

NARCOTICS ABUSE AT THE BENGKULU CITY CLASS II A PENITENTIARY INSTITUTIONS

Guslaini (Fakultas Hukum, Universitas Bengkulu)

Antory Royan Adyan ((Fakultas Hukum, Universitas Bengkulu)

Herlambang (Fakultas Hukum, Universitas Bengkulu)

Corresponding Author: guslaini29@gmail.com

ABSTRACT

The objectives of this research were: (1). How was the application of sanctions against officers involved in narcotics abuse at the Bengkulu City Class II A Penitentiary Institutions (2) What were the obstacles to overcoming officers involved in narcotics abuse at the Bengkulu City Class II A Penitentiary Institutions? (3) What were the efforts to overcome officers involved in narcotics abuse at the Bengkulu City Class II A Penitentiary Institutions. In this thesis research method, the type of research used was descriptive. This type of research in legal research includes empirical legal research. The results of the study are: (1) the application of sanctions against officers involved in narcotics abuse at the Bengkulu City Class II A Penitentiary Institutions, for Penitentiary institutions officers involved in the narcotics distribution network will be sentenced to imprisonment according to Law Number 35 of 2009 concerning Narcotics; the warden must be subject to criminal sanctions and fines; and administrative sanctions according to the Regulation of the Minister of Law and Human Rights Number M. HH.16. KP. 05.02 of 2011 regarding the Code of Ethics for Penitentiary officers, the warden is subject to administrative sanctions, namely being dismissed as a penitentiary officer (there has been an inkracht decision). (2) The difficulties in collecting evidence to prove officers involved in narcotics abuse at the Bengkulu City Class II A Penitentiary Institutions are: difficulties in collecting evidence to prove; the supervision system in the penitentiary institution is not yet maximized; the number of wardens at the Bengkulu City Class II A penitentiary institution is not comparable to prisoners; the number of narcotics addicts who are only imprisoned without being rehabilitated; the human resources (3) Efforts to overcome officers involved in narcotics abuse at the Class II A Penitentiary Institution in Bengkulu City are: collecting data on prisoners and penitentiary officers who have used or are involved in narcotics problems; improving facilities and infrastructure; increasing the human resources of the Class II A penitentiary Institution officers in Bengkulu City, coaching for prisoners and officers of the Bengkulu City Class II A Penitentiary Institution who have been involved in narcotics problems.

Keywords: Sanction Application, Officers, Penitentiary Institutions, Narcotics Abuse

A. INTRODUCTION

1. Research Background

One of the legal problems as the impact of narcotics abuse is not only on ordinary people but also among law enforcement officers, one of which is the officers of Bengkulu City Class II A penitentiary Institution. As in the case reported by one of the online media as follows:

1. Two Bengkulu Prison Civil Servants involved in Drug Trafficking Threatened to Fire. Two Prison civil servants (PNS) of Bengkulu Class IIA, namely HE and HA who were involved in the case of drug trafficking of methamphetamine type in the prison environment, were threatened with being fired. The Head of the Bengkulu Minister of Law and Human Rights Regional Office, Ilham Djaya said, in Bengkulu, Wednesday (1/11). "according to the instructions of the Minister of Law and Human Rights, if any warden was involved in drug trafficking within the prison environment, strict sanctions would be given, in the form of dismissal as a civil servant at the Ministry of Law and Human Rights. "So, if these HE and HA individuals are proven to be involved in the distribution of methamphetamine in the Bengkulu Class IIA prison, they will certainly be fired from civil servants. Because even though they have been warned, they still commit violations," he said. Because, *PNS* ranks within

the Ministry of Law and Human Rights have been reminded that if they are proven to have consumed drugs and other illegal drugs without tolerance, they will be immediately fired from civil servants. "Moreover, acting as a dealer, courier, and supplier of drugs to prisons, there is no mercy. If proven, they will be immediately processed to be dismissed as civil servants," he said. Likewise, if HE and HA are later found guilty in a court of participating in marketing drugs in the prison environment where they work, they will certainly be fired as civil servants. Currently, the two wardens are being imprisoned at the Bengkulu Police Headquarters for further legal proceedings. From the two suspects, the police managed to secure as much as 0.5 ounces of methamphetamine. It is suspected that the drugs will be marketed in the Bengkulu City Class IIA prison. However, before the illegal goods were marketed, the two of them are picked up by members of the Narcotics Unit Team, the Bengkulu Police Directorate for Drugs. Regarding the urine test for civil servants at the Bengkulu Minister of Law and Human Rights Regional Office, Ilham Djaya said it would be carried out shortly, including officers at the Class IIA Bentiring Prison, Bengkulu City. However, when the urine test was carried out, it could not be conveyed to civil servants in the Bengkulu Minister of Law and Human Rights, Regional Office, because the application would be carried out suddenly. "All prison employees in Bengkulu will undergo a urine test. If it is proven that they have consumed

drugs, then the employee concerned will be given a firm witness according to applicable regulations," he said. Meanwhile, the Director of the Drug Directorate of the Bengkulu Police, Kombes Pol Imam Sachroni said, the arrest of two civil servants at the Class II Bentiring Prison, Bengkulu City, because it is related to drug trafficking in the prison environment. This proves the suspicions of many parties that the circulation of drugs in the prison environment involves officers from the local prison. "How is it possible for drugs to enter the prison without involving certain elements," he said.¹

2. Possessing methamphetamine, Warden in Bentiring Prison Arrested by Bengkulu BNN, on Friday, 20th of April 2018 | 09:26 WIB. The warden of Class IIA Bentiring Prison, Bengkulu City, with the initials VI was secured by Bengkulu National Narcotics Agency (BBN) officers because he had two small packets of methamphetamine. Information compiled by SP, in Bengkulu, Friday (20/4), stated that the arrest of VI by Bengkulu BNN officers was carried out on Thursday (19/4), at around 16.00 WIB based on reports from the public that the suspect had just ordered methamphetamine from one of the methamphetamine dealers in Bengkulu City. Receiving the report, Bengkulu BNN officers immediately went to VI at the prison and searched. The search went smoothly and

¹Downloaded on May 28th, 2021 from:<https://www.beritasatu.com/nasional/461493/dua-pns-lapas-bengkulu-terlibat-peredaran-narkoba-terancam-dipecat>

according to plan. Initially, the suspect did not admit to having methamphetamine. However, Bengkulu BNN officers did not believe VI's statement, So they searched his office and found two small packets of crystal methamphetamine stored in a cigarette case. The methamphetamine package was placed by suspect VI in one of the bathrooms in the prison. Upon the discovery of the evidence, suspect VI could no longer dodge and admitted that the shabu belonged to him. Meanwhile, the Head of the Bengkulu BNN, Brigadier General Nugroho Aji Wijayanto, confirmed that his party had arrested one of the wardens at the Class IIA Bentiring Prison for possessing two small packages of crystal methamphetamine. "Now suspect VI is still undergoing intensive examination at the Bengkulu BNN office"²

Based on one of the examples above, narcotics abuse by penitentiary officers at penitentiary institutions in Bengkulu city is a legal problem for the penitentiary officers themselves, because civil servants at the Class IIA in Bengkulu prison as law enforcement officers should comply with applicable regulations and not be involved drug abuse.

²Downloaded on May 28th, 2021 from:<https://www.beritasatu.com/nasional/489078/miliki-sabu-sipir-lapas-bentiring-ditangkap-bnn-bengkulu>

Law Number 35 of 2009 concerning Narcotics has so far been felt to be ineffective in eradicating or reducing narcotics crimes against civil servants of the Bengkulu Class IIA Prison, because illicit trafficking and drug abuse continue to be a threat to every citizen of Bengkulu City, especially in this case, there are many found that illicit trafficking and abuse were carried out by unscrupulous correctional officers themselves who incidentally were part of the development of prisoners at the Bengkulu City Class II A Penitentiary Institutions.

This is caused by the occurrence of illegal drug production transactions and the rapid and widespread distribution that touches almost all elements of society, resulting in the widespread and increasing consequences of narcotics abuse to the bureaucratic layers of law enforcement officers.

Law enforcement must be carried out professionally by law enforcement officers, because law enforcement is a series of processes for the application of a form of legislation, besides that the criminal act of narcotics abuse by correctional officers in Bengkulu City is an act that is prohibited by a rule of law,

where the prohibition is accompanied by threats (sanctions) in the form of certain crimes as accountability.

2. Identification of Problems

Based on the above background, the identification in this study is as follows:

- a) How is the application of sanctions against officers involved in narcotics abuse at the Bengkulu City Class II A Penitentiary Institutions?
- b) What are the obstacles in overcoming officers involved in narcotics abuse **at the Bengkulu City Class II A Penitentiary Institutions?**
- c) What are the efforts to overcome officers involved in narcotics abuse **at the Bengkulu City Class II A Penitentiary Institutions?**

B. RESEARCH METHODS

1. Types of Research

The type of this research was descriptive. A descriptive study, intended to provide data as accurately as possible about humans, conditions, or other

symptoms.³ Therefore, the research seeks to describe a symptom, or event that occurs to explain how the application of sanctions against officers involved in narcotics abuse at the Bengkulu City Class II A Penitentiary Institutions and what are the obstacles to efforts to overcome the officers involved in narcotics abuse at the Bengkulu City Class II A Penitentiary Institutions, as well as what are the efforts to overcome officers involved in narcotics abuse at the Bengkulu City Class II A Penitentiary Institutions.

2. Types of Research

The research type in this legal research was included as empirical legal research.

3. Research Location

This research was conducted in accordance with the title of the research and the identification of the problem, so this research was carried out at the Bengkulu City Class II A Penitentiary Institutions, this place was chosen because officers had been involved in narcotics abuse at the Bengkulu City Class II A Penitentiary Institutions.

4. Data Source

Legal research sources can be in the form of primary legal materials and secondary legal materials.

5. Sampling Technique

In determining the sample, this study uses the purposive, namely, the sample is determined in advance based on consideration of the informant's ability by considering the skills and position that can represent the research population.

6. Data Collection Technique

The data collection procedure used in this study was interviewed. Interviews were a form of data collection technique in the survey method through a list of questions submitted orally to respondents

7. Legal Material Processing

All the data collected then selected based on reliability (honesty) and validity (validity). Incomplete data that cannot be accounted for are dropped and those that can be completed will be re-examined on the respondents. The data obtained both primary and secondary data are grouped and classified according to the subject

³Soerjono Soekanto, Legal Research Methods, UI Press, Jakarta, 2010, p. 10.

matter, then researched and re-examined whether all questions have been answered or whether the questions and answers are relevant.

8. Legal Material Analysis

Data analysis (analyzing) was the process of deciphering data in the form of good and correct sentences.⁴The analytical method used in this thesis was a qualitative analysis method. The qualitative analysis method is carried out by means of inductive-deductive thinking or vice versa. "The inductive method was carried out by concluding specific data to general data, while the deductive method was carried out by concluding general data to specific data."⁵After the data were analyzed one by one, then it was arranged systematically, therefore, it can answer the problems presented in the form of a thesis.

C. RESULTS AND DISCUSSION

1. Application of Sanctions Against Officers Involved in Narcotics Abuse at the Bengkulu City Class II A Penitentiary Institutions

All prisoners are placed in prisons, including narcotics convicts, both victims and dealers,

therefore, penitentiary officers are vulnerable to the effects of narcotics abuse. Narcotics abuse by penitentiary officers can cause dependence, disrupt the central nervous system, and can cause physical, mental, and social problems. The losses incurred are also very large, this can be seen by the increasing number of narcotics users from all walks of life and the increasing circulation of narcotics. However, what is even more worrying is that narcotics abuse has recently been found among penitentiary officers in Bengkulu City.

In penitentiary institutions, there is a warden who is a prison guard whose job is to supervise, maintain security and safety as well as provide guidance to prisoners in prisons. One of the things that the warden is responsible for as a prison guard is to supervise inmates who distribute narcotics in the prison environment. However, the current problem is that there is a warden in carrying out his work, not only supervising and maintaining the safety of prisoners but also distributing narcotics in the prison environment.

⁴Ibid, p. 59.

⁵Soerjono Soekanto, *op.cit.*, pg. 5.

This is like what happened to the warden at the Bengkulu City Class II A Penitentiary Institutions who is found to be circulating narcotics of methamphetamine in the Bengkulu Class II A penitentiary Institution.

Severe disciplinary penalties have been imposed on officers involved in drug trafficking in prisons trafficking in prisons. The function of the Penitentiary that was aspired to be not as expected. Especially with the development of narcotics circulation in Penitentiary Institutions. This phenomenon has caused concern because it is related to the involvement of prison officers who assist in the distribution of narcotics. One example is at the Bengkulu City Class II A Penitentiary Institutions. The National Narcotics Agency (BNN) once discovered the circulation of narcotics in the Penitentiary. The National Narcotics Agency (BNN) indicated the involvement of prison officials in assisting the distribution of methamphetamine packages. The methamphetamine package can't enter the Class II-A Penitentiary Bengkulu City without the knowledge of the officers. In response to this, the Regional Office

of the Ministry of Law and Human Rights of Bengkulu Province agreed with the National Narcotics Agency to conduct urine tests on all residents of the Penitentiary, both prisoners and officers. If a prisoner is found to be positive for using methamphetamine, the case will be investigated again where the narcotics items were found, while if the officer is found to be positive then the person concerned will be immediately dismissed with disrespect.

The provision of legal sanctions for prisoners officers involved in the distribution of narcotics within the penitentiary institution can be given administrative sanctions as it can be said that these sanctions are in the form of demotion or can lead to dismissal because this has violated the applicable criminal law. As regulated in the 114th Constitution of the Republic of Indonesia No. 35 of 2009 concerning Narcotics, it is very clear that anyone who violates the law such as offering and being a link for buying and selling can be subject to sanctions in the form of imprisonment for a minimum of 5 (five) years. 20 (years) and also the death penalty can be received by the

warden who distributes these narcotics. So this criminal sanction gives a deterrent effect to unscrupulous officers who violate the code of ethics and criminal sanctions.

The important role that makes the difference between criminal sanctions and administrative sanctions can be seen in the purpose of the imposition of sanctions themselves. Administrative sanctions are aimed at the violation, while criminal sanctions are aimed at the violator by giving punishment in the form of sorrow. The administrative sanction is intended to stop the violation. The nature of sanctions is "reparatoir" meaning to restore to its original state. In addition, the difference between criminal sanctions and administrative sanctions is the law enforcement action. Administrative sanctions are applied by state administrative officials without having to go through judicial procedures, while criminal sanctions can only be imposed by criminal judges through a judicial process. In general, administrative errors are not necessarily criminal acts. however, the criminal act is always categorized as a condition or administrative error. To be subject to administrative

sanctions for violating the code of ethics, there must first be a complaint, report, or finding.

Persons in prisons who are involved in the narcotics distribution network will be punished with imprisonment according to Law Number 35 of 2009 concerning Narcotics, the warden must be subject to criminal penalties and fines, and administrative sanctions according to the Regulation of the Minister of Law and Human Rights Number M. HH .16. KP. 05. 02 of 2011 Regarding the Code of Ethics for penitentiary employees, the warden is subject to administrative sanctions, namely being dismissed as a correctional officer (there has been an *inkracht* decision).

2. Obstacles to the Application of Sanctions Against Officers Involved in Narcotics Abuse at the Bengkulu City Class II A Penitentiary Institutions

That the obstacle to the application of sanctions against officers involved in narcotics abuse at the Bengkulu City Class II A Penitentiary Institutions is evidence. Difficulties in collecting evidence to prove whether narcotics abuse by members of the police is only limited to users or is

included in domestic or foreign narcotics distribution networks. In general, the perpetrators are considered shrewd or clever in obscuring investigations, so that in some cases they can be proven as users, although some have succeeded. The lack of participation of the local community makes drug abuse by officers at the Bengkulu City Class II A Penitentiary Institutions increasing. The community is expected to report if there are officers at the Bengkulu City Class II A Penitentiary Institutions involved in the distribution or use of narcotics. With the community participating, it will reduce officers at the Bengkulu City Class II A Penitentiary Institutions who abuse drugs.

3. Obstacles in overcoming the Application of Sanctions Against Officers Involved in Narcotics Abuse at the Bengkulu City Class II A Penitentiary Institutions

Eradicating drug trafficking at the Bengkulu City Class II A

Penitentiary Institutions must be carried out continuously and consistently, implemented in an integrated manner between the implementing function and the controlling or supervisory function with effective and uncomplicated management. Strategies to prevent drug trafficking at the Bengkulu City Class II A Penitentiary Institutions can be implemented with a consistent policy. Law enforcement on drug trafficking in detention centers must be free from selective bias and be based on public justice and must also firmly impose sanctions on drug traffickers at the Bengkulu City Class II A Penitentiary Institutions

Preventive efforts to tackle officers involved in narcotics abuse at the Bengkulu City Class II A Penitentiary Institutions are to improve the facilities and infrastructure as well as the quality of human resources for the Class II-A penitentiary institution in Bengkulu City officers. The lack of facilities and infrastructure greatly affects the quality of human resources of Class II-A penitentiary institution in Bengkulu City officers so that it is a factor that drug trafficking has occurred in the

Bengkulu City Class II A penitentiary institution so that it is necessary to improve the work facilities and infrastructure of the Class II-A Penitentiary in Bengkulu City officers to improve the quality of human resources of Class II-A penitentiary Institution in Bengkulu City officers.

2. CLOSING

1. Conclusion

- a. The application of sanctions against officers involved in narcotics abuse at the Bengkulu City Class II A Penitentiary Institutions for penitentiary institutions involved in the narcotics distribution network will be sentenced to imprisonment according to Law Number 35 of 2009 concerning Narcotics, the warden must be subject to criminal sanctions and fines, and administrative sanctions according to the Regulation of the Minister of Law and Human Rights Number M. HH.16. KP. 05. 02 of 2011 concerning the Code of Ethics for penitentiary Institution Employees, the warden is subject to administrative sanctions, namely being dismissed as a correctional officer (there has been an inkraacht decision).
- b. Obstacles to effort in overcoming officers involved in narcotics abuse at the Bengkulu City Class II A Penitentiary Institutions are;
 1. Difficulty in gathering evidence to do proof
 2. The Supervision System in penitentiary Institutions has not been maximized.
 3. Amount the warden of Class II-A penitentiary Institution in Bengkulu City is not comparable to a prisoner.
 4. The number of drug addicts who are only imprisoned without being rehabilitated
 5. Human Resources for penitentiary officers are not good.
- c. Efforts to overcome officers involved in narcotics at the Bengkulu City Class II A Penitentiary Institutions are:
 1. collect data on prisoners and correctional officers who have used or are involved in narcotics problems
 2. improve facilities and infrastructure
 3. improve the human resources of Bengkulu City Class II A Penitentiary Institution officers
 4. coaching for prisoners and officers of the Bengkulu City Class II A penitentiary Institution

who have been involved in narcotics problems.

B. Suggestion

1. It is recommended that narcotics trafficking in penitentiary Institutions should be dealt with firmly starting from officers who use narcotics to officers involved in narcotics trafficking.
2. The government, in this case, the Ministry of Law and Human Rights, should cooperate with the National Narcotics Agency (BNN) regularly to visit prisons to conduct urine tests and supervise correctional officers.

