in the Rindam V/Brawijaya unit, Malang who was proven to have abused methamphetamine-type narcotics, he was sentenced under Article 127 Paragraph (1) letter a of Law Number 35 of 2009 concerning Narcotics Jo Article 26 KUHPM Jo Article 190 Paragraph (2) Law Number 31 of 1997 concerning Military Justice. A TNI-AD soldier should set a good example and be a role model for his fellow members and juniors and not commit acts that violate the law, as was the case in the example above. This incident tarnished the good name of the TNI institution in the eyes of the public. Apart from these cases, there are also many more TNI members who have been arrested as a result of narcotics abuse. Acts of narcotics abuse among military members have attracted public attention, namely the 2023 case that occurred at the TNI-AD institution when members of Kodim 0208 Asahan Serda Yalpin Tarzun and members of Yonif 125/Simbisa Pratu Rian Hermawan, were both proven to have picked up and delivered drugs, 75 kg of crystal methamphetamine. and 40,000 ecstasy pills, from the city of Tanjung Balai to Medan. After that they were tried at the I-02 Medan military court, sentenced to life imprisonment and dismissed from military service.

Apart from the case that occurred with a member of the Indonesian Army who was arrested by the Bengkulu city resort police. The suspect, a member of the Kodim named Yudi Aprianto with the rank of Praka, was caught using marijuana. Yudi Aprianto was arrested at his residence, the results of the examination found evidence in the form of 20 ecstasy pills and half-rolled marijuana wrapped in a cigarette box. After that, an examination was carried out by the police and the results were positive, then Serda Yudi Aprianto was immediately handed over to members of the Military Police who were waiting at the Bengkulu Police Headquarters for further action. According to one of the former Commanders of the Greater Jakarta Regional Military Region (Pangdam Jaya), Major General TNI Marciano Norman, who now serves as head of the state intelligence agency, revealed that Indonesia is a destination country for narcotics trafficking and distribution based on international networks, as well as revenues reaching trillions of rupiah. They often take advantage of weak supervision and the vast territory of Indonesia to distribute narcotics. Considering that there are still criminal acts occurring among the military which have violated the legal rules in force in the Republic of Indonesia, the

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resolution mechanism used is also different from that of civilians. The soldiers will be tried through military mechanisms while still observing the applicable laws.

There is the principle of "Equality Before the Law" as stated in Article 27 paragraph (1) of the 1945 Constitution which makes a reference that anyone who commits a criminal act will still be punished, because they are Indonesian citizens who are duly obliged to obey the rules set out. already in effect. These TNI members will be processed at the Military Court without any special privileges, starting from the process of examination, investigation and prosecution until the trial will follow the procedural law of military justice by following the recommendations of Law no. 31 of 1997 concerning military justice. What we all know is that the TNI is a national defense system and is a state instrument which has the task of defending, protecting and being able to maintain the integrity and sovereignty of the state and the TNI can set an example not to commit narcotics crimes, in this case the abuse of narcotic drugs. For the military police, every act or action of the TNI that violates the law, discipline and order, which can reduce dignity and authority and can also cause unrest in society, requires immediate legal action. Every act or action of the TNI that violates law, discipline and order, which can reduce dignity and authority and can also cause unrest in society, requires immediate legal action.

If a criminal case is resolved immediately in accordance with applicable legal provisions, it will be very detrimental to the victim, the perpetrator (soldier) and the unit in general in terms of personnel development, therefore a criminal case must be resolved immediately. Law enforcement within the military, especially in the military court itself, actually adopts the KUHAP system, but there are different parts of the KUHAP itself, especially the enforcement of criminal acts, where all elements of enforcement within the military are members of the military who are assigned by law, such as in the investigative process and investigator. In its application, Military Criminal Law is separated into the Military Criminal Code (KUHPM) as material law and military criminal procedural law as formal law. Any act that constitutes a legal violation in the category of criminal act committed by a TNI soldier or equivalent to a TNI soldier, based on the provisions of the Military Criminal Law, must be processed through a Military Court. And the jurisdiction of military justice bodies is not the same as that of general courts. This is mainly as a result of the division of military command areas, where the holders of the command are officers who submit cases from a case to a military court, but in an emergency situation, if the general judiciary can no longer function, it should be possible for the military court to accommodate it. to judge officials who should be subject to authority.

The existence of military justice jurisdiction under the Supreme Court provides an understanding that every criminal act committed by military officers is processed and tried within the military justice environment while still paying attention to every criminal act or violation of applicable laws and regulations. Members or soldiers of the Indonesian National Army who commit criminal acts of narcotics, whether as dealers or abusers, are the subject of narcotics crimes, so they can be charged and processed in military court while still paying attention to the provisions contained in Law Number 35 of 2009 concerning Narcotics . The Indonesian National Army, has the same position before the law and is obliged to uphold the law, as regulated in Article 27 paragraph (1) of the 1945 Constitution, the Fourth Amendment which reads: "All citizens have the same position under the law and government and are obliged to uphold the law and government. that without exception." The TNI institution was built and developed by forming a professional army in accordance with the political interests of the

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Indonesian state. The TNI is part of society which is specially prepared to carry out the task of defending the country against threats from other countries.

Article 5 of the TNI Law explains that the TNI plays a role as a state tool in the field of defense, which carries out its duties based on State policies and political decisions, apart from that the TNI is the main force and the people are the supporting force. Article 7 paragraph (1) Law Number 34 of 2004 concerning the Indonesian National Army The main task of the TNI is to uphold state sovereignty, defend the territorial integrity of the Republic of Indonesia based on Pancasila and the 1945 Constitution, and protect the entire nation and all of Indonesia's blood from threats and disturbances against the integrity of the nation and state. If an error occurs when carrying out these main tasks, regulations are needed to achieve a unified way of acting between officials who are given the authority to resolve criminal cases within the TNI.

Military who violate military disciplinary sanctions are subject to military disciplinary action and/or military disciplinary punishment. Military members who are proven to have committed criminal offenses will be resolved through the Military Court. Based on the military court's examination of military members who commit criminal acts, if proven, they will be subject to criminal sanctions in accordance with the law enforced among members of the military (TNI). Strict law enforcement for members of the military, indiscriminate and courageous, is urgently needed at this time in order to free the Indonesian nation from the dangers of narcotics. Strict, indiscriminate and courageous law enforcement is urgently needed at this time in order to free the Indonesian people from the dangers of drugs. Within the TNI, in order to support government programs, various eradication efforts are being intensively carried out.

TNI Commander General Gatot Nurmantyo some time ago ordered the Commanders and Unit Commanders of the TNI ranks to carry out serious cleaning in their respective units. TNI soldiers who are indicated to be involved in the distribution and abuse of narcotics are immediately encouraged to be prosecuted and, if proven, will be dismissed from military service. This firm step was taken by the TNI leadership to ensure that the TNI's posture which has been painstakingly built can be maintained so that it is always in top condition with the best performance. Law enforcement carried out by the TNI against narcotics abusers is currently carried out firmly while still paying attention to one very important principle in law enforcement within the TNI, namely the principle of military interest. Regarding narcotics abuse by the TNI, it needs to be addressed because, legally speaking, narcotics crimes are acts that are prohibited by the State and the TNI is one of the law enforcement officers, in terms of overcoming narcotics abuse by the Provos, the TNI has a very important role in efforts to overcome narcotics cases that occur. occurred within the TNI. As well as providing sanctions against TNI members who are caught using narcotics because the Military Police have the authority to take action against TNI who use narcotics.

Military law and national law are an integral part that cannot be separated and are also a subsystem of the provisions governing national defense and security. Thus, the system of basic principles of military law must originate from military duties and from the system and basic principles of national law. On the other hand, military law is obliged to ensure that these military duties are carried out properly and correctly. Military law as a subsystem of the state defense and security system needs to strictly regulate the operationalization of the state defense system of life which gives rise to the universal defense and security of the people. The order of national defense includes the implementation of all the nation's capabilities and must be structured,



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directed and deployed in an integrated and controlled manner regarding human power, facilities, equipment and services and regional space. The direction of development of military law is towards creating harmony between the implementation of welfare and the implementation of security in order to realize an archipelagic insight and national resilience, in order to guarantee the existence of national and state life which aims to develop the whole human being. Based on the background of the problem above, the author is interested in discussing it in preparing a scientific work or journal assignment with the title "IMPLEMENTATION OF THE ROLE OF THE MILITARY POLICE IN OVERCOMING NARCOTICS CRIMES COMMITTED BY THE INDONESIAN NATIONAL ARMY (STUDY AT POMDAM I /BB).

## **B. FORMULATION OF THE PROBLEM**

1. What is the role of the Military Police in dealing with narcotics crimes committed by the Indonesian National Army (study at Pomdam I/BB)?
2. What are the obstacle factors in overcoming narcotics crimes committed by the Indonesian National Army (study at Pomdam I/BB)?

## **C. RESEARCH METHODS**

A research method is a systematic or way of conducting research that relies on the problem to be researched and finds solutions to the research and the results of the research can be applied to everyday life and can be used as a reference in research that has not been resolved from previous research or research whose final results are only hypothetical. The importance of the approach method in starting a research, why is this, the need for methods in research so that the scheme in delivery and flow in solving a problem is systematic and there is no overlap between the first discovery and subsequent discoveries obtained in the field (field research). Good and correct research methods really determine research results that can be scientifically justified.

Likewise, the research that I am reviewing has a systematic method of preparation. The type of research used is analytical descriptive research, namely systematically describing and explaining the object of research, namely matters related to narcotics abuse carried out by members of the TNI using various concepts and theories that are appropriate to the data source and research object. Meanwhile, the research approach method applied is an empirical juridical method, juridical, namely studying normative concepts or statutory regulations, empirical, namely studying legal protection against narcotics abuse committed by members of the TNI. The type and source of data used in this research is secondary data which is supported by secondary data found in the literature, in the form of related laws and regulations, journals, research results, articles and other books. Data originating from legal materials as the main data obtained from the library, include:

1. Primary legal materials, legal materials that have authority consisting of statutory regulations, namely Law Number 23 of 2004 concerning the use of narcotics abuse in the Military Police Detachment Pomdam I/BB Medan, and Law Number 31 of 1997 concerning Criminal Justice Military.
2. Secondary materials are legal materials that provide explanations of primary legal materials, such as draft laws, literature on research results related to domestic violence committed by members of the Indonesian national army.

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3. Tertiary legal materials are legal materials in the form of dictionaries, magazines, journals, articles and encyclopedias.

The primary data collection techniques applied in this research are:

1. Population is defined in this research as a community in an area which is an object. The population in this study were TNI-AD members who served in the Military Police Detachment Pomdam I/BB Medan.
2. A sample is a withdrawal from a population to be used as an object for research purposes. At this point the sample is the role of the military police in dealing with narcotics crimes committed by members of the TNI and the process of investigating these problems at Pomdam I/BB Medan. The sample was determined based on sampling techniques. Sampling technique is a way of determining samples, both random and non-random.

#### **D. DISCUSSION**

##### **1. The Role of the Military Police in Overcoming Narcotics Crimes Committed by the Indonesian National Army (Study at Pomdam I/BB)**

Currently, drugs have circulated widely among the public and are easily available in various ways, even transactions can be carried out easily through digital media and hidden face-to-face meetings. The effectiveness of digital media opens up opportunities for drug transactions that are very flexible in carrying out transactions without the authorities knowing. Currently, narcotics have become goods that must be fulfilled in a life of hedonism and many people abuse their use, which is only a sedative for the user, but initially that was not the main purpose of the narcotics, so many people misinterpret and become dependent on their use, resulting in side effects. prolonged problems such as physical and mental, social and even security and public order disorders. There are other external impacts such as destroying family relationships, reducing the ability to work, the inability to differentiate between good and bad, as well as decreasing productivity and other criminal acts, both qualitative and quantitative, which ultimately disrupt national resilience because of these detrimental properties, namely narcotics and Psychotropics are monitored both nationally and internationally. Initially narcotics and all other types were drugs needed in health services, in treatment these substances were used for anesthesia and eliminating or reducing pain, which was diagnosed as having a serious illness and the dose was adjusted in such a way as not to harm the person concerned.

The rise of drug abuse has clearly had a negative impact on the quality of Indonesia's human resources, which is one of the modes of national development. It is said to be a carrier of immorality because abuse causes mental, physical and social damage. What is meant by narcotics abuse is the use of narcotics not for medicinal purposes, on the contrary, in accordance with its properties, while narcotics cause psychological or physical dependence in its users. We need to remember again that drug abuse can poison anyone and anyone from any group, from old, young, civilians to even officers who use these illegal drugs. Regarding legal certainty, the author obtained results based on interviews with relevant stakeholders. It can be seen that there are still two opinions or points of view in providing treatment for narcotics users and addicts. First, users who abuse narcotics will be explicitly given imprisonment sanctions which aim to provide punishment for the user, so that it can have a deterrent effect on the user. Second, it is of the opinion that users are

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victims who need treatment to return to normal as before, so medical efforts are needed through rehabilitation measures but in accordance with the recommendations of the Integrated Assessment Team. Regarding these different opinions, law enforcement in the Pampomdam I/BB Medan area still refers to Law Number 35 of 2009 concerning Narcotics where narcotics users and addicts still receive rehabilitation measures.

The purpose of the quote from the interview above does not rule out the possibility that perpetrators from the TNI who use drugs will be punished criminally and they will be dismissed from the TNI-AD unit without honor, and follow the procedures or flow in the trial at the military court and they will compensate for all losses in terms of Materially and formally during the education period, members of the TNI cannot be rehabilitated like other civilians, but immediate action will be taken, namely the dismissal occurs before the legal process, meaning that they will be dismissed first and then follow up by following the legal process. A member of the TNI as a state servant who is supposed to guard and defend the territorial integrity of the unitary state of the Republic of Indonesia based on Pancasila and the Constitution of the Republic of Indonesia, to protect the entire nation and the entire blood of Indonesia from threats and disturbances to the integrity of the Republic of Indonesia, as a deterrent against any forms of military threats and also armed threats from outside and within the country against sovereignty, territorial integrity and also the safety of the nation. As a restorer of the state's security conditions which were disrupted due to chaos, state security should provide a good role model and example for society.

As for the differences between drug addicts and drug dealers, seen from the aspect of the legislation, it specifically discusses, in Law Number 35 of 2009 concerning Narcotics, an addict is a person who owns, keeps or uses these goods and has a regular dependence on consuming them. Meanwhile, a dealer is a person who distributes or supplies commercially to consumers so that the goods are distributed outside the country without permission with the aim of making individual profits from distributing the goods. The differences in sanctions given to drug dealers and drug addicts/users are that criminal sanctions are regulated starting from article 111 to article 148, there are approximately 37 articles that regulate criminal sanctions that can be applied to various types of actions or situations and events. However, in practice during trials, the dominant articles generally used by law enforcers (BNN, Police, Public Prosecutors and Judges) are articles 111, 112, 113, 114 in conjunction with 132, and articles that are rarely used are article 127 of the Law. Number 35 of 2009 concerning Narcotics. Articles 111, 112, 113, 114, jo 132 are criminal sanctions articles that can be applied or imposed on parties who possess narcotics to distribute, sell or parties who act as couriers (middlemen).

Meanwhile, article 127 is an article that can be applied or imposed on parties who possess narcotics as abusers or addicts. The prison sentence in article 1 number 13 and number 15 in Law Number 35 of 2009 concerning Narcotics regulates differences in law enforcement for narcotics users (abusers and addicts). What is actually the philosophical basis for the renewal of Narcotics Law Number 35 of 2009 concerning Narcotics, apart from preventing and eradicating narcotics, also has the spirit to protect and save the younger generation who have become narcotics users. It can be said that with the aim of distributing, selling or acting as an intermediary or courier, Articles 111, 112, 113, 114 may be subject to this because every abuser or addict who buys narcotics must first possess, store and control the narcotics for further use or consumption. . This is what must be



differentiated in the understanding and application of article 127, possessing narcotics with the aim of personal use, with the aim of making a profit. In terms of protection, abusers or addicts should be protected by different articles imposed on them, but in practice they are often not protected, because they are subject to articles that should be applied to dealers, dealers or couriers.

So that the rights of the abusers to be implemented or tried and punished according to article 127 with a sentence of rehabilitation or a maximum prison sentence of 4 years, are not available to the drug abusers or addicts. In terms of minimizing the drug problem, the Military Police have their own method which is applied in the Pomdam I/BB area by making various positive movements and general education, specifications for the duties of the Military Police in carrying out their role. The POM collaborates with the commander of the Korem and Kodim in the Medan area to provide legal education. about the dangers of narcotics both for oneself and others along with the sanctions that will be given to TNI soldiers who are found using or consuming narcotics. This counseling is only for one day from morning to evening and the time is uncertain and the counseling is only carried out at every Korem and Kodim office in the city of Medan.

Urine tests can be carried out 3-4 times a year so that every TNI member is free from narcotics, and looking at the behavior or behavior of different TNI members there, the TNI leadership or Military Police investigators have the right to summon the TNI member to have their urine checked to find out whether the member is using narcotics. If the TNI member's urine test results are positive for using narcotics, the member will be investigated and the TNI member will be given the heaviest sanction, namely dismissal from membership in the TNI Army. POM members will routinely carry out raids at nightlife venues to anticipate TNI, POLRI, PNS and civil society personnel abusing narcotics. POM members also carried out urine tests on TNI members to find out whether TNI personnel had consumed narcotics. This raid was carried out by each POM of the TNI unit, so each POM of the Army, Navy and Air Force was divided into several sections and this activity was carried out every 3 months or often called quarterly. Promiscuity results in dependence on using illegal drugs, thus a person's characteristics will be affected depending on the situation and conditions they experience and the area they live in, as well as narcotics users depending on several factors that result in dependence on their use. The factors include:

1. Chance Factor

Currently, Indonesia is an easy target for international drug syndicates to distribute these goods, which in turn makes these substances easier to obtain, therefore the availability of narcotics is increasingly easy to obtain for various groups and is a trigger for damage or a threat to the country.

2. Situational Factors

All forms of symptoms of the situation being faced are caused by several factors in daily activities or life, such as stress and having unresolved burdens which ultimately become triggers for using illegal drugs.

3. Environmental factor

If the environment has a big influence on a person's life and can change a person's characteristics and lead to actions carried out by other individuals in that environment.

There are several other factors that cause narcotics abuse among the military:

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1. Personal factors are a weak mentality that causes wavering and is easily influenced by bad invitations. Mentality that always seems to feel alone and isolated, has no responsibilities, is less able to get along well and so on.
2. Economic factors are poverty or financial difficulties that occur in our families and around us.
3. Family factors are a lack of attention to parents towards children. This is also one of the causes of family factors, parents are too busy working or even don't care about the child's education and morals.

## **2. Obstacle Factors in Overcoming Narcotics Crimes Committed by the Indonesian National Army (Study at Pomdam I/BB)**

Drug abuse also has an effect on the body and mental and emotional state of those who use it. If consumed more frequently, especially in excessive amounts, it will damage physical health, mental health and social functions in society. The influence of drugs on teenagers can even have more fatal consequences, because it hinders their personality development. Drugs can damage one's potential, because they are considered a "natural" way for someone to face and solve daily life problems. Drug abuse is a pattern of use that is pathological and must be of concern to all parties. Even though there is a lot of information stating the negative impacts caused by drug abuse, this has not provided significant numbers in reducing the level of drug abuse. Narcotics crime is any misuse of narcotics or distribution of narcotics that is carried out and abuses the formulation of the law.

Basically, all people were created by God to be equal, in this case all people can commit an act of error, including law enforcement officers. In the various cases that have occurred, quite a few have involved even law enforcement officers themselves. In the research that the author did, what is meant by law enforcement officers are members of the TNI, especially the TNI-AD. Apart from their duties of maintaining national defense and security, TNI members are people who live and socialize with other people. The consequence of living and socializing with society is whether our socialization environment is a good environment or vice versa. A good environment can make us good individuals, while in a bad environment, if we cannot look after and protect ourselves, it is possible that we can also fall into bad habits. Apart from the clear duties given by the State, TNI members also have the difficult task of being "roles or role models for society". In carrying out their duties, TNI members are required to mix and mingle with all levels of society. However, in reality the social environment is very diverse, this can be one of the factors causing TNI members to commit criminal acts, including narcotics crimes. Apart from the environmental influence, currently getting drugs is very easy and the price is very affordable for all groups.

In terms of handling narcotics problems, the military police certainly have problems when investigating members suspected of using narcotics while carrying out task forces or changing assignments, but this does not prevent them from carrying out the legal process. Limited evidence. The only evidence is in the form of urine test results which are based on the results of research previously carried out in the urine collection process carried out at Pampomdam I/BB Medan, as well as places where raid operations were carried out. The military police only have evidence of urine test results if the perpetrator of narcotics abuse is charged as a user. There is difficulty in finding evidence based on the statements of

witnesses where the witnesses do not know the track record of the perpetrator's use or use of narcotics. There is a lack of personnel in the investigation department so they collaborate with the police narcotics unit to coordinate if there is involvement of TNI members in narcotics abuse. However, in this case the evidence is very strong because the perpetrator was caught red-handed in a house while consuming crystal methamphetamine. Members of suspected narcotics users are carrying out the task force or changing assignments, so the investigator is having a little difficulty in interviewing or carrying out the legal process, but all this does not prevent the legal process from being carried out, so the suspect will be sent a letter to the place where he is on duty or the task force.

There are other obstacles that occur in carrying out investigations into narcotics crimes involving TNI-AD members, such as:

1. There is no transparency in the law enforcement process at the investigation and prosecution level, because in accordance with the provisions of article 182 of Law Number 31 of 1997 concerning Military Justice which regulates the authority of prosecution by Military Prosecutors, this is carried out without public control as required by Law no. 14 of 2008 which essentially places an obligation on every Public Body to open access for every public information applicant to obtain public information, except for certain information which must not be published. The absence of public access at the investigation and prosecution level opens up opportunities for abuse of authority which has a direct impact on the sentencing of soldiers who commit narcotics crimes.
2. The case handling system in the TNI environment is not yet integrated. The current case handling is facing obstacles in the slow investigation and prosecution process, which is due to the lack of integration of the case handling system in the law enforcement system within the TNI, which is an obstacle to accelerating case handling. With advances in information technology (IT), today there is an opportunity for Military Justice to build an IT-based case handling system. Based on experience in many countries, the use of IT still focuses on electronic recording efforts only. IT has not been optimally optimized to progressively improve the performance of judicial bodies. Therefore, the IT initiatives undertaken did not provide satisfactory results for the judiciary. One of the reasons is that the Judicial Body failed to determine the role and strategic direction of IT within the judicial organization itself. This failure has the potential to create an inability to reap maximum results, even in the IT implementation itself.
3. Human Resources are Still Limited, the problem faced in producing quality products is that there are still limited qualified personnel who are able to apply the law quickly and precisely, thus hampering the law enforcement process for narcotics crimes, in addition to the number (quantity) of law enforcement officers at the investigation level , prosecution and courts are still limited, this can hamper the process of handling cases.
4. Facilities and Infrastructure are Inadequate, narcotics crimes are currently carried out with a sophisticated modus operandi by utilizing advances in science and technology so that the judiciary in carrying out its main tasks must also be supported by science and technology, namely in the form of equipment that can facilitate the process of disclosing facts which is supported by evidence as regulated in Law Number 31 of 1997 concerning Military Justice. Equipment that can help reveal facts both at the

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investigation level and at the court level, such as lie detectors, crime laboratories and other information technology-based equipment to support quick case resolution.

5. The function of monitoring the quality of decisions and behavior of judges is not yet optimal, based on Law Number 31 of 1997, Dilmiltama has the authority to carry out judicial technical supervision of the Military Courts under it in resolving cases, the behavior and actions of military judges, so that the process of resolving cases can run well. and true and transparent. The function of monitoring the quality of decisions and behavior of judges has been running but is not yet optimal, especially in the implementation of judicial technical supervision which should be planned in the Dilmiltama (Main Military Court) work program, whether carried out directly or indirectly.
6. Software that is not in line with law enforcement practices. Law Number 31 of 1997 concerning Military Justice is formal law (procedural law) in the current Military Justice system. If studied more deeply based on legal science, several weaknesses are found in the Military Justice system currently implemented. In the author's opinion, these weaknesses lie in 3 (three) components of law enforcement consisting of substance, structure and culture.

## **E. CLOSING**

### **a. Conclusion**

- 1) The handling carried out by the military police regarding narcotics problems carried out by TNI members at Pomdam I/BB, Firstly, users who abuse narcotics will be strictly given imprisonment sanctions which aim to provide punishment for users, so that it can have a deterrent effect for users. Second, it is of the opinion that users are victims who need treatment to return to normal as before, so medical efforts are needed through rehabilitation measures but in accordance with the recommendations of the Integrated Assessment Team. Regarding these different opinions, law enforcement in the Medan Pomdam I/BB area still refers to Law Number 35 of 2009 concerning Narcotics where narcotics users and addicts still receive rehabilitation measures.
- 2) Factors that become obstacles when dealing with narcotics crimes by TNI members are: First, limited evidence. The only evidence is in the form of urine test results which are based on the results of previous research carried out by the urine collection process carried out at the Medan Pomdam I/BB, as well as places where raids are carried out, it is difficult to find evidence based on the statements of witnesses where the witnesses do not know the track record. the use or use of narcotics by the perpetrator. Second, there is a lack of personnel in the investigation department so that they collaborate with the police narcotics unit to coordinate if there is involvement of TNI members in narcotics abuse.
- 3)

### **b. Suggestion**

- 1) All members of the Indonesian National Army in each Battalion are always given knowledge about the dangers of narcotics abuse and every member who commits narcotics abuse is quickly and responsively resolved or processed legally in accordance with the applicable regulations and implemented by the Indonesian National Army. So that this doesn't happen.

- 2) Optimizing tools to identify TNI members as narcotics users or dealers, such as urine test kits and other detection tools related to narcotics, so that things don't happen that disturb their travels and comfort while on duty in each battalion.

#### REFERENCE

- Amiruddin dan Zainal Asikin, Pengantar Metode Penelitian Hukum, Jakarta: PT. Raja Grafindo, 2014
- Utrecht. Hukum Pidana II. Jakarta: Pustaka Tinta Mas, 1987.
- Hudoyo, *Hukum Acara Pidana Militer*, Kakundam V, Brawijaya 1992.
- Ibrahim, Jhony. *Teori dan Metodologi Penelitian Hukum Normatif*, Malang: Bayumedi. Publishing, 2008.
- Indah, C. Maya. *Perlindungan Korban (Suatu Perspektif Viktimologi dan Kriminologi: Edisi Kedua*, Penerbit Kencana Prenamedia Group, Jakarta, 2014.
- Saadi, Anwaar. *Profesionalisme dan Kesadaran Hukum Prajurit TNI*. Tabloid Patriot: edisi Maret. 2006.
- Salam, Moch Faisal, *Peradilan Militer Indonesia*, Cetakan I, CV. Mandar Maju, Bandung, 1994.
- Suratman dan Phillips Dillah, *Metode Penelitian Hukum*, Jakarta : Sinar Grafika.
- M. Arif Sahlefi Lubis, Ismaidar, Sakban Lubis, *PEMBERDAYAAN PEMERINTAH DALAM UPAYA PENCEGAHAN PEREDARAN NARKOBA PADA MASYARAKAT DESA KLAMBIR LIMA KEBUN KECAMATAN HAMPARAN PERAK KABUPATEN DELI SERDANG*, Jurnal Peneltian, Volume 6 Nomor 1, Juli 2022.
- Badu, Lisnawati D. A. (n.d). *Menggagas Tindak Pidana Militer Sebagai Kompetensi Absolut Peradilan Militer Dalam Perkara Pidana*. Vol 1 No. 3 Tahun 2017: Jurnal Legalitas.
- Taufik. *Peran seksi Pencegahan dan Pemberdayaan Masyarakat (P2M) BNNK Ciamis dalam menanggulangi penyalahgunaan Narkotika di wilayah hukum Kabupaten Ciamis*. Vol. 2 No. 1 Tahun 2019 : Jurnal Hukum.
- Hariyanto, B.P. *Pencegahan Dan Pemberantasan Peredaran Narkoba Di Indonesia*. Vol. 1 No. 1 Tahun 2018: Jurnal Daulat Hukum.
- Mandasari Saragih, Yasmirah. *Narkoba dan Penanggulangannya*. Vol. 7 No. 1 Tahun 2023 : Innovative: Journal Of Social Science Research.
- Mandasari Saragih, Yasmirah. *Penerapan Hakim Dalam Pemberantasan Tindak Pidana Narkoba Melalui Putusan Yang Berkeadilan*. Vol. 6 No. 2 Tahun 2023: Innovative: Journal Of Social Science Research
- Mandasari Saragih, Yasmirah. *Tinjauan Yuridis Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika Dalam Menanggulangi Penyalahgunaan Narkotika*. Vol. 3 No. 5 Tahun 2023 : Innovative: Journal Of Social Science Research.
- Yossri Mantaw Sihombing1, Ismaidar , *Politik Hukum Dalam Penegakan Hukuman Mati Terhadap Pelaku Peredaran Narkotika di Indonesia*, Journal Of Social Science Research, Volume 3 Nomor 6 Tahun 2023.
- Undang-Undang No 35 Tahun 2009 Tentang Pemberantasan Tindak Pidana Narkotika



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Undang-Undang Nomor 31 tahun 1997 tentang Peradilan Militer

Undang-Undang Nomor 34 tahun 2004 tentang Tentara Nasional Indonesia

Hasil wawancara dari kasubdit propam Pomdam I/BB Medan

<http://infosketsa.com/index.artikeloknum-anggota-tni-ditangkap-terkait-kasusnarkoba>, diakses pada tanggal 20 November 2023, Pukul 17:05WIB.

[https://news.republika.co.id/berita/rvgtua377/pengadilan-militer-medan-oknum-tni\\_bawa-75-kg-sabu-itu-kasus-terbesar](https://news.republika.co.id/berita/rvgtua377/pengadilan-militer-medan-oknum-tni_bawa-75-kg-sabu-itu-kasus-terbesar), diakses pada tanggal 20 November 2023, Pukul 17:01 WIB