



Efforts to Combat the Crime of Selling Abortion Products Through Social Media

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Abstract

Some people are currently misusing rapid technological advance to sell abortion drugs. This mode of selling abortion drugs is a type of crime that is difficult to prosecute because of the limitations of the rules in the Criminal Code. The problems in writing this paper are first, how are the police efforts in tackling the crime of selling abortion drugs through social media, second what are the inhibiting factors for the police in overcoming the sale of abortion products through social media. The method used in this research is using a normative juridical approach and an empirical juridical approach. Types of data consist of primary data and secondary data. The results of research and discussion were obtained by the police's efforts in dealing with criminal acts. The sale of abortion drugs through social media is the first through penal and non-penal efforts. The inhibiting factors for police efforts in overcoming the crime of selling abortion drugs through online media are, first, the lack of infrastructure facilities owned by the police IT; secondly, the human resources of the police in using the available facilities are not fully optimized also, there is no legal awareness of the community regarding the indifferent attitude of the community. It self last but not the problem of selling abortion drugs through social media should also be taken into account.

A. Introduction

Technology is now a double-edged sword because apart from contributing to improving human welfare, progress, and civilization, it is also a new means of fighting the law. Law is one aspect that covers aspects of human life, including in terms of fulfilling human needs, which are regulated in laws that regulate online commerce or *e-commerce*. *E-Commerce* is a process



of buying and selling goods and services through a computer network, namely the internet. Trading activities by utilizing internet media are known as *electronic commerce* or abbreviated as *e-commerce*.¹

A marketplace is a platform or container for applications, internet sites, or internet-based service content used to interact and facilitate trade through electronic systems. Marketplace describes a product marketing platform in an electronic way that brings together many sellers and buyers to transact with each other virtually without having to meet in person. Many sellers and buyers use the marketplace, which makes it easier for sellers to do their business and also makes it easier for buyers to find the desired product.

The use and development of marketplaces as online media in drug sales service facilities is hazardous because it has the potential to cause harm to consumers. For example, a business actor offers medicinal products at a lower price. Over time, many business actors make irregularities in selling drugs classified as hard drugs. This has an impact on people who can abuse these drugs.²

Presidential Regulation (Perpres) Number 74 of 2017 concerning the Road Map of the Electronic-Based National Trading System (*Road Map of E-Commerce*) manifests the government's commitment and e-commerce support.³ This roadmap includes funding programs, taxation, consumer protection, education and human resources, communication infrastructure, logistics, *cyber*, and the establishment of management for implementing the 2017-2019 SPBNE roadmap.⁴ Increasing internet users also had a negative impact, which is the rise in cybercrime. Based on a report from the Directorate of *Cyber Crime* Police, in 2017 there were 1763 cases of *cybercrime*, which included crimes in electronic transactions, computer crimes, etc.⁵

Several legal regulations regulate electronic transactions, including the Criminal Code (Criminal Law Book), Criminal Code (Civil Law Book), Law Number 8 of 1998 concerning Consumer Protection, Law number 11 of 2008 concerning Information and Electronic Transactions, Government Regulation of the Republic of Indonesia No. 82 of 2012 concerning the Implementation of Financial Systems and Transactions, Law no. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions, Law no. 7 of 2014 concerning Trade.⁶

Intentional abortion and spontaneous abortion are the meanings of abortion as reported by the Black's Law Dictionary. Abortion can be permitted or not. In the Big Indonesian Dictionary, abortion is prohibited by law and owned by all countries. However, it is not permanent. If it is done to help from the threat of death of a mother's life, it is an act of treatment and can be justified by abortion provocateurs.⁷ The ways that can be done in abortion, if traditional, are

¹Ahmad M. Ramli, "*Cyber Law dan HAKI Dalam Sistem Hukum Indonesia*", Jakarta: Refika Aditama, 2004. Hlm. 1

²Marditia, Putri Purbasari Raharningtyas, and Putu Devi Kuaumawardani. "Marketplace Accountability Regulatory Model for the Online Distribution of Hard Drugs (Prescription Drugs)." *SOEPRA Jurnal Hukum Kesehatan* 8.No.1 (2022):107 doi: <https://doi.org/10.24167/shk.v8i1.4760>

³https://www.kominfo.go.id/content/detail/8356/siaran-pers-about-paket-policy-economy-xiv-peta-jalan-e-commerce/0/siaran_pers

⁴Article 2 Paragraph 2 Presidential Regulation No. 74 of 2017 concerning the SPNBE Roadmap.

⁵Abdul Chaer, <http://berita7.com/dinamika-ancaman-cyber-crime-di-tahun-politik-2018-2019/> diakses pada 22 Juni 2021

⁶Solim Jevlin, Mazmus Septian Ramupea, Agung Wijaya, Bella Monica Manurung, Wendy Lionggodinata. 2019. *Efforts to Overcome Fraudulent Crimes of Online Buying and Selling Sites in Indonesia*. Medan: Ocean of Justice.

⁷Pandamari, Endang, Gunawan Djajaputra, and Endyk M. Asror. "Tinjauan Yuridis Pertanggungjawaban Pelaku di Indonesia Terkait Tindak Pidana Aborsi." *Synotic Law: Jurnal Ilmu Hukum* 1.No.1 (2022):5 doi: <https://doi.org/10.56110/sl.v1i1.2>

usually by drinking herbal teas, doing special massages, inserting various forms of objects that should not be inserted into the uterus, and other ways. In the end, women choose the method. Will receive fatal consequences, one of which is willing to lose his life.⁸

One example of social media that is widely used today is Instagram; if used correctly, many benefits can be taken using Instagram. However, many people abuse Instagram, one of which is the sale of hard drugs that are traded freely. An example is the sale of abortion drugs.

Indonesia has regulated the prohibition of illegal distribution of drugs that do not meet the standards and requirements for safety, efficacy or benefits, and quality as stated in Article 98 Paragraphs (2) and (3) and Article 196 of Law Number 36 the Year 2009 concerning health that the distribution of drugs illegally can be imprisoned for a maximum of 10 (ten) years and a fine of a maximum of Rp. 1,000,000,000.00 (one billion rupiah).

One type of drug used in the crime of abortion is a drug containing the active substance misoprostol. According to research by Moore et al. 2020, there were 727 shops selling misoprostol drugs online from websites, marketplaces, and other social media.⁹

This research's novelty is efforts to eradicate the crime of selling abortion products through social media. Rampant marketing or transactions for hard drugs on social media, for example abortion drugs at low prices. Even though they already know the risks and consequences of selling and using this drug, they don't seem to care and continue to do it for big profits and to get rid of the shame caused by getting pregnant out of wedlock. Based on these legal facts, it becomes interesting to study the authors are interested in writing legal research entitled Efforts to Combat the Crime of Selling Abortion Products Through Social Media abortion drugs through social media and also what are the inhibiting factors for investigators in tackling the crime of selling abortion drugs through social media.

The method used in this research is using a normative juridical approach, carried out using theoretical matters; legal and empirical juridical principles are carried out by examining based on facts in the field in the form of sources' opinions. Types of data consist of primary data and secondary data. The resource persons included the Lampung Police Investigator in the Special Crimes section, the Head of the Palapa Health Center UPT, and a Criminal Section Lecturer at the Faculty of Law, University of Lampung.

B. Discussion

1. The Role of Investigators in Overcoming the Crime of Selling Abortion Products Through Social Media

Indonesia is an archipelagic country that has abundant natural resources. These natural resources are sole to improve the Indonesian people's standard of living and create a just and prosperous society based on Pancasila and the 1945 Constitution. An Indonesian state government that protects the entire Indonesian nation and homeland of Indonesia to promote public welfare educates the nation's life and participates in a world order based on independence, eternal peace, and social justice, the independence of the Indonesian nationality shall be formulated in law. The Constitution of the State of Indonesia which is formed in a structure of the Republic of Indonesia which is sovereign by the people based on the one and

⁸Farhana, Nurul. "ABORSI DALAM PERSPEKTIF HAK ASASI MANUSIA DAN HUKUM ISLAM." *Journal Presumption of Law* 4.No.2 (2022): 182 doi: <https://doi.org/10.31949/jpl.v4i2.3431>

⁹Ramdhani, Humaira, et al. "Penyalahgunaan Obat Misoprostol Sebagai Tindakan Aborsi pada Wanita Dewasa Muda: Systematic Review." *2-TRIK: TUNAS-TUNAS RISET KESEHATAN* 12.1 (2022): 88 doi: <http://dx.doi.org/10.33846/2trik12116>

only God, just and civilized Humanity, Indonesian Unity and Democracy led by wisdom in deliberation/representation, and by realizing social justice for all Indonesian people".¹⁰

Indonesia is based on the law (*rechtstaat*), not based on power alone (*machtstaat*); this statement is confirmed in the 1945 Constitution. In this case, Indonesia is a democratic legal state based on Pancasila and the 1945 Constitution.¹¹ The guidelines uphold human rights and guarantee that all citizens have the same position before the law. Along with the times, the mindset of every human being in society changes drastically both in association and in terms of technology and information. The development of the era made inappropriate behavior in society more varied, as well as the scope of technology and information both directly and *online*.

The increasing population every time makes the socio-economic conditions in the community increase, especially in terms of employment opportunities that are increasingly inadequate in meeting the needs of life. This condition has led to unrest in the community so that not a few people justify any means to fulfill their economic needs by selling abortion drugs through social media. The sale of abortion drugs violates Law Number 36 of 2009 concerning Health. It is also categorized as a case of selling illegal drugs, where these actions are prohibited by laws and regulations and damage the morale of teenagers.

To achieve the goal of a prosperous and just and prosperous state, a conducive atmosphere is needed in all aspects, including the legal aspect in overcoming criminal acts. According to GP Hoefnagels, legal policy (*law policy*) is an integral part of social policy (*social policy*), or in other words, the social policy includes legal policy, which in total is called law enforcement policy).¹²

An integral approach between penal and non-penal policy in overcoming criminal acts must be carried out because the approach to applying criminal law alone has various limitations. There are two sides to the limitations of this criminal law; first, from the point of view of not criminal nature. Criminal law will not be able to see in-depth the root cause of this crime if other disciplines do not assist it. Second, the limitations of criminal law can be seen from the fact that it is only a temporary remedy as mere symptom relief and not a complete resolution tool by eliminating the source of the cause.¹³

According to data from the Population and Family Planning Agency (BKKBN), until the end of 2018, Indonesia's population growth rate was at 1.39%, which means that every year there are 4.2 million to almost 4.8 million newborns in Indonesia, while the number of deaths 1.72 million people (Dina Manafe: 2019). According to Sudibyo Alimoesa, Deputy for Family Welfare and Family Empowerment (KSPK) of the BKKBN, the number of abortions in Indonesia is quite large, around 2.5 million per year, if it is calculated that almost half of the birth rate in Indonesia. WHO estimates that as many as 4.2 million abortions are carried out. Every year in Southeast Asia, around 750,000 to 1.5 million occur in Indonesia. Until now, it is believed that the abortion rate in Indonesia has reached 2 - 2.5 million per year (Putro Agus Harnowo: 2019). Based on WHO research, from early 2010 until now, it is estimated that in

¹⁰Buchari Said, *Criminal Law, Faculty of Law, Pasundan University, 2009*

¹¹Hadi, Fikri. "NEGARA HUKUM DAN HAK ASASI MANUSIA DI INDONESIA." *Wijaya Putra Law Review* 1.2 (2022): 171 doi: <https://doi.org/10.38156/wplr.v1i2.79>

¹²GP Hoefnagels. *The Other Side of Criminology, Holland, Deventer-Kluwer, 1978, p. 57*. See in Barda Nawawi Arief, 1998. Op. cit.

¹³Barda Nawawi Arief. *Several Aspects of Criminal Law Enforcement and Development Policies*. Bandung. Image of Aditya Bakti, 1998. pp 44-45.

Indonesia, there are about 20-60% of cases of induced abortion (Suci M. Ayu and Tri Kurniawati: 2007).¹⁴

Cases of abortion, according to Law no. 39 of 1999 concerning Human Rights regulates rights, namely the right to live, the right to have a family and continue offspring, the right to develop oneself, the right to obtain justice, the right to personal freedom, the right to security, the right to welfare, the right to participate in government, the right to women and children's rights.¹⁵

Regarding the right to life, Article 9 paragraph (1) of Law Number 39 of 1999 concerning Human Rights stipulates that everyone has the right to live and maintain life and improve their standard of living. This provision shows that the right to life is a fundamental right inherent or owned by a person as a gift from God. Furthermore, Article 53 paragraph (1) of the Human Rights Law regulates children's rights. The article states that every child in the womb has the right to live, maintain life and improve the standard of living. In this case, it can be seen that there are still many debates regarding the legality of abortion provocateurs in the eyes of the law and society.¹⁶ In essence, the impact of abortion is that the victim, in this case, the child in the womb, experiences the loss of the rights he should have, as mentioned above.

If we open a search engine on Instagram and search for "abortion medication" or "gastrula," many accounts will appear that sell abortion drugs and provide instructions on how to use the drug to function as an abortion drug. This proves that cases selling abortion drugs through social media in Indonesia are common. Therefore, countermeasures must be carried out with penal (repressive) and non-penal (preventive) efforts.

Efforts to overcome criminal acts or known by various terms including *penal policy*, *criminal policy*, or *strafrechtspolitik* is an effort to tackle crime through criminal law enforcement, which is rational, namely fulfilling a sense of justice and efficiency¹⁷. In the context of tackling crimes against various means as a reaction that can be given to criminals, in the form of criminal and non-criminal means, which can be integrated.

The influence of the environment and community instruments cannot be separated from anticipating crime. Reviewing these factors is essential to determine whether or not the quality and quantity have developed in terms of the perpetrator, the victim, the time, the place and the modus operandi. The National Police can take countermeasures by holding routine activities and special operations. These routine activities are divided into three, namely repressive efforts which include a series of action activities aimed at disclosing all criminal cases that have occurred referred to as real threats; preventive efforts, which include a series of activities aimed at directly preventing the occurrence of criminal cases, as well as pre-emptive measures. This includes activities aimed at counteracting or eliminating criminology factors at the earliest possible stage, including efforts to eliminate criminology factors in a society whose forms of activity vary greatly.¹⁸

¹⁴Indah Setyowati, Siwi Ciwi Utrujah, "Proses Penyidikan Terhadap Pelaku Tindak Pidana Aborsi Yang Dilakukan Oleh Mahasiswa Diwilayah Hukum Porlestabes Semarang"

¹⁵Sinambela, Tanti Agustina, and Ninon Melatyugra. "ILEGITIMASI ABORSI OLEH KORBAN PERKOSAAN BERDASARKAN HAK UNTUK HIDUP JANIN." *Jurnal Ilmu Hukum: ALETHEA* 5.No.2 (2022): 112-113 doi: <https://doi.org/10.24246/alethea.vol5.no2.p111-128>

¹⁶I Ketut Nuasa, "Penguatan Implementasi Kebijakan Hukum Pidana Terhadap Legalitas Abortus Provocatus" *Widya Kerta Jurnal Hukum Agama Hindu*, 5 No.1 (2022):49 doi: <https://doi.org/10.53977/wk.v5i01.538>

¹⁷Briliantiny Hengkengbala Lamani, Wemple Kumendong, Felby S.Wewengkang "Penegakan Hukum Dalam Tindak Pidana Pencabulan Anak Dibawah Umur (Undang-undang Nomor 23 Tahun 2002)," *Journal Lex Crimen*, 11. No.6 (2022):9 <https://ejournal.unsrat.ac.id/index.php/lexcrimen/article/view/44428>

¹⁸Sunarto, *Integration in Crime Prevention*, Aura, Bandar Lampung, 2016, Pg. 45-46.

By the theory above, the investigator is tackling crime with pre-emptive action by providing facilities and infrastructure. This is the same as that stated by Catur Prasetyo. He thinks that the perpetrators of criminal acts, especially the sale of abortion drugs, apply preventive measures first to prevent the occurrence of criminal acts; if preventative measures are not carried out until they commit a criminal act, then repressive penalties are applied first to prevent criminal acts, then repressive penalties are applied according to the laws and regulations. Namely Law Number 36 of 2009 concerning Health and Article 98 Paragraph (2) of Law 36/2009.¹⁹

Presidential Regulation Number 80 of 2017 concerning the Food and Drug Supervisory Agency states that the POM Agency carries out government duties in drug and food supervision by laws and regulations, namely carrying out drug and food supervision from upstream to downstream, including online circulation. Based on this description, the author suggests that selling abortion drugs through social media violates the law so perpetrators of selling abortion drugs through social media must be punished according to laws and regulations. Suppose no countermeasures are taken from selling abortion drugs through social media. In that case, it will become a habit and something that is not a problem in society, especially among teenagers and will also damage the morale of the community itself.

Handling the sale of abortion drugs through social media is the authority and task of the police, especially the Directorate of Special Criminal Investigation. The function of police is one of the state government's functions in maintaining security and public order, law enforcement, protection, and service to the community. Law enforcement officers (police) have not only the authority for law enforcement (penal) but also prevention (non-penal). The potential preventive effect of law enforcement officers is with patrol activities from the police that are carried out continuously or continuously, including non-penal efforts from the police which have a preventive effect on criminals or lawbreakers. The duties and powers of the Police in dealing with crime are enshrined in Law No. 2 of 2002 concerning the Indonesian National Police and the Law on Defense and Security.

With the development of today's technology everyone can freely access anything from legal to illegal, resulting in rampant sales of drugs used for abortion are traded freely on the internet. The obstacle is that the drugs used for abortion have been declared legal because these drugs are used to treat stomach ulcers (ulcers). However, it still gets supervision from the BPOM because it is included in the type of hard drugs and because the side effects of these drugs can be used for abortion. This is difficult for law enforcement authorities to eradicate drugs used for abortion because these drugs are not intended for abortion. Still, if a person does not have a distribution permit, he can be subject to criminal sanctions²⁰. The repressive means carried out by the police in tackling the crime of selling abortion drugs through social media include the police providing advice to perpetrators selling abortion drugs through social media to repent and be brought to the right path so that the act of repeating their actions, The situational crime prevention approach suggests that crime can be prevented by conducting environmental assessments, which directly influence perceptions of potential criminals by increasing risk and reducing benefits.²¹ The police provide legal applications through the investigation process is then handed over to the authorities; the police form a functional unit to handle cases of selling

¹⁹Results of an interview with Catur Prasetyo, Head of Sub-directorate I Indagsi Ditreskrimsus Lampung Police on January 24, 2022 at 12.00 WIB

²⁰Anggun, U., Adhayanto, O., & Syahputra, I. (2022). PENEGAKAN HUKUM PIDANA TERHADAP PENJUAL OBAT SECARA ONLINE. *Student Online Journal (SOJ) UMRAH-Ilmu Sosial dan Ilmu Politik*, 3(1), 888-889

²¹Adhika Primanda, Dewa Gede Bayu Rastika, "Peredaran Ilegal Obat Melalui Media Sosial dan Upaya Penanggulangannya" *Journal Of Food And Drug Safety*, No.1 (2021):64 <https://doi.org/10.54384/eruditio.v2i1.73>

abortion drugs through electronic or online media, namely the function unit goes undercover so that the perpetrators can be pursued and found, the police will teach and educate the perpetrators who are caught in religious knowledge to be able to return to society as a good citizen. If the perpetrator still performs the act after being given a warning, punishment will be imposed according to the applicable law.²²

The police are authorized to deal with cases of selling abortion drugs through online media based on the provisions in the Criminal Procedure Code (KUHAP), namely by investigating crimes related to selling abortion drugs; investigations are carried out to determine whether cases of selling abortion drugs through social media can be investigated or not. Then an investigation was carried out to collect evidence related to the sale of abortion drugs through social media and to find the suspect in the case. Then is an arrest, an investigator's action in the form of temporary restraint on the freedom of a suspect or defendant if there is sufficient evidence for investigation or prosecution and trial in matters and according to the method regulated by law. Furthermore, detention is based on the provisions of Article 1 paragraph (21) of the Criminal Procedure Code that detention is the placement of a suspect/defendant in a particular place by investigators, public prosecutors, or judges with their stipulations, in terms of and according to the method regulated by law. Order for further detention or detention is carried out against a suspect or defendant strongly suspected of committing a crime based on sufficient evidence if circumstances raise concerns that the suspect or defendant will escape, destroy or destroy evidence, and repeat the crime. Then search related to the sale of abortion drugs through social media; investigators can conduct house searches or body searches of suspects for the sake of investigation by the method stipulated in the Criminal Procedure Code. Usually, in the case of selling abortion drugs through social media, investigators conduct house searches or other places that are used as places for buying and selling drugs. The last is confiscation, a series of actions by investigators to take over or keep movable or immovable objects, tangible or intangible, under their control, for the benefit of evidence in the investigation, prosecution, and trial. Investigators can only carry out confiscation with a permit from the chairperson of the local district court.

Crime prevention policies with non-penal means only cover the use of social facilities to improve certain social conditions but indirectly affect efforts to prevent crime.²³ Non-penal policies are more of a preventive measure for the occurrence of crime, so the main target is to address the factors conducive to the occurrence of crime.

Perpetrators of criminal acts of selling abortion products through online media reported by other parties will be immediately processed and sentenced by the applicable Articles and Laws to provide a deterrent effect on the perpetrators.²⁴ The crime of selling an abortion drug is categorized as a violation of Law Number 36 of 2009 concerning health. It is also categorized as a case of selling illegal drugs by Article 98 Paragraph (2) of Law 36/2009. Perpetrators can also be snared in Law Number 11 of 2008 concerning Information and Electronic Transactions in the State Gazette of the Republic of Indonesia of 2008 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 4843.

In the case of selling abortion drugs online, investigators have the right to confiscate the abortion drug packages, usually sent via transportation services (*expedition*) such as JNE, JNT, Sicepat, and others. Investigators can also confiscate items related to the crime of selling

²²Results of an interview with Catur Prasetyo, Head of Sub-directorate I Indagsi Ditreskrimsus Lampung Police on January 24, 2022 at 12.00 WIB

²³Badra Nawawi Arief. *Interest Collection on Criminal Law Policy*, (Bandung: PT. Citra Aditya Bakti, 2002), pp. 77-78

²⁴Results of an interview with Catur Prasetyo, Head of Sub-Directorate of Indagsi Ditreskrimsus Lampung Police on January 24, 2022 at 12.00 WIB

abortion drugs through social media. For example, the drug, cell phone, computer/laptop used by the suspect in marketing the drug for an abortion is by the provisions of the applicable law. In addition to the above efforts, according to Mrs. dr. Saradiah Mariana Natapradja, as the Head of the Palapa Health Center UPT, the puskesmas will cooperate with the police to get closer to the community to provide information on criminal cases of selling abortion drugs through online media. In addition to these efforts, the police, in collaboration with the puskesmas, conducted socialization about the importance of avoiding promiscuity, spreading good religious teachings, morals, and legislation, and instilling morals from an early age in schools. This can provide essential knowledge to the public about social morality.²⁵

With the existence of law enforcement, the perpetrators of crimes will feel afraid to commit these crimes. Another effort made by the police is to look for sellers of abortion drugs on social media and then make fishing efforts so they can find out the position of the seller. After knowing the location of the seller of the abortion drug, the police will come to him and give a warning, but if the perpetrator does not heed the warning, the police will make an arrest. The police will also release news of the arrest so that the public will know the effects of selling the abortion drug.

If observed in this case, fair law enforcement must be supported by an ideal role for law enforcement officers in carrying out their duties. The role must also be based on good morality and mentality to prevent corruption in law enforcement efforts. If law enforcement officers do not have the ideal role expected in law enforcement, there will be legal imbalances and chaos in carrying them out.

2. Police Inhibiting Factors in Supervision of Sales of Abortion Products on Social Media

Law enforcement according to Soerjono Soekanto is an activity to harmonize the relationship of values that are outlined in the principles or views of a solid and manifest and act as a series of value elaborations at the final stage to create (*social engineering*) maintain and maintain (*social control*) peace social life.²⁶ Satjipto Raharjo stated that law enforcement is an attempt to make the ideas of legal certainty, social benefits and justice a reality. The process of realizing these ideas is the essence of law enforcement.²⁷

According to Soerjono Soekanto, several factors influence law enforcement's efforts to combat crime, namely the legal factor in selling abortion products through online media; no law regulates explicitly, so cases of selling abortion products are included in sales cases. Illegal drugs or the Health Act. Furthermore, the factor of law enforcement officers, namely in cases of selling abortion drugs through online media, cannot easily track and arrest because the police are brutal in getting someone who wants to report these sellers of abortion drugs. The human resources of the police are still not optimal because the police do not understand precisely how to use the available equipment. Third, the factor of facilities and facilities that support law enforcement, namely in this case the police do not have adequate facilities and facilities in the process of tracking perpetrators who use social media. Fourth, the community factor, namely the taboo of the community in terms of abortion, makes people who want to report sellers of abortion drugs through online media feel ashamed to close themselves and pretend they don't know anything about this problem so that the police find it difficult to get this information. Fifth is the cultural factor.²⁸

²⁵Results of an interview with dr. Saradiah Mariana Natapratja, Head of UPT Puskesmas Palapa on November 17, 2021. At 11.00 WIB

²⁶Soerjono Soekanto. 1983. *Factors Affecting Law Enforcement*, Jakarta. King Grafindo Persada. Page 5.

²⁷Satjipto Raharjo. 1996. *Legal Studies*. Bandung. Image of Aditya Bhakti. Pg 13.

²⁸Soekanto, *Influencing Factors*, p.8.

Based on the theory of crime prevention can be the basis for finding answers to the problems to be discussed. According to Marc Ancel, *criminal policy* is society's reasonable effort to overcome crime.²⁹ Broadly speaking, this criminal policy can be pursued in two ways, namely the *penal*, which is an effort to overcome crime that focuses more on repressive efforts (suppression/eradication/suppression) by using penal means (*penal law*), and *non-penal* which is a crime prevention effort that focuses more on *preventive measures* (prevention/deterrence/control before the crime occurs).³⁰

Efforts or policies to prevent and combat crime, including criminal policy. This criminal policy is also inseparable from a broader one, namely social policy which consists of policies or efforts for social welfare and community protection. Policies and crime prevention are carried out using penal facilities, so criminal law policies, especially at the judicial/applicative stage, must pay attention to and lead to the achievement of the objectives of the social policy in the form of social welfare and policies for community protection.³¹ Crime prevention and control must support public welfare and community protection goals. However, an essential aspect is the aspect of community welfare/protection which is immaterial, especially the values of trust, truth, honesty, and justice.

According to Saradiah Mariana as the Head of the UPT Puskesmas Palapa, the inhibiting factor in overcoming the sale of abortion drugs through social media is the lack of public knowledge about the dangers of abortion without the supervision of an expert, especially using drugs that do not know what side effects will be caused, lack of education. Sex among teenagers, and many still buy abortion drugs, so sellers of abortion drugs through social media continue to emerge.³²

According to Gunawan Jatmiko, a Lecturer at the Faculty of Law, University of Lampung, the community expects the ability of the Police to prevent and deal with various crimes. Law enforcement should be carried out by people who are indeed experts in their fields and have experience in the fields they handle. The Police are also expected to be able to protect and enforce the law firmly and proportionally. Recently, crimes have become more diverse, not only by using violence or by taking advantage of people's carelessness; now a new mode has emerged that utilizes social media, namely the sale of abortion drugs through social media.³³

The perpetrators of criminal acts, especially the sale of abortion drugs through social media, apply preventive measures first to prevent the occurrence of criminal acts of selling abortion drugs through social media. Health Law Article 98 Paragraph (2) 36/2009.

An effective law is a law that can protect and prevent the perpetrators from doing it again or the emergence of other actors. The provision of punishments must be able to deter perpetrators and make potential perpetrators not want to commit crimes because of harsh and firm punishments. The novelty of this study is about the role of investigators in overcoming the crime of selling abortion products through social media. Law enforcement officers have an essential role in overcoming abortion drugs but in their enforcement, there are obstacles in monitoring the sale of abortion products on social media.

²⁹Guntari, Titiek. "Penal and Non Penal Efforts In Combating Environmental Crimes." *Jurnal Advokatura Indonesia* 1.No.1 (2022): 59

³⁰Barda Nawawi Arief.2008.Op.cit.hlm.52

³¹Barda Nawawi Arief.2010.Op.cit.hlm.57

³²Results of an interview with Saradiah Mariana, as the Head of UPT Puskesmas Palapa on November 17, 2021. At 11.00 WIB

³³Results of an interview with Gunawan Jatmiko, a Faculty Lecturer Law University of Lampung on February 14, 2022 at 14.00 WIB

Law enforcement on the crime of selling illegal drugs is a must besides being the duty of the police, which is implied in the general authority of the police as protectors, protectors and community services as well as enforcing the law. Law enforcement must be carried out firmly and still uphold human rights (Human Rights). This must be by Article 27 paragraph (1) which stipulates that all citizens have the same position under the law, so that the government through its law enforcement officers must be able to guarantee legal certainty, not only to the community in general but also to the community in particular, namely victims. And suspects.

Law enforcement against this crime is experiencing obstacles in the form of legal substance. Namely, no regulations specifically regulate the crime of selling abortion drugs through social media. The community is very supportive of the police's efforts to enforce the law against this crime, especially for parents who are worried that their children will fall into the practice of abortion, which can be easily accessed even through social media.

C. Conclusion

Based on the results of research and discussion that the role of investigators in tackling the crime of selling abortion drugs through online media, namely Penally, the investigator's role can be done with repressive actions, namely the police will look for elements that sell abortion drugs through social media and then trap them to find out where is the exact location of the perpetrator. Furthermore, the police will take direct action against the perpetrators caught red-handed distributing their merchandise or take immediate action if there are reports from other parties. Non-penally, the investigator's role can be carried out with preventive measures. The police, health centers and other relevant state apparatus will conduct socialization and approach the community to inculcate norms and religious values so that the public knows the deterrent effect of selling abortion drugs.

The inhibiting factors for investigators in overcoming the crime of selling abortion drugs through social media, namely cultural and community factors where there is no public awareness to report this crime and the indifferent nature of the community, as well as inadequate infrastructure at the Lampung Police or the lack of complete infrastructure for conducting social media investigations and the Human Resources (HR) factor, namely the less than optimal use of the tools owned by the investigators because of the HR who do not understand how these tools work. The factor of human resources and infrastructure is the more dominant factor in inhibiting the role of the police in efforts to overcome the sale of abortion drugs through social media.

The suggestion that the author gives in dealing with the problem of overcoming the sale of abortion drugs through social media is that the Police should further increase their role in the community and have direct contact with the community and provide education to the public to be more careful and intelligent in dealing with conditions like today. Adequate facilities are needed to maximize police performance in conducting investigations and create a sense of security for the community. There needs to be education for parents to pay more attention to the behavior and activities their children do on social media. And it is necessary to educate teenagers about the evil influence of promiscuity, the importance of positive social media, and the dangers of the practice of abortion either with a doctor or doing it independently.

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