The Role of Investigators in Collecting Evidence Using Sniffer Dogs (K9) Against Narcotics Crimes

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A. Introduction

Criminal procedural law is the overall provision of criminal law that regulates how law enforcement officials conduct their functions in connection with alleged violations of material/substantive criminal law.¹ An

investigation is a series of investigator actions to search for and find an event suspected of being a criminal offense to determine whether an investigation can be carried out in the manner provided for in this Law, based on Article 1 point 5 of KUHAP (Criminal Procedure Code). Meanwhile, investigators are police officers of the Republic of Indonesia authorized by this law to conduct investigations based on Article 1 point 4 of the Criminal Procedure Code. The investigation is one of the methods/measures or sub of the investigation function that precedes other actions, namely arrest, detention, search, seizure, examination of summons, examination actions, and submission of files to the public prosecutor. Investigation was used as a juridical or legal term in 1961 since it was contained in Law No. 13 of 1961 concerning Basic Provisions of the Indonesian National Police as revoked by Law No. 28 of 1997 concerning the Indonesian National Police and then based on the development and growth of the law, Law No. 28 of 1977 was revoked and replaced by the latest law, namely Law No. 2 of 2022 concerning the Indonesian National Police.

The Criminal Procedure Code (KUHAP) regulates as in Article 1 point 2, which states, "Investigation is a series of investigator actions in the case and according to the method regulated in this law to seek and collect evidence with which the evidence makes light of criminal acts that occur and in order to find the suspect." Furthermore, the party conducting the investigation is also regulated in Article 1 number 1, which reads, "Investigators are state police officers of the Republic of Indonesia or certain civil servants who are specifically authorized by law to conduct investigations".

The investigation aims to show who has committed a crime and provide evidence regarding the problem he has committed. The investigator will collect information with specific facts or events to achieve this goal. Using valid evidence in the Criminal Procedure Code provides certainty to the judge about the actual occurrence of events or events in a case. Evidence is a matter (goods and non-goods) determined by Law according to the

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Criminal Procedure Code, which can be used to strengthen or reject the charges.⁶ The means of evidence referred to are listed in Article 184 paragraph (1) of the Criminal Procedure Code ("KUHAP") which states that valid evidence are: witness testimony, expert testimony, letters, instructions and testimony of the defendant.

A police investigation has the right and authority to use sniffer dogs.⁷ Sniffer dogs as police work partners can ease the task of investigators because of the expertise the dogs have.⁸ Sniffer dogs (K9) have exceptional abilities in their sense of smell. Article 6 paragraph (1) of MPR Decree No. VII/MPR/2000 states that Polri is a state instrument whose role is to maintain security and public order, enforce the law, and provide protection and services to the community, while Article 6 paragraph (2) states that in carrying out its role, Polri must have professional expertise and skills.

Sniffer dogs as police work partners can ease the task of investigators because of the expertise the dogs have in an investigation using sniffer dogs, detectives, and K-9 SQUAD or police who are specialized to train the dog and who will hold the dog during the investigation and investigation process. Dogs have exceptional abilities in their sense of smell.⁹ Among other things, they can detect indications of someone carrying explosives or narcotics, which usually often occur at cross-province ports. In addition, in the case of theft or murder, sniffer dogs with special training greatly assist the investigation process in finding evidence and can pursue the perpetrator.¹⁰

The history of K-9 in Indonesia began with an association of purebred dog lovers and enthusiasts in Indonesia established in Sukabumi in 1922, in the form of a legal entity now called PERKIN (Indonesian Kinology Association) headquartered in Roxy Jakarta. Furthermore, in 1949, the Malang Prefecture Police received a grant of two German/Herder breed shepherd dogs from a dairy entrepreneur who returned to the Netherlands, which were then used to assist the Malang Prefecture Police. On July 04, 1959, based on the Decree of the Minister of Commander of the Indonesian Police Force, the Tracking Dog Unit was formed for the first time.

In Indonesia, the Working Dog Unit called the Police Dog Brigade (BRIGAN) was led by Adjunct Police Commissioner R. Soedhono, who was

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based in Kelapadua Cimanggis Depok, now renamed the Directorate of Animal Police led by a Police Brigadier General. Furthermore, due to the need to secure strategic vital objects in 1963, BRIGAN Police carried out security duties and training for AURI members at Maospati Madiun airfield. In 1964, BRIGAN AURI officially stood alone, followed by UNIT K-9 Customs. Based on the Decree of the Chief of Police No. Pol Skep/737/X/2005, dated October 13, 2005, concerning policies and strategies of Community Policing (POLMAS) and Regulation of the Chief of Police of the Republic of Indonesia No. 24 of 2007, concerning Security Management Systems for Corporate Organizations and Government Agencies / Institutions. So, the K-9 units still exist to carry out their duties according to the functions of their organizational institutions.

Ca-nine/K-9 comes from the Greek word Canineae family, hereafter referred to as the Canis family of wolves. A K-9 unit generally means a working dog unit consisting of a dog and its handler. Sniffer dogs have skills in tracking the presence of narcotics, sniffing out explosives, or immobilizing people who are the target of a chase, exploring large areas when suspects flee, tracking suspects or looking for stray people, crowd or riot control, detecting hidden drugs or explosives, protecting supervisors and other officers from attacks, assisting with routine patrols, guarding suspects and police property, and to scare off criminals. Types of Tracking Dogs:

1. Common sniffer dogs: German Shepherd (herder), Doberman Pinscher, Rottweiler, Belgian Malinois, Dutch Sheperd;

The initial stages carried out to train the Police dogs (K9) start from health checks, temperament, and diligence in understanding odors. In addition, these dogs are also trained with a reasonably heavy portion to train accuracy so that they can complete the test well. In addition to exercises to improve their abilities, the dogs are also trained to find firearms, small objects, and missing people.

The education for the sniffer dogs is carried out for three months at the dog school, while the education for the dog trainers is for nine months. Dogs that will help the police in the K9 SQUAD itself are selected through exams and must pass and be able to enter the police dog force. Dogs are considered effective in assisting the police in uncovering criminal cases because dogs never lie, are obedient, and minimize the damage that often occurs to detection devices.

Narcotics crimes, which are currently developing very rapidly coupled with the development of the world of technology at this time, pose a serious threat to each country in general and the Indonesian state in particular. Narcotics crimes are classified into special crimes because they are not
mentioned in the Criminal Code.\textsuperscript{11} In the legislation in force in Indonesia, narcotics offenses are explicitly regulated.\textsuperscript{12}

Narcotics, or the common name known by ordinary people in the form of drugs, is not always interpreted negatively; in medical science, narcotics with the correct dose are used as medicine for patients. In addition to drugs, another term introduced especially by the Ministry of Health of the Republic of Indonesia is Napza, which stands for Narcotics, Psychotropic Substances, and Addictive Substances.\textsuperscript{13} Based on Law Number 35 of 2009 concerning Narcotics, narcotic classes can be divided into 3, namely:

1. Class I Narcotics
   In the classification of narcotics, class I substances or drugs have a very high potential to cause dependence. Therefore, its use is only intended for scientific development and is not used in therapy.

2. Class II Narcotics
   In this class, narcotics have medicinal properties, are used as a last resort, and can be used in therapy and for scientific development. This class of narcotics has a high potential to cause dependence.

3. Class III Narcotics
   Narcotics in this class are narcotics that are efficacious in treatment, are widely used in therapy and to develop science, and have mild potential to cause dependence.

The research method used to solve the problems in this study consists of several stages, including the type of normative juridical research with an analytical descriptive approach, namely research conducted by analyzing a problem by describing the problem of the role of investigators in collecting evidence using sniffer dogs (k9) against narcotics crimes. The research methods in this study are normative juridical and empirical juridical, namely legal research conducted by examining and studying library data or so-called secondary data in the form of positive law and how it is applied at the level of empirical practice in the field. Data collection carried out by the author is carried out by literature study by collecting all secondary data needed to further study the regulations that will be used specifically. In addition, the forms and types of library materials used are also classified, and certain notes are given regarding matters that are considered important to the object under study. This is done so that research can be carried out in an organized and systematic manner.


\textsuperscript{13} Aspar Amien. \textit{Tinjauan Yuridis Terhadap Tindak Pidana Peredaran Narkotika Oleh Oknum Anggota Kepolisian RI} (Makassar: Universitas Hasanuddin, 2017), 27.
B. Discussion

1. The Role of Investigators in Collecting Evidence Using Tracking Dogs (K9) Against Narcotics Crimes

a. Normative Role

This research is based on Law No. 2 of 2002 concerning the Indonesian National Police. Article 1 paragraph (13) contains an investigation is a series of investigator actions in the case and according to the method regulated in the law to find and collect evidence with which the evidence makes light of criminal acts that occur and to find the suspect. The criminal investigation process is carried out after it is known that an event that occurs is a criminal offense that contains valid evidence in Article 184 paragraph (1) of the Criminal Procedure Code. Events that constitute a criminal offense are known because of a report or complaint from a person, either written or oral. When investigators have determined that the event is a criminal offense, the process is upgraded to an investigation to find and collect evidence. To initiate an investigation into a drug crime is based on PERKAP Number 12 of 2009, which starts with receiving a report. The victim or other parties can do the acceptance of this report. The victim or other parties can do the acceptance of this report. In contrast, in narcotics crime, the victim of narcotics will not report because the victim of narcotics is also the perpetrator of narcotics crime. To better understand that the reporting in question does not come from the victim, the victim of narcotics crime is the perpetrator. This is different from criminal offenses outside of narcotics crimes.14

In collecting narcotics evidence, investigators are often problematic due to the cunning of narcotics offenders in carrying, storing, or hiding narcotics so that investigators cannot find them. This follows Perkap Number 1 of 2019, where investigators can use sniffer dogs (K9) to collect narcotics evidence. The collection of evidence of narcotics crimes found by sniffer dogs (K9) will be submitted to investigators, namely the Indonesian National Police, in collaboration with the National Narcotics Agency, which is regulated in Article 84 of the Narcotics Law, namely in conducting investigations into the abuse and illicit trafficking of Narcotics and Narcotics Precursors, investigators of the Indonesian National Police notify in writing the commencement of investigations to BNN investigators and vice versa.

In carrying out its normative role, the police coordinate with BNNP Lampung in carrying out investigations and investigations in accordance with Article 3 of the Regulation of the Chief of Police of the Republic of Indonesia Number 12 of 2009.

14 Interview result with Rizky Pujianto. Head of Division Minops Ditres Narcorics Polda Lampung. Tuesday 02 Agusst 2023.
b. Ideal Role

In this case, the investigator, namely the police, has a role in investigating narcotics crimes. The part has an individual element as a subject who performs a specific function. According to Soerjono Soekanto, the position is divided into:

1. A person or institution performs a normative role based on a set of norms that apply in community life.
2. An ideal role is performed by a person or institution based on superior values or what should be done by their position in a system.
3. A factual role is a role performed by a person or institution based on concrete realities in the field of social life that occurs in fact.\(^{15}\)

The police carry out an ideal role based on ideal values that should be carried out following their position in law enforcement. The role of the police in collecting evidence of narcotics crimes is carried out based on Police Chief Regulation Number 9 of 2019 Article 10. The K9 Animal Unit of the Directorate of Samampta Baharkam Polda Lampung has a standard operating procedure containing technical procedures for the disclosure and collection of narcotics evidence regulated in No. Pol: SKEP/17/X/2011. In general, the function of sniffer dogs (K9) is to assist investigations and investigations in obtaining evidence of criminal acts. Then, based on the evidence found and the explanation, the prosecution that will be filed against the suspect already has sufficient files so that the suspect can be tried for his actions. K9 animals (sniffer dogs), in carrying out their ideal role, need to be examined by the handler to find out the problems in the dog before being taken to the veterinarian, namely measuring the body temperature of the sniffer dog (K9), checking the condition of the fur and skin, checking the condition of the eyeballs, checking the ears, checking the genitals, seeing how to urinate, paying attention to walking, checking for lumps if any, and paying attention to dog feces.

c. Factual Role

The factual role performed by investigators is based on concrete realities in social life that occur in reality. The animal police directorate uses sniffer dogs (K9) to uncover narcotics crimes only to conduct routine and joint raids in crowded places such as ports, terminals, train stations, and suspected places. However, if the investigators It is no longer necessary to use sniffer dogs (K9), which are based on Law Number 2 of

\(^{15}\) Soerjono Soekanto, Teori Peranan (Jakarta: Bumi Aksara, 2002), 50.
Sniffer dogs (K9) are very effective in helping investigators collect narcotics evidence with their expertise in the sense of smell.

### Tabel 1 Data Satwa K9 Polda Lampung Tahun 2023

<table>
<thead>
<tr>
<th>No</th>
<th>Name of K9</th>
<th>Gender</th>
<th>Age</th>
<th>Race</th>
<th>Clasification</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Sita</td>
<td>Betina</td>
<td>6 Tahun</td>
<td>Belgia Malinois</td>
<td>Narkoba</td>
</tr>
<tr>
<td>2</td>
<td>Vivi</td>
<td>Betina</td>
<td>6 Tahun</td>
<td>German Sheperd</td>
<td>Handak</td>
</tr>
</tbody>
</table>

Not all cases of narcotics crimes use sniffer dogs (K9). However, they are carried out based on orders from investigators in the Lampung Police Drug Detection Directorate if there is difficulty searching and finding evidence. The use of sniffer dogs (K9) is not carried out in general due to the lack of quantity of sniffer dogs (K9) and sniffer dog handlers (K9).

Lampung Police conducts routine patrol activities of around 20 joint raids annually at necessary places using sniffer dogs (K9). Investigators often find narcotics in large trucks, box cars, and ordinary cars. In this case, investigators cannot search the vehicle's contents without the help of sniffer dogs (K9) because it takes time to unload and congest traffic.

When working, tracking dogs (K9) have limited olfactory power time, which causes it to often occur in the investigation process, causing the perpetrator's trail to disappear in the middle of the tracking process by the tracking dog. This often causes investigations using sniffer dogs (K9) to experience difficulties—the need to rest after working for approximately 2 hours results in the smell no longer being sharp. The prominent characteristic of a sniffer dog (K9) if it is tired is that its nose is runny and no longer sniffs. Not all places or locations of crime scenes can be entered by animals (dogs) used by the canine (K9) animal police unit in assisting the investigation process. For example, in houses of worship, sniffer dogs (K9) should not be allowed to enter the crime scene, which is a holy place, so it will hamper the criminal investigation process.

### 2. Inhibiting Factors for Investigators in Collecting Evidence Using Tracking Dogs (K9) for Narcotics Crimes

#### a. Statutory Factors

Based on the results of research conducted, the role of...
investigators in collecting evidence using sniffer dogs (K9) against narcotics crimes committed by Polda Lampung is the use of sniffer dogs (K9) whose arrangements are still limited to PERKAP or National Police Chief Regulation and SKEP or police decree. It does not regulate the implementation process in the police law. The procedure or method of using sniffer dogs is only listed in the SOP of the Satwa Unit of Dit Samampta Sabhara, which is under the SKEP Polri regulation.\textsuperscript{17} The existing laws and regulations are pretty good, but in reality, there are still no laws and regulations related to this factor because it is not mandatory for sniffer dogs (K9) to be used by every investigator to uncover a criminal offense.

b. Law Enforcement Factors

Law enforcers such as the police, who are at the forefront of crime prevention, determine the results of the crime prevention process. The quality and quantity of the police are very decisive and necessary because of the lack of quantity of K9 handlers at Polda Lampung. This is an inhibiting factor in the implementation of the operational tasks of the Lampung Police tracking dog (K9), which is currently not running optimally or ideally. Special police who hold sniffer dogs (K9) or serve as sniffer dog handlers (K9) are still inadequate in number. The need for education for K9 handlers for approximately two months has led to an inadequate quantity of K9 handlers at Polda Lampung. The lack of K9 handlers is an inhibiting factor in overcoming narcotics crimes.\textsuperscript{18}

Becoming a K9 handler is difficult because you must adapt by approaching and training with tracking dogs (K9). The wounds caused by tracking dog (K9) scratches cause not all police officers to be strong K9 handlers. Therefore, not all police officers can hold K9 animals. Regular medical care must be carried out by K9 handlers, such as rabies injections taking vitamins and supplements.\textsuperscript{19}

c. Facilities and Infrastructure Factors

Sniffer dogs (K9) are a means of tracking and collecting evidence. In accordance with the function of sniffer dogs (K9), namely as a tool to investigate the place or position where the perpetrators of events or events, victims, and evidence are located after the event occurs and as a tool to capture the perpetrators if the perpetrator escapes in tracking evidence. An

\textsuperscript{17} Interview result with Rizky Pujianto. Head of Division Minops Ditres Narcorics Polda Lampung. Tuesday 02 Agusst 2023.
\textsuperscript{18} Interview result with Roman Zamora. Head Unit of Animal Police Polda Lampung. Wednesday 02 Agust 2023.
\textsuperscript{19} Interview result with Rizky Pujianto. Head of Division Minops Ditres Narcorics Polda Lampung. Tuesday 02 Agusst 2023.
investigation or investigation effort using the help of trained sniffer dogs by searching or following the traces or traces left by the perpetrator at the crime scene and surrounding areas of events or events that can be subject to punishment or not.

One of the factors inhibiting facilities is the quantity of the animals themselves. The number of sniffer dogs (K9) in a facility at Polda Lampung only totals 6 (six), while the capacity given should be 9 (nine) sniffer dogs (K9). This is due to the uncommon use of sniffer dogs in narcotics crimes. In certain circumstances, such as Eid and New Year, Polda Lampung is overwhelmed due to the lack of tracking dogs (K9) to guard and tackle criminal acts, especially narcotics crimes.

Most tracking dogs (K9) are working dogs selected from the European plains, namely the Netherlands, Germany, and surrounding areas in cold and dry climates. The working conditions for tracking dogs (K9) in Indonesia, especially in the Lampung region, are hot or hot and humid areas. This is an inhibiting factor for tracking dogs (K9) in working, namely getting tired quickly, which causes their smell to decrease in work.

Tracking dogs (K9) also require optimal health care to keep performing well in the field, which can be constrained by the dog’s health condition tracker (K9). This causes the K9 health management of Ditsabhara Polda Lampung not to be optimized for prime readiness to support the duties of investigators in collecting narcotics evidence in the Lampung jurisdiction. K9 Health Management as a facility is only carried out if the sniffer dog (K9) is disturbed by its health condition, it should be checked by a veterinarian regularly. The doctor handling K9 is also a doctor from outside Lampung Police health management, not within the scope of Lampung Police.

d. Community Factors

Law enforcement originates from society and aims to achieve peace in society. The average citizen has the expectation that the police can immediately deal with the problem at hand regardless of whether the police officer has just completed police education or is an experienced police officer. After completing police education, the police officer immediately plunges into the community, where he will face various problems. Legal awareness is a view that lives in society about what the law is. Lack of public legal awareness will be an obstacle to efforts to prevent and eradicate

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21 Interview result with Rizky Pujianto. Head of Division Minops Ditres Narcorics Polda Lampung. Tuesday 02 Agusst 2023.
drug abuse. This results in people being afraid to report drug cases that are found. Therefore, it is important to increase community participation, especially when conducting a campaign or counseling in the community, it is necessary to convey the concept of state defense where all Indonesian people are obliged to defend the country. So all citizens are required to fight against drug abuse and illicit trafficking.23

e. Legal Culture Factor

This legal culture factor can also affect law enforcement. This is because legal and cultural factors also play a crucial role. Because it is impossible, we put aside legal and cultural factors when we discuss the factors that influence law enforcement. Therefore, from a certain point of view, society can influence law enforcement. From the point of view of social and cultural systems, Indonesia is a plural society with many ethnic groups and unique cultures. In carrying out law enforcement, in addition to legal awareness factors, the public needs to pay attention to the cultural values of the local community. These five factors are interrelated and influence each other. So, it will be challenging to see only one factor or several factors considering that these five factors are closely related, and it is complicated to release one or several factors in every law enforcement where law enforcement officials do not necessarily walk alone. They will work with people who have and have different legal understanding from one another.24

Based on this description, it explains how the Inhibiting Factors as Investigators in Collecting Evidence by Using Tracking Dogs (K9) carried out on narcotics crimes. The importance of tracking dogs (K9) in assisting the process of collecting evidence in criminal cases, especially narcotics crimes, so that serious efforts need to be made by the government or the Indonesian republic police in paying attention to the aspect of regulating regulations, the expertise and quantity of investigators who use tracking dogs (K9), and the fulfillment of other aspects such as the facilities and infrastructure of the tracking dog (k9) itself.

C. Conclusion

The role of investigators in collecting evidence using sniffer dogs (K9) against narcotics crimes is divided into three parts: normative, ideal, and factual. The role carried out by investigators is a normative role, which is

carried out based on the rules contained in Law No. 2 of 2002 concerning the Indonesian National Police, Decree of the Chief of the Indonesian National Police No. Pol: SKEP/251/IV/2004 and the Indonesian National Police Decree No. SKEP/251/IV/2004. No.Pol: SKEP17/X/2011. The ideal role carried out by investigators based on ideal values or what should be done following the position in a system cannot be carried out considering several obstacles and shortcomings. Furthermore, the factual role is a role that is carried out based on concrete reality in the field of real community life. This role aligns with the duties, functions, and authorities possessed by the Indonesian police as regulated in the Criminal Procedure Code regarding the authority of investigators and Law Number 2 of 2002 concerning the Indonesian National Police.

Factors inhibiting the role of investigators in collecting evidence using sniffer dogs (K9) against narcotics crimes are the legal factors themselves, namely the absence of laws governing the use of sniffer dogs (K9) but still limited to PERKAP or National Police Chief Regulation and SKEP or police decree, law enforcement factors, namely the lack of quantity of K9 handlers and tracking dogs (K9) Polda Lampung, facilities and infrastructure factors, namely the non-optimal health management of K9 Ditsabhara Polda Lampung, community factors, namely the lack of community role due to ignorance and passivity of the community about the LawLaw that develops in line with the prevailing legal culture.

D. Suggestion

The Indonesian National Police, especially the Lampung Regional Police (Polda Lampung), should make a special regulation governing the use of sniffer dogs (K9) so that there is clear and certain legal certainty in their use. The National Police Headquarters should increase the number of K9 handlers in Polda Lampung, considering that narcotics crimes are increasing, to assist in handling quickly. Fulfillment of facilities and infrastructure in supporting the use of sniffer dogs (K9) and more socialized to the community so that they are also able to play an active role in assisting law enforcement officials in the investigation process, and can explain the use of sniffer dogs so that their use does not become an issue for the community.

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