



## JURIDICAL ANALYSIS OF THE ROLE OF JUSTICE COLLABORATORS IN EFFORTS TO GROW PUBLIC PARTICIPATION TO DISCLOSE CRIMINAL ACTS OF NARCOTICS (Research Study at the National Narcotics Agency of the Riau Islands Province)

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### Abstract

*The role of Justice Collaborator in Fostering Community Participation in Disclosure of Neglected Narcotics Crimes. In the Practical Operational Approach, especially the perpetrator's witnesses who cooperate in uncovering criminal acts, especially those involving organized syndicates, causing law enforcement in the field to act based on their own judgment, not based on clear and firm legal rules in determining the perpetrators of criminal acts. act as witnesses of cooperating perpetrators or other acts. with the aim of uncovering the actions of the drug syndicate network.*

**Keywords:** *Collaborator Justice, Crime, Narcotics*

### 1. INTRODUCTION

Historically, legal regulation on Narcotics in Indonesia began with the issuance of the Verdoovende Middelen Ordonnantie (VMO) Stbl. 1927 Number 278 Juncto Number 536 or the drug ordinance by the Dutch Colonial Government which regulates the sale and purchase and use of drugs and opium. However, the provisions in the Verdoovende Middelen Ordonnantie are no longer in accordance with the administration of criminal justice, so the Government of Indonesia issued Presidential Instruction Number 6 of 1971 concerning Coordination of Actions and Activities in Efforts to Overcome, Prevent and Eradicate Violation Problems. However, this Presidential Instruction has not been able to cover all the problems of narcotics abuse, this is due to the absence of a standard understanding of Narcotics, the imposition of sanctions that are too light,

Along with the increasing abuse of Narcotics and Indonesia's participation as a participant in the 1961 Single Convention on Narcotics which was adopted through Law Number 9 of 1976 concerning Narcotics to replace the Verdoovende Middelen Ordonnantie (VMO) Stbl. 1927 Number 278 Juncto Number 536 which is no longer in accordance with the problem of narcotics abuse which has a transnational nature and is carried out with a sophisticated modus operandi through the latest technology. As a follow-up to Indonesia's participation in ratifying the 1988 Vienna Convention concerning the eradication of illicit trafficking in Narcotics and psychotropics, the issuance of Law Number 22 of 1997 concerning Narcotics. Matters adopted from the 1988 Vienna Convention include arrangements regarding the classification of Narcotics, procurement of Narcotics,

In its development, it is very unfortunate that Law Number 22 of 1997 was not able to overcome the rampant criminal acts of Narcotics so it was replaced with Law Number 35 of 2009 concerning Narcotics. The new materials of this law which were also adopted from the Vienna Convention include the classification of Narcotics Precursors which are substances that can be used in the manufacture of Narcotics, the application of weighting of criminal sanctions, both in the form of a special minimum punishment, imprisonment of 20 (twenty), imprisonment life imprisonment, up to death penalty based on the class, type, size, and amount of Narcotics, provisions regarding the confiscation of assets resulting from the crime of money laundering originating from the crime of Narcotics and Narcotics Precursors,

In addition to issuing regulations on Narcotics, the Government has also established a special agency dealing with Narcotics issues in accordance with the mandate of Law Number 22 of

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1997 concerning Narcotics. Through Presidential Decree No. 116/1999, the National Narcotics Coordinating Board (BKNN) was formed, then replaced by Presidential Decree No. 17/2002 on the National Narcotics Agency (BNN) and replaced by Presidential Regulation No. 83/2007 on the National Narcotics Agency, Provincial Narcotics Agency., District/City Narcotics Agency.

In the practice of law enforcement of narcotics crimes, although the perpetrators of narcotics crimes have collaborated with investigators by providing information to reveal other perpetrators involved in narcotics illicit trafficking syndicates, in the trial, the perpetrators did not receive a significant reduction in punishment as a reward for the cooperation they had given. in uncovering narcotics crimes. In this situation there is an imbalance (gap phenomena), namely everything that is ordered/mandated by the Act (das sollen) there is an imbalance with what should be done by the Government in the field (das sein), where the role of Justice Collaborator is very important, Efforts to Grow Participation the Public to Reveal Narcotics Crimes has been neglected. In the Practical Operational Approach, especially perpetrator witnesses who cooperate in uncovering criminal acts, especially those involving organized syndicates, causing law enforcement in the field to act based on their own judgment, not based on clear and firm legal rules when determining the perpetrators of criminal acts as witnesses of perpetrators who cooperate or take other actions. with the aim of uncovering the actions of the Narcotics syndicate network. Implementation has not been carried out properly according to community expectations.

Relevant to this situation, it is assumed that one of the obstacles/obstacles is the application of Article 10 of Law Number 31 of 2014 concerning the protection of witnesses and victims, providing stipulations that the perpetrator's witness cannot be prosecuted criminally or civilly for the information that will be, is being or a criminal act has been given, This is because there is still overlap between sectoral laws and regulations related to the definition of justice collaborator in the implementation of Law Number 31 of 2014 concerning the protection of witnesses and victims, and Law Number 35 of 2009 concerning Narcotics has not been implemented comprehensively.

## 2. IMPLEMENTATION METHOD

Writing this research using descriptive quantitative research method is a method that aims to create a picture or descriptive about a situation objectively using numbers, starting from data collection, interpretation of the data and appearance and results by interviewing informants and respondents related to the object of this research. This research is normative legal research, supported by sociological/empirical research, using secondary data sources from library research in order to obtain a theoretical basis in the form of opinions or writings of experts, and also to obtain information both in the form of formal provisions and data through official texts. Secondary data is in the form of legal materials, both primary, secondary, and tertiary legal materials.

## 3. RESULTS AND DISCUSSION

Legal Arrangements regarding the Role of Justice Collaborators in Efforts to Grow Public Participation in Disclosing Narcotics Crimes (Research Studies at the National Narcotics Agency of the Riau Islands Province) that in deciding a criminal case, judges in their decisions are required to include articles of legislation which are the basis for punishment or action and articles of legislation that form the legal basis of the decision, accompanied by aggravating and mitigating circumstances. This provision is regulated in Article 197 paragraph (1) letter f of the Criminal Procedure Code which if not fulfilled, then based on paragraph (2) of this Article will result in legal consequences, namely the decision is null and void.

Implementing the role of justice collaborator in Efforts to Grow Public Participation to Reveal Narcotics Crime (Research Study at the National Narcotics Agency of Riau Islands Province) that the legal substance reflects the will of the people and the values of justice that develop in society (volonte generale) and is not a reflection of the will of the authorities which



makes absolute law and is full of corruption. Law enforcement does not merely mean the implementation of legislation, although in reality in Indonesia the trend is so, so that the notion of law enforcement is so popular.

Obstacles / Barriers and Solutions regarding the Role of justice collaborators in Efforts to Grow Public Participation to Reveal Narcotics Crimes (Research Study at the National Narcotics Agency of Riau Islands Province) loss for the police who grant justice collaborator. The perpetrators who were the targets of the justice collaborator turned out to have been arrested by other regional police in the implementation of the justice collaborator, this often happened because the perpetrators of narcotics crimes moved from place to place to deceive law enforcement officers. Because of this, the main perpetrator who should have been caught because of the testimony of the perpetrator who has been caught is canceled, this then creates a loss for law enforcement because it has given special rights to the justice collaborator. Dishonest attitude of a justice collaborator himself. This dishonest attitude often occurs in the application of justice collaborators because narcotics criminals who want the privileges of the justice collaborator, are competing to be willing to be witnesses for the main perpetrators in narcotics crimes, namely dealers or even dealers. Dishonest attitude of a justice collaborator himself. This dishonest attitude often occurs in the application of justice collaborators because narcotics criminals who want the privileges of the justice collaborator, are competing to be willing to be witnesses for the main perpetrators in narcotics crimes, namely dealers or even dealers. Dishonest attitude of a justice collaborator himself. This dishonest attitude often occurs in the application of justice collaborators because narcotics criminals who want the privileges of the justice collaborator, are competing to be willing to be witnesses for the main perpetrators in narcotics crimes, namely dealers or even dealers.

Efforts to Overcome Obstacles The obstacles encountered during the justice collaborator process are one of the most detrimental things because they relate to the effectiveness of wasted time and also cause other cases that are far more important to be not resolved quickly. This then gives an idea of the prudence of law enforcement officers, especially the police, to grant justice collaborators in the field of narcotics crime.

#### 4. CONCLUSION

The role of justice collaborator is very important because it can assist law enforcement in uncovering cases in special crimes. Several countries such as Germany and the Netherlands have also arranged for justice collaborators. However, each country has different rules according to the policies of each country. In Indonesia justice collaborator is contained in several regulations, namely Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims; SEMA Number 9 of 2011 concerning the Treatment of Criminal Whistleblowers (Whistleblowers) and Witness Collaborators in Certain Criminal Cases and Joint Regulation Number M.HH-11.HM.03.02.th.2011; Number PER-045/A/JA/12/2011; Number 1 of 2011; KEPB-02/01-55/12/2011.

The implementation of Justice collaborator aims to protect perpetrators who cooperate in uncovering serious organized crimes. This protection is carried out because the risks that must be faced by justice collaborators are quite heavy. So that justice collaborators have the right to get rewards such as: Get special treatment such as separation of detention places, perpetrator witnesses who testify without expecting directly with the defendant; Giving rewards for the testimony given such as leniency including demanding a suspended sentence and granting remission.

Legal certainty that can be provided so that there is no legal vacuum regarding the regulation of justice collaborators in corruption crimes needs to be reviewed by applicable laws and regulations. The current regulations do not regulate who has the authority to determine someone to be a justice collaborator. So, it is necessary to reform the law (legal reform) in order to achieve the legal objectives, namely justice, expediency and legal certainty.

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