Criminologists on The Causal Factors of Unreported Narcotics Crimes

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Abstract

Efforts to overcome and eradicate narcotics crimes require community participation, especially in reporting narcotics crimes. Some people don’t want to report knowing that there is a narcotic crime. The problem of this research is whether the factors that cause crime do not report the existence of narcotic crime and how our efforts to deal with crime not reporting narcotic crime.

This research uses normative juridical and empirical juridical approaches. Data collection procedures were carried out using literature and field studies; the data were analyzed qualitatively to obtain conclusions and suggestions. An example of a crime not reporting the existence of a narcotics crime with permanent legal force is in Decision Number: 522/Pid.Sus/2022/PN Tjk with the defendant Ali Amarsyah Bin Misran being imprisoned for 8 (eight) months because it was proven legally and convincingly committing the crime of Article 114 of the Narcotics Law.

The results of the research and discussion show that: Factors that lead to crimes not reporting narcotics crimes consist of the community does not want to deal with legal issues because they are considered to be a hassle for themselves, the community being afraid of the perpetrators of criminal acts and their syndicates which have the potential to threaten the safety of their lives if known reporting narcotics crimes and the lack of public understanding of the legal protection they will get if they report narcotics crimes to law enforcement.
to overcome crime by not reporting the existence of narcotics crimes non-prenatally are by conducting counseling on legal awareness to the public so that people are willing to become reporters of narcotics crimes and provide security and safety guarantees for reporters. Penal efforts are carried out by a process of inquiry and investigation. Investigators take action in matters and according to the manner regulated in this law to seek and collect evidence with that evidence to shed light on the crime that occurred and to find suspects who have not reported a narcotics crime

A. Introduction

Efforts to overcome and eradicate narcotics crimes are not only the task of law enforcement officials but also require the participation of the community, especially in reporting narcotics crimes.\(^1\) The person or community who reports the existence of a crime is called the complainant, and the report itself is translated by law as a legal action in the form of a notification submitted by someone to law enforcement.\(^2\) The report is due to the rights and obligations based on the law to the authorized official regarding a criminal incident that has occurred or is currently or is suspected to be occurring.\(^3\)

The legal basis for the role of society as a reporter for a crime is Article 108 of the Criminal Procedure Code.\(^4\) In addition, Article 106 of Law Number 35 of 2009 concerning Narcotics states that the rights of the community in efforts to prevent and eradicate the abuse and illicit traffic of narcotics and narcotics precursors are manifested in the form of seeking, obtaining and providing information on allegations of narcotics and narcotics precursor crimes. Narcotics and obtain legal protection when the person concerned exercises his rights or is asked to appear in court proceedings. Article 107 explains that the public can report to the authorized official or BNN if they become aware of abuse or illicit trafficking of narcotics and narcotics precursors.\(^5\)

There is a gap between the expectation that society should ideally be willing to report narcotics crimes as stipulated in the law (das sein) and the fact that people do not report to law enforcement officials in the event of knowledge of narcotics crimes (das sollen). The community is less helpful in the law enforcement process is that the community is afraid or reluctant to become a reporter. This fear can be caused by threats from perpetrators of criminal acts who do not hesitate to commit violence against people who witness their actions. In addition, the public also does not want to be involved in legal

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affairs. As a result they do not report criminal acts to law enforcement officials, thus potentially hindering law enforcement officials in carrying out their duties. An example of a crime not reporting the existence of a narcotics crime with permanent legal force is in Decision Number: 522/Pid.Sus/2022/PN Tjk with the defendant Ali Amarsyah Bin Misran being imprisoned for 8 (eight) months because it was proven legally and convincingly committing the crime of Article 114 of the Narcotics Law.

Criminal sanctions are reactive to an act. Everyone who violates the law must be held accountable before the applicable law. If his actions are proven to be a crime or a crime, he must receive criminal sanctions or punishment according to standard rules. This shows that the law was created to protect humans so they do not become victims of crimes committed by other parties in everyday life, to achieve order and legal certainty. Rules enacted will fulfill justice for the parties involved and provide great benefits for the majority of the public targeted for enacting these legal rules. The novelty of this study concerns the handling of unreported narcotics crimes and several factors that cause these crimes.

Based on the description of the background above, the research problems are: (1) What are the factors causing the crime of not reporting the existence of a narcotics crime? (2) What are the efforts to deal with crimes against crimes that do not report narcotics crimes?

B. Discussion

1. Factors Causing the Occurrence of Crimes Not Reporting the Existence of Narcotics Crimes

a. Society Doesn't Want to Deal with Legal Issues

The attitude of the people who tend not to want to deal with legal issues is a factor that causes people to commit crimes by not reporting narcotics crimes, even though ideally in the context of eradicating narcotics crimes, the community can play an active role either as reporters or as witnesses. The importance of the role of the community in reporting narcotics crimes, bearing in mind that the eradication of illicit drug trafficking is an important matter because narcotics have a negative impact that can damage and threaten the lives of the community, nation, and state and can hinder the process of national development. The illicit circulation of narcotics is related to the rampant abuse of narcotics, starting from big cities to remote villages throughout the territory of the Republic of Indonesia.

Efforts made by the government to eradicate narcotics crime are by enacting Law Number 35 of 2009 concerning Narcotics. The consideration for the enactment of this law is the fact that narcotics crimes are transnational in nature, carried out using a high modus operandi, and sophisticated technology, supported by a wide network of organizations, and have caused many victims, especially among the nation's young generation, which is very dangerous. The life of society, nation and state.

The public is expected to report any criminal acts of narcotics, both abuse of narcotics and illicit trafficking of narcotics. The illicit circulation of narcotics has an impact on the public.
occurrence of narcotics abuse which will damage the mental and physical aspects of the individual concerned and can increase the destruction of family, community, nation, and state life. Narcotics crime and abuse in Indonesia has shown significant progress and is on the verge of worrying if it is not addressed through strong and comprehensive law enforcement. Narcotics abuse can lead to dependence without being under the supervision and guidance of health workers with expertise and authority. This is detrimental to abuse and impacts social, economic, and national security, so this is a threat to the life of the nation and state.

b. People are afraid of criminals and their syndicates

Another factor that causes people to commit crimes without reporting narcotics crimes is the public's fear of the perpetrators of narcotics crimes and their syndicates. In law enforcement, the public receives legal protection in their capacity as witnesses and victims.

Enforcers, especially the Police, are channels that the public can use to actualize their participation in the law enforcement process. The path of criminal law is one of the paths that can be carried out or used by the community to realize this participation. One thing that distinguishes the use of the criminal law route from other legal routes is that this route can only be used if there is a form of violation or a real crime of a criminal nature, namely an act prohibited by law. Criminal sanctions against the perpetrators accompany the prohibition. There are at least two forms of the role of the community in the law enforcement process through this criminal law route. Namely, the first is the role of reporting party, and the second is the participation as a witness. The community can use these two types of participation through criminal law channels. The public must know some legal institutions to realize their rights as citizens to participate in law enforcement. This is important for the public to know because the public's ignorance of which institutions or institutions have the authority or not, will determine whether or not the agency responds to all reports, complaints, or oversight, so it is possible that the public will also feel disappointed with the attitude of the institution or this institution which is considered by the community is not responsive, not responding to all the complaints that are felt, experienced by the community. Regarding complaints, community disappointment may stem from community mistakes in channeling their rights to the wrong institutions or institutions.

The space for public participation in law enforcement can be expanded when law enforcement officials carry out law enforcement functions, such as investigations, prosecutions, and judicial processes in court. Community participation manifests in opening up or allowing the public to directly supervise the inspection process carried out by institutions with authority to enforce the law, such as the Police, Prosecutors' Office, and Courts.

c. Lack of Public Understanding of Protection Against Narcotics Crime Reporters

Everyone who reports a narcotics crime gets legal protection for their safety, which has helped reveal drug crimes. This is an important aspect that is a concern and must be fulfilled by the police. Efforts to ensure the safety of informants in disclosing narcotics crimes in the jurisdiction of the Bandar Lampung Police are carried out by keeping the

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identity of the informant confidential and providing protection to ensure the informant's safety. Efforts made to ensure the safety of informants who have assisted in disclosing narcotics crimes are very important to implement given the legal position of the community who act as reporters. There are several terms given by law to the community about the status and legal position of the community, where between one term and another show different rights and obligations. In the criminal justice system, for example, it is known that there are several terms related to the legal status of this community, including complainants/complainants, suspects, defendants, witnesses, and expert witnesses. About this research, namely, how the community participates in the process of law enforcement, the status and position of the community, which is the main concern is the status and position of the community as reporters and witnesses.

Lack of public understanding of legal protection for reporters of narcotics crimes is the reason they are not willing to become reporters or witnesses. Whereas ideally, per the provisions of the Witness and Victim Protection Act, every law must include three elements: certainty, usefulness and justice. Certainty implies the contents of the law that every member of society knows what can and cannot be done, as well as what is the obligation as a member of the community. Usability means that with the law, the order of life in society can be perfectly regulated. Justice means that with the law, members of the public will not be harmed, and their interests are protected to an appropriate extent.

2. Efforts to Combat Crime Against Crime Not Reporting the Existence of Narcotics Crimes
   a. Efforts to Overcome Crime Not Reporting the Existence of Narcotics Crimes Through Non-Penal Means

   Efforts to overcome crime by not reporting narcotics crimes through non-penal means are as follows:

   1. Conducting Counseling Regarding Legal Awareness

       Counseling about legal awareness to the public so that people are willing to report narcotics crimes is based on the view that the law is a norm that regulates human interaction in society. The development of law is inseparable from the development of the human mindset, which creates these laws to regulate itself. Law exists in every society anywhere on earth. Primitive and modern society must have laws. Therefore, the existence (existence) of law is universal. Law cannot be separated from society; both have a reciprocal relationship. Humans create laws to regulate themselves to create order, harmony and peace in society. Law has at least three main roles in society: first, as a means of social control; second, as a means to expedite the process of social interaction; third, as a means to create certain circumstances.

   2. Providing Guarantee of Security and Safety of Reporters

       Efforts to guarantee the security and safety of reporters and witnesses by the provisions of the Witness and Victim Protection Act are based on the understanding that every Indonesian citizen has the right to receive the protection provided by the state, both physically and psychologically. The guarantee of protection for citizens provided by the state, especially in the field of law, is regulated in Article 27 paragraph (1) of the 1945 Constitution, which states that all citizens have the same position before the law and the government is obliged to uphold the law and the government without exception.

       What is considered in crime prevention efforts is the existence of a partnership between the police and the community, as a very important step in identifying and determining all priorities, in solving various crime problems that occur so that the goal of improving the quality of life in the area where the partnership is applied can be achieved
Community involvement in controlling, providing input, and providing support to the police, indicates good relations and regular and continuous communication with the community. This means that society must be open to involve the community. An open system means that the police are ready to share information with the public, involve community members in preventing and handling Kamtibmas problems, and have intense communication between the police and the community. Thus, the police should not be isolated but must be part of their community. This can only be realized if the police regard and treat community members as true partners. Only an open system allows communication that is mutually beneficial, and that is free from any prejudices.

**b. Efforts to Overcome Crime Not Reporting the Existence of Narcotics Crimes Through Penal Means**

Efforts to overcome crime by means of penal is the use of criminal law in which there are two central issues: what actions should be made into crimes and what sanctions should be used or imposed on offenders. The effort of the Police in tackling crime does not report the existence of narcotics crimes through penal means carried out by repressive measures through law enforcement mechanisms. Police investigators carry out penal efforts by their main duties and functions as law enforcement officers. The duties of the Police as regulated in Article 13 of Law Number 2 of 2002, are to maintain public order and security; enforce the law; as well as providing protection, shelter, and service to the community.

The function of the Police, according to Article 2 of Law Number 2 of 2002 is to carry out the functions of state government in the fields of maintaining security and order, law enforcement, protection, protection, and service to the community. Meanwhile, the authority of the Police, as stipulated in Article 5 of Law Number 2 of 2002 concerning the Indonesian National Police, states that the Police is an instrument of the state that has the authority to maintain security and public order, enforce the law, and provide protection, protection, and service to the community in the context of maintenance of internal security.

The police carry out crime prevention efforts by not reporting the existence of narcotics crimes through a process of investigation and investigation. Investigators respond as soon as possible to any findings regarding a crime by not reporting a narcotics crime by conducting an investigation. The report must be supported by strong evidence to determine whether it is included as a crime. In this case philosophically, the principle of sentencing aims to improve the personality of someone who has committed a crime.

The enactment of law is aimed at the community so that there must be conformity between legal institutions and the norms that apply in people's lives. Punishment must reflect

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justice and be based on conscience, the judge's conviction, and according to values Pancasila.\textsuperscript{18}

Investigators through investigations carry out a series of investigative actions aimed at finding and finding an event that is suspected of being a crime, in order to determine whether or not an investigation can be carried out.\textsuperscript{19} The series of investigative actions is only intended to find criminal events and not to find/find suspects. Investigative actions do not have to be preceded by an investigation. If investigators find an event that is considered a crime, they can immediately carry out an investigation. This means that the investigative actions carried out by the police first begin with an investigation to ensure that a crime has actually occurred without reporting a narcotics crime. After there is clear and sufficient evidence that the community's report is true and initial evidence is obtained that a crime has occurred without reporting a narcotics crime, an investigation will be carried out. The investigation is a series of actions by Police Investigators in matters and according to methods regulated by law to seek and collect evidence that evidence to shed light on the crime that occurred and to find the suspect.

Investigations into crimes that do not report narcotics crimes have important uses in law enforcement efforts carried out by law enforcement agencies, starting from the police, prosecutors, and courts as a criminal justice system that organizes criminal law enforcement within a systematic framework, where the actions of law enforcement agencies one law is closely related and cannot be separated from the performance of other institutions. The criminal justice system is implemented to tackle crime and aims to prevent people from becoming victims of crime, to resolve cases of crimes that have occurred so that people are satisfied that justice has been upheld and those who are guilty are punished and to make sure that those who have committed crimes do not repeat their crimes.

\textbf{C. Conclusion}

The factors that lead to the crime of not reporting the existence of narcotics crimes consist of: the public does not want to deal with legal issues because they are considered to be a hassle for themselves, the community is afraid of the perpetrators of criminal acts and their syndicates which have the potential to threaten the safety of their lives if known to report narcotics crimes and the lack of public understanding of the legal protection they will get if they report a narcotics crime to law enforcement. These causal factors are in accordance with the Theory of Social Control put forward by Travis Hirschi that crime occurs due to reduced elements of social ties, namely: attachment, commitment, involvement and belief.

Efforts to overcome crime by not reporting the existence of narcotics crimes non-penalally is by conducting counseling on legal awareness to the public so that people are willing to become reporters of narcotics crimes and provide security and safety guarantees for reporters. A process of inquiry and investigation carries out penal efforts. Investigators take action in matters and according to the manner regulated in this law, to seek and collect evidence with that evidence to shed light on the crime that occurred and to find suspects who have not reported a narcotics crime. This effort is in accordance with the Theory of Crime Prevention Efforts carried out through non-penal and penal means, where its application is an inseparable part of the criminal law enforcement process.


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