

# Analysis of Non-Penal Policies in Overcoming Narcotics Crime

Kukuh Setio Utomo<sup>1</sup>, Rineke Sara<sup>2</sup>  
{kukuhutomo45@gmail.com<sup>1</sup>, rineke\_sara@borobudur.ac.id<sup>2</sup>}

Universitas Borobudur<sup>1,2</sup>

**Abstract.** The implementation of non-penal policies in efforts to combat drug crimes in Indonesia. With a focus on a holistic approach that includes prevention, rehabilitation, and reintegration, non-penal policies become an effective alternative in addressing the issue of drug abuse. Cross-sector collaboration and partnerships between the government, law enforcement agencies, health institutions, and civil society are key to the successful implementation of non-penal policies. Holistic rehabilitation programs are an important aspect of non-penal policies. By providing services that encompass medical, psychological, social, and educational aspects, individuals involved in drug abuse can receive comprehensive support for recovery and reintegration into society. Ongoing evaluation and monitoring of the implementation of non-penal policies are crucial steps in ensuring the success of the programs implemented. By monitoring and evaluating policy effectiveness, the government can make necessary improvements and adjustments to enhance the overall outcomes of efforts to combat drug crimes. Thus, non-penal policies in combating drug crimes offer a more humane, sustainable, and recovery-oriented approach. Through the integration of prevention, rehabilitation, and reintegration programs, it is hoped that efforts to combat drug crimes can become more effective and have a positive impact on society at large.

**Keywords:** Analysis, Policy, Non-penal, Criminal Offenses, Narcotics.

## 1 Introduction

Life in the modern era is far from friendly, it can be seen from the high level of busyness of society, the high rate of depression, the large number of children who lack attention from their parents, and the variety of activities carried out to the point where there are lots of activities during the evening hours [1]. It can be seen from the number of nightlife venues that are open and developing. It greatly influences people's lifestyle patterns, one of which is the presence of drugs and narcotic substances.[2] Narcotics themselves consist of substances or drugs derived from plants or non-plants, both synthetic and semi-synthetic, which can cause a decrease or alteration in consciousness, loss of sensation, reduction to elimination of pain, and can lead to dependency. If these narcotics are used without careful restriction and supervision, they can endanger the health and even the life of the user.[3]

A legal state desires that the law be upheld by all members of society. It means that every action must be based on the applicable laws. Law is a series of regulations regarding the behavior of individuals as members of society, to ensure safety, happiness, and order within the

community. Each member of society has various interests, so in fulfilling these interests, they establish relationships governed by law to create balance in community life.[4]

Law Number 35 of 2009 concerning Narcotics[5], Law Number 35 of 2009 concerning Narcotics, states that narcotics crimes are transnational in nature and are carried out using high modus operandi, sophisticated technology, supported by a wide organizational network, and have caused many victims, especially among the very young generation that detrimental to the lives of society, nation, and state. Indonesia, which was originally a transit country for narcotics trafficking, has now become a destination area for operations by the International Narcotics Network.[6]

In general, the actions of Semarang Police law enforcement officers in eradicating narcotics crimes are repressive.[1] Repressive efforts can be made by employing penal means (criminal law). The corrective structure is a penal policy that operates through several phases, namely:[7]

- 1) Formulation (legislative policy).
- 2) Application (judicial policy).
- 3) Execution (executive policy).

From these stages, it is apparent that efforts to combat this crime are not only executed by law enforcement agencies but also the duty of law-making authorities (legislative), and legislative policy is indeed the most strategic stage in efforts to combat crime at the application and execution stages. However, in reality, repressive efforts using penal means (criminal law) are not entirely effective in eradicating drug crimes. Therefore, prevention efforts are needed, both through penal and non-penal means regulated in Law Number 35 of 2009 concerning Narcotics.

The problem arises when questioned about how these objectives are to be achieved. It turns out that police work can only be carried out by following and complying with various specific limitations. One of these limitations is the law. The police are responsible for establishing and upholding order in accordance with the law.[8] The police, based on Law Number 8 of 1981, the Criminal Procedure Code (KUHAP), are granted authority to carry out tasks as investigators and interrogators. Investigation is an action, not a separate act or function, separate from the function of interrogation. Interrogation is an inseparable part of the investigative function.[1] Investigation is one way or method or sub-function of interrogation that precedes other actions, namely enforcement actions such as arrest, detention, search, confiscation, document examination, summons, examination actions, and submission of files to the public prosecutor.[9]

Combatting drug crimes is one of the major challenges in maintaining security and public order in various countries, including Indonesia. Non-penal policies are an important approach in addressing drug crimes, focusing on the prevention, rehabilitation, and reintegration of individuals involved in drug abuse. The relationship between non-penal policies and combating drug crimes can be outlined as follows:

1. Prevention

Non-penal policies emphasize prevention as a primary step in addressing drug abuse issues. Through education, socialization, and advocacy programs, the public gains a better understanding of the dangers of drugs and their negative impacts. Effective prevention can reduce the demand for drugs, potentially decreasing the number of drug abuse cases and drug trafficking.

2. **Rehabilitation**  
Non-penal policies stress the importance of rehabilitation for drug users to help them recover from addiction and reintegrate positively into society. Holistic and integrated rehabilitation programs can help change the mindset, behavior, and lifestyle of individuals involved in drug abuse, thereby reducing the risk of involvement in drug-related crimes.
3. **Reintegration**  
After undergoing the rehabilitation process, non-penal policies encourage the reintegration of individuals into society by providing social, economic, and psychological support. By giving former drug users a second chance to access jobs, education, and other support, they have the opportunity to start a new life free from drug abuse and related crimes.
4. **Partnership and Collaboration:**  
Non-penal policies promote the establishment of partnerships and collaboration among the government, non-governmental organizations, the private sector, and the community in combating drug crimes. Cross-sector collaboration is essential to enhance the effectiveness of preventive, rehabilitative, and reintegration programs, thereby having a greater impact on curbing drug circulation and reducing the number of victims of drug abuse.

By implementing holistic and comprehensive non-penal policies, combating drug crimes can become more effective and sustainable. In addition to reducing the number of drug abuse cases and drug trafficking, these policies also help create a society that is more aware of the dangers of drugs and provide opportunities for individuals involved to receive the assistance and support they need to recover and reintegrate positively into society. Based on the above description, it is evident that non-penal efforts are closely related to broader social policies, including social welfare and community protection efforts. Therefore, this research intends to examine the analysis of non-penal efforts in combating drug crimes in Indonesia.

## **2 Research Problem**

The problem addressed in this paper is "How is the Implementation of Non-Penal Efforts in Combating Drug Crimes in Indonesia?".

## **3 Methods and Approaches**

### **3.1 Method**

The method used in this applied writing is the descriptive-analytical method, which involves using data that depict the issues directly in the field, followed by analysis and conclusion to achieve a solution to a problem.[10] Data collection methods through observation and literature study were used to obtain solutions to the problems in the preparation of this paper.

## **3.2 Approach**

A socio-legal approach was used, which involves a legal approach method used to examine problems from a legal perspective and its systematic, serving as a guide to the rules that can be used as a basis for analyzing legal phenomena that arise.[11]. The sociological approach is employed to investigate a problem within society or the community environment to obtain factual information. This approach involves identifying problems and seeking solutions to address them.[12]

## **4 Result and Discussion**

### **4.1 The Role of Semarang Police Resort in Combating Narcotics Crimes.**

Non-penal forces in combating narcotics faults undertaken by the Directorate of Intelligence and Security (Intelkam) of Semarang Police Resort can currently be pursued by reducing and suppressing the circulation of narcotics to the smallest possible level. Various efforts are necessitated, conducted selectively and systematically, including preemptive and preventive measures, to complete optimal outcomes.

The main tasks and functions (Tupoksi) carried out by the Intelligence and Security Unit (Satker Intelkam) of Semarang Police Resort in combating narcotics crimes, as well as the distribution of narcotics, are divided into 2 (two) categories: preemptive and preventive measures, which include:

#### **4.1.1 Preemptive Measures.**

Preemptive efforts undertaken by the Intelligence and Security Unit (Satker Intelkam) of Semarang Police Resort are typically carried out by providing guidance to the community, conducting educational sessions, holding religious gatherings, and placing posters and stickers in strategic places for public awareness. The Intelkam Unit of Semarang Police Resort establishes good cooperation with the community to easily obtain information about emerging issues within the community, especially regarding the circulation and abuse of narcotics.

When the community actively participates in assisting the police by providing information, it can help to suppress the spread and abuse of narcotics. The Intelkam Unit of Semarang Police Resort also plays a role in guiding the community and influential figures within a region, such as traditional chiefs, religious leaders, youth organizations, and other prominent figures, to maintain public order and security. Additionally, the police encourage the community to become partners in maintaining security and order and always remind them to provide all evidence about the potential circulation or abuse of narcotics.

Awaloeddin Djamin adds another type of prevention, namely preemptive measures. In practical terms, the Indonesian National Police (Polri) refers to this preemptive approach as "community development" or "indirect preventive measures," which aim to ensure that the community becomes law-abiding citizens.[13] In this case, the police talk about law enforcement without even mentioning the law and procedures for enforcing the law.[14]

#### 4.1.2 Preventive Measures.

Preventive roles serve to prevent narcotics crimes from occurring within the jurisdiction of the Semarang Police Resort (Polres Semarang). With regards to the earlier description about the distribution and misuse of drugs, it is the responsibility of law enforcement, especially those in the Intelligence and Security Unit (Satker Intelkam) of Semarang Police Resort, to combat narcotics crimes by the general tasks assigned to the Indonesian National Police as regulated by Law No. 2 of 2002 concerning the Indonesian National Police.

So, preventive efforts involve how we undertake positive initiatives and create conditions such as economic situations, environments, and community cultures that contribute to development, rather than creating social tensions that encourage deviant behavior.[15] Additionally, it involves enhancing awareness and community participation that security and order are collective responsibilities.

There are several preventive roles carried out by the Semarang Police Resort in combating narcotics crimes, including Socialization Activities in the Community, which are regularly conducted socialization activities. After providing socialization to the community, it is followed by a question-and-answer session regarding the theme raised, namely narcotics, and their dangers to life and as a source of other sins. In addition, the community is allowed to give suggestions and criticisms.[1]

Combating drug crimes cannot rely solely on penal means because criminal law, in its functioning, has weaknesses/limitations. The weaknesses/limitations of criminal law's ability to fight crime have been widely discussed by scholars, containing:[7]

1. Enforcing criminal law within the framework of the criminal justice system cannot be expected to be the sole means of effective crime prevention, considering the likelihood of perpetrators of criminal acts operating outside the framework of the criminal justice process.
2. The effectiveness of criminal law cannot be accurately measured. Law is merely an instrument to control social circumstances. Social customs, religious convictions, backing and disapproval from communities, lobbying from special interest groups, and the sway of public sentiment are more effective methods of governing human conduct than legal penalties.
3. Legislative products (gesetz), there is sometimes *Gezetzliches Unrecht*, which is injustice within the law, while quite often there is *ibergesetzliches recht* (justice beyond the law) in societal life.[16]
4. "...law plays only one regulates and influences human behaviour. Moral and social rules, though less explicit and less formal in their nature and content, also play a significant role in society's efforts to control behaviour."[17]

Based on a comparison between penal and non-penal measures, it can be seen that preventive (non-penal) measures are more of a priority than repressive (penal) measures.

#### 4.2 Policy Analysis of Non-Penal Measures in Combating Narcotics Crimes.

Non-penal means have a preventive influence on crime. The preventive efforts referred to are those undertaken before the commission of narcotics crimes by addressing the factors driving the circulation and abuse of narcotics. Re-examining narcotics issues needs to be done in the face of societal challenges as part of preventing individual inclinations towards narcotics circulation and abuse, raising legal awareness among the public, and punishing those who have committed narcotics crimes based on applicable law. Thus, from a criminal policy perspective, the entirety of non-penal preventive activities holds a highly strategic position in preventing narcotics crimes. Therefore, a criminal policy should be able to integrate all preventive activities into a well-organized national activity system.[18]

Efforts to combat non-penal crimes can take the form of:

- 1) Prevention without punishment;
- 2) Influencing society's views on crime; and
- 3) Penalization through mass media.

Combating narcotics crimes through criminal law means that policies to combat narcotics crimes should also aim to prevent and eliminate potential factors that could lead to narcotics crimes. Strategies to combat narcotics crimes should first identify the causes, then eliminate them through prevention followed by educating the public (legal awareness), and with repressive measures or anti-narcotics eradication strategies in the form of a pyramid, with prevention at the top and education of the public (punishment) on both sides. In addition, the enforcement of narcotics crimes should start from the top down, not from the bottom up. It means it should start with officials and stakeholders who are suspected of being involved in the circulation or abuse of narcotics.

The non-penal policy process in combating narcotics crimes in Indonesia involves a series of steps and strategies aimed at reducing demand, addressing abuse, and supporting the rehabilitation and reintegration of individuals involved. Below is an outline of the non-penal policy process in combating narcotics crimes that occur in Indonesia.

1. Holistic Approach.  
Non-penal policies in combating narcotics crimes in Indonesia are based on a holistic approach that includes prevention, rehabilitation, and reintegration. This approach aims to address the root causes of drug abuse comprehensively, not just through punitive measures alone.
2. Prevention.  
The non-penal policy process begins with prevention efforts, including education, socialization, and advocacy programs to raise awareness of the dangers of narcotics among the public. Strengthening cooperation between the government, non-governmental organizations, the private sector, and the community is key to these prevention efforts.
3. Rehabilitation.  
Next, the non-penal policy process involves rehabilitation programs for individuals involved in drug abuse. These rehabilitation programs include medical treatment, psychological support, education, skill training, and social reintegration to help them recover and contribute positively to society.
4. Partnership and Collaboration.

The non-penal policy process also encourages the creation of partnerships and collaborations among various stakeholders, including the government, law enforcement agencies, health institutions, and civil society. Cross-sector collaboration is crucial in strengthening the implementation of non-penal policies and enhancing the effectiveness of preventive, rehabilitative, and reintegration programs.

5. Regulation and Oversight.

To support the implementation of non-penal policies, regulation and oversight processes for preventive, rehabilitative, and reintegration programs are essential. Clear regulations and strict oversight will ensure that the implemented programs comply with established standards and provide protection for the individuals involved.

Through a comprehensive and sustainable non-penal policy process, Indonesia strives to address the challenge of drug abuse with a more humane and recovery-oriented approach. By involving various stakeholders and integrating various preventive, rehabilitative, and reintegration programs, it is hoped that the combating of narcotics crimes can become more effective and have a positive impact on Indonesian society as a whole.

Implementing comprehensive and sustainable non-penal policies is a crucial step in minimizing narcotics crimes. Here are several ways to effectively implement non-penal policies:

1. Development of Comprehensive Policies.

The first step in implementing effective non-penal policies is to develop comprehensive policies that cover various aspects, from prevention to rehabilitation and reintegration. Comprehensive policies will ensure that all stages in combating narcotics crimes are well-covered.

2. Strengthening Prevention Systems.

Effective non-penal policies should focus on strengthening prevention systems through education, socialization, and advocacy programs targeting various segments of society. Through proactive prevention, the demand for narcotics can be suppressed, thereby minimizing narcotics-related crimes.

3. Implementation of Holistic Rehabilitation Programs.

It is important to implement holistic and integrated rehabilitation programs for individuals involved in drug abuse. Rehabilitation programs covering medical, psychological, social, and economic aspects will help individuals recover from drug addiction and contribute positively to society.

4. Strengthening Collaboration among Relevant Parties.

Collaboration between the government, law enforcement agencies, healthcare institutions, educational institutions, civil society organizations, and the private sector is key to implementing sustainable non-penal policies. By working together, various parties can support and complement each other's efforts in combating narcotics crimes.

5. Continuous Evaluation and Monitoring.

Regular evaluation and monitoring of the implementation of non-penal policies are essential. By monitoring and evaluating the effectiveness of implemented programs, improvements, and adjustments can be made to enhance the performance and outcomes of narcotics combating policies.

6. Empowerment of Communities.

Actively involving communities in the process of combating narcotics crimes is also crucial. Empowering communities through participation in preventive, rehabilitative, and reintegration programs will strengthen the effectiveness of non-penal policies.

By implementing comprehensive, sustainable, and multi-stakeholder non-penal policies, it is envisioned that narcotics crimes can be significantly minimized. Collaborative and continuous efforts in combating narcotics will strengthen law enforcement, rehabilitation, and prevention systems, thus protecting society from the negative impacts of drug abuse.[19]

## 5 Conclusion

The importance of implementing non-penal policies in combating drug crimes in Indonesia cannot be overstated. With a focus on a holistic approach that includes prevention, rehabilitation, and reintegration, non-penal policies aim to reduce demand, address abuse, and support the recovery of individuals involved in drug abuse. Firstly, comprehensive non-penal policies are key to minimizing drug crimes. By integrating prevention, rehabilitation, and reintegration programs, the government can provide a more humane and sustainable approach to addressing the issue of drug abuse. Furthermore, cross-sector collaboration and partnerships among various stakeholders are crucial factors in the implementation of non-penal policies. Through close cooperation between the government, law enforcement agencies, healthcare institutions, and civil society, efforts to combat drug abuse can become more effective and have a broader impact.

Holistic rehabilitation programs are also an integral part of non-penal policies. By providing medical treatment, psychological support, education, and skills training, individuals involved in drug abuse can have the opportunity to recover and make positive contributions to society. Continuous evaluation and monitoring of the implementation of non-penal policies are also necessary. By monitoring the effectiveness of implemented programs, the government can make necessary improvements and adjustments to enhance the outcomes of drug control policies. Overall, non-penal policies in combating drug crimes offer a more holistic, sustainable, and recovery-oriented approach. By involving various stakeholders and integrating preventive, rehabilitative, and reintegrative programs, it is hoped that combating drug crimes in Indonesia can become more effective and have a positive impact on society at large.

## References

- [1] D. Syafutra and M. Tohari, "The Role Of The Semarang Police In Overcoming Narcotics Crime," *Jurnal Indonesia Sosial Sains*, vol. 4, pp. 536–544, Jun. 2023, doi: 10.59141/jiss.v4i06.830.
- [2] N. S. W. Julianan Lisa FR, *Narkotika, Psikotropika dan gangguan jiwa*. Yogyakarta: Nuha Medika, 2013.
- [3] M. Munir, R. Riswadi, and A. Redi, "The Efforts To Overcome Narcotics Abuse Performed By Children," in *Proceedings of the 3rd International Conference on Law, Social Science, Economics, and Education, ICLSSEE 2023, 6 May 2023, Salatiga, Central Java, Indonesia*, EAI, 2023. doi: 10.4108/eai.6-5-2023.2333442.
- [4] M. Gultom, *Perlindungan Hukum Terhadap Anak dalam Sistem Peradilan Pidana Anak di Indonesia*. Bandung: Refika Aditama, 2014.



- [5] Hanafi, "Analisis Terkait Sanksi Pidana bagi Pengguna dan Pengekar Narkoba dalam Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika The Analysis of Criminal Sanctions for Users and Drug Traffickers in Indonesian Regulation Number 35 Year 2009 about Narcotics," *Voice Justisia*, vol. 1, no. 2, pp. 17–44, 2017.
- [6] Y. Yuhernawa and M. Barthos, "Law Enforcement in Treating the Dark Circulation of Narcotics the Border Area of Indonesia," in *Proceedings of the 1st International Conference on Law, Social Science, Economics, and Education, ICLSSEE 2021, March 6th 2021, Jakarta, Indonesia*, EAI, 2021. doi: 10.4108/eai.6-3-2021.2306452.
- [7] Barda Nawawi Arief, *Masalah Penegakan Hukum dan Kebijakan Penanggulangan Kejahatan*. Bandung: PT. Citra Aditya Bakti, 2001.
- [8] Satjipto Rahardjo, *Penegakan Hukum (Suatu Tinjauan Sosiologis)*. Yogyakarta: Genta, 2009.
- [9] Ratna Sari, *Penyidikan dan Penuntutan Dalam Hukum Acara Pidana*. Medan: USU Press, 1995.
- [10] Z. Abdussamad, *Metode Penelitian Kualitatif*. Makassar: CV Syakir Media Press, 2021.
- [11] A Muri Yusuf, *Metode Penelitian : Kuantitatif, Kualitatif dan Penelitian Gabungan*. Jakarta: kencana, 2017.
- [12] Dkk. Petrus Soerjowinoto, *Buku Panduan Metode Penulisan Karya Hukum (MPKH) dan Skripsi*. Semarang: Fakultas Hukum, UNIKA Soegijapranata, 2006.
- [13] P. Suparlan, *Kemiskinan Di Perkotaan*. Jakarta: Yayasan Obor Indonesia, 1993.
- [14] A. Meliala, *Kriminologi Tindak Pidana*. Jakarta: Gramedia Cipta, 2006.
- [15] R. Herawan and A. Budianto, "Polri Strategy in Managing Drug Abuse in Indonesia," in *Proceedings of the 2nd International Conference on Law, Social Science, Economics, and Education, ICLSSEE 2022, 16 April 2022, Semarang, Indonesia*, EAI, 2022. doi: 10.4108/eai.16-4-2022.2319717.
- [16] L. Marzuki, *Berjalan-jalan di Ranah Hukum, Pikiran-pikiran Lepas*. Jakarta: Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi RI, 2006.
- [17] A. Ali, *Menjelajahi Kajian Empiris Terhadap Hukum*. Jakarta: Yarsif Watampone, 1998.
- [18] Sudarto, *Hukum Pidana dan Perkembangan Masyarakat*. Bandung: Sinar Baru, 1983.
- [19] Z. El-Khatib, C. Herrera, G. Campello, E. Mattfeld, and W. Maalouf, "The Role of Law Enforcement Officers/Police in Drug Prevention within Educational Settings—Study Protocol for the Development of a Guiding Document Based on Experts' Opinions," *Int J Environ Res Public Health*, vol. 18, no. 5, p. 2613, Mar. 2021, doi: 10.3390/ijerph18052613.