

A Few Problems of Law Enforcement of Narcotics Crimes in Maluku Province

Iqbal Taufik¹, Julianus Edwin Latupeirissa², Muammar³

¹ *Fakultas Hukum Universitas Pattimura, Ambon, Indonesia. E-mail: iqbal.taufik87@gmail.com*

² *Fakultas Hukum, Universitas Pattimura, Ambon, Indonesia. E-mail: nusyelatn@yahoo.co.id*

³ *Fakultas Hukum Universitas Pattimura, Ambon, Indonesia. E-mail: valdanitolaw@gmail.com*

Abstract: Narcotics is a problem that has never been solved and has even become a disease in Indonesia. Some regions are still entangled in this problem. One of them is Maluku province, this area is one of the areas where the level of narcotics cases from year to year is always increasing. This paper aims to analyze the law enforcement of narcotics crimes and related issues. This paper uses an empirical legal research method with a sociolegal approach. Narcotics crimes in Maluku province tend to increase from year to year. During the 2019-2024 time period, the number of cases has been relatively consistent. Only in 2023 there will be a decrease, but in 2024 there will be another increase in the number of cases. However, law enforcement is also relatively effective. It's just that there are irregularities if it is seen that law enforcement that leads to rehabilitation is interpreted as a restorative justice settlement. This is certainly wrong because the crime of narcotics itself is not a crime that causes victims, so how is it possible to carry out restorative justice. In addition to law enforcement, there are also several factors that affect law enforcement. One of the factors in question is the geographical condition of Maluku province which consists of several island clusters, making it difficult for the authorities to reach all of these areas. Therefore, law enforcement of narcotics crimes is not only the task of the apparatus, but also the duty and responsibility of all stakeholders in various fields. This includes involving activists, educators, and social activists to conduct campaigns and socialization in the context of preventing and eradicating narcotics crimes.

Keywords: Law Enforcement Issues; Narcotic; Maluku Province

1. Introduction

In recent years we are certainly no stranger to the circulation of narcotics in various types in Indonesia, this problem is a serious problem that must be faced by the Indonesian government, because our generation must certainly be guaranteed by the state is a generation that is free from narcotics entanglements, which can therefore only damage the future of a nation.¹ The crime of abuse of narcotics and psychotropics, especially in Indonesia, has become increasingly terrible and extraordinary. Although there are regulations that have regulated these crimes that punish the death penalty, these crimes are still committed and continue continuously. Narcotics Trafficking in Indonesia is increasingly spreading, we can see the facts that exist now that the number of addicts in Indonesia is increasing.² According to BNN data in 2015, the number of addicts reached 4.2 million people. This prevalence is around 2% of the total population of Indonesia.³

¹ lihat Roni Gunawan Raja Gukguk dan Nyoman Serikat Putra Jaya, "Tindak Pidana Narkotika Sebagai Transnasional Organized Crime," *Jurnal Pembangunan Hukum Indonesia* 1, no. 3 (2019): 338, <https://doi.org/10.14710/jphi.v1i3.337-351>.

² lihat Vindo Montana, M. Yamin Lubis, dan Ibnu Affan, "Penegakan Hukum Terhadap Prajurit TNI yang Melakukan Tindak Pidana Penyalahgunaan Narkotika (Studi Putusan Pengadilan Militer I-02 Nomor 109-K/PM.I-02/Al/XI/2022)," *Jurnal Ilmiah Metadata* 5, no. 3 (2023): 315.

³ lihat Dwi Indah Widodo, *Hukum Pidana, Narkotika Dan Psikotropika* (Surabaya: R.A.De.Rozarie, 2019), 2.

In fact, the threat of the danger of narcotics abuse in Indonesia is getting higher and points to the younger generation.⁴

Narcotics crime is one of the serious problems for the nation in the world, including in Indonesia. Even in the context of Indonesian law, narcotics abuse is categorized as an *extra ordinary crime*⁵ and establish the death penalty as the *ultimate remedium* for its abuse. Nevertheless, narcotics abuse has continued to grow even though criminal sanctions have established an ultimum remedium. Problems related to narcotics are so complex, that they cannot be solved only by the formulation of Law Number 35 of 2009 concerning Narcotics, but a more comprehensive effort and strategy is needed in enforcing it. This is because the problem of narcotics is a challenge for the nation in facing the current of globalization today.⁶

Narcotics crimes are like a time bomb because their development from time to time shows their use very rapidly. Not only is its use very concerning and dangerous for all human beings, but also the industry that is run illegally against narcotics is actually the largest in the world carried out in Indonesia. Narcotics crimes are a very extraordinary crime against humanity that can destroy all joints of the entire nation's lives, and also have a larger dimension of crime that can be caused in Indonesia.⁷

Narcotics crimes have entered all joints of life, therefore the death penalty is still needed and must be consistently applied in our country. However, even though the death penalty has been imposed, law enforcement of the verdict seems to have been stretched so that the convicts are still alive and carrying out their crimes even though they are in the Correctional Institution. This shows that law enforcement is still weak in these cases. The crime of narcotics is an act that violates the law and is. organized crime. Narcotics crime is a transnational crime which is a form of cross-border crime. This causes the development of narcotics crimes that occur must be eradicated immediately. Narcotics abuse in the current era of globalization is familiar. Narcotics crimes at this time are very troubling for all mankind, because at this time narcotics is a scary thing and a problem for the entire nation in general and especially the Indonesian nation.⁸

In its development, Indonesia has changed and changed the national law on narcotics three times. First, repealing the colonial law Verdoovende Middelen Ordonnantie (Stbl. 1927 No. 278 Jo. No. 536) and stipulating Law of the Republic of Indonesia No. 9 of 1976 after ratifying the UN Single Convention on Narcotics in 1961. Second, after the ratification of

⁴ lihat Novi Novitasari dan Nur Rochaeti, "Proses Penegakan Hukum Terhadap Tindak Pidana Penyalahgunaan Narkotika Yang Dilakukan Oleh Anak," *Jurnal Pembangunan Hukum Indonesia* 3, no. 1 (2021): 97, <https://doi.org/10.14710/jphi.v3i1.96-108>.

⁵ lihat Kania Khairunisa dan Dey Ravena, "Analisis Hambatan Pelaksanaan Eksekusi Pidana Mati pada Pelaku Tindak Pidana Peredaran Narkotika di Dalam Lembaga Pemasyarakatan Dihubungkan dengan Putusan Mahkamah Konstitusi Nomor 107/PUU-XIII/2015," *Jurnal Riset Ilmu Hukum* 1, no. 1 (2021): 15, <https://doi.org/10.29313/jrih.v1i1.59>.

⁶ lihat Endah Cahyani dan Nathalina Naibaho, "Penegakan Hukum Situasional Dalam Menangani Tindak Pidana Penyelundupan Narkotika Di Indonesia," *SALAM: Jurnal Sosial dan Budaya Syar-i* 10, no. 4 (2023): 1370, <https://doi.org/10.15408/sjsbs.v10i4.32658>.

⁷ lihat Agustinus Samosir, "Penegakan Hukum Tindak Pidana Narkotika dilihat dari Perspektif Kriminologi," *Logika : Journal of Multidisciplinary Studies* 11, no. 02 (2020): 91, <https://doi.org/10.25134/logika.v11i02.3122>.

⁸ lihat I. Ketut Seregig, Gindha Ansori Wayka, dan Mutiara Fitri, "Penegakan Hukum Pidana Bagi Pelaku Tindak Pidana Penyalahgunaan Jual Beli Narkotika Golongan I Bukan Tanaman Studiputusan Nomor : 199/Pid.Sus/2022/Pn.Tjk)," *Unizar Law Review* 5, no. 2 (2022): 257, <https://doi.org/10.36679/ulr.v5i2.16>.

the 1971 United Nations Convention on Psychotropics and the 1988 United Nations Convention on the Eradication of Illicit Circulation of Narcotics and Psychotropics, Indonesia enacted Law No. 5 of 1997 concerning Psychotropics and ratified the amendment of the Narcotics Law to Law of the Republic of Indonesia No. 22 of 1997. Third, incorporating the Psychotropic Law into Law of the Republic of Indonesia No. 35 of 2009 concerning Narcotics.⁹ Although Law No. 35 of 2009 concerning Narcotics has been promulgated on September 14, 2009, according to the National Narcotics Agency there are several problems in Law No. 35 of 2009 concerning Narcotics that need to be improved as an effort to strengthen measures to prevent and eradicate Narcotics abuse, for example related to the definition of Narcotics Addicts, Narcotics Abusers, and Victims of Narcotics Abuse; new psychoactive substances; as well as standards for the implementation of medical and social rehabilitation; Improvement of the formulation of Criminal Provisions; Narcotics Law Enforcement; Handling of Child Narcotics Crimes.¹⁰

According to the National Narcotics Agency, the impacts of drug abuse include: first, physical health disorders: disruption of the function of vital organs such as the liver, heart, lungs, brain and others; second, infectious diseases are affected by the alternating use of syringes, for example hepatitis B/C, HIV/AIDS; third, Overdose that causes death, dependence, and causes symptoms of pain if the use is stopped or reduced, as well as increasing the amount of drugs consumed; fourth, Mental health disorders occur (mental-emotional developmental disorders, paranoid); fifth, Disturbances in family, school and social life such as quarrels, financial problems, dropping out of school, unemployment, crime, being in prison, being ostracized, etc.¹¹

Law enforcement of narcotics crimes is a big agenda of the government, law enforcement apparatus and all related parties. However, the phenomenon that has developed recently, the circulation of narcotics is increasingly worrying because instead of a decrease in the crime rate, what has happened is an increase in the number of cases in various regions in Indonesia. This phenomenon or phenomenon provokes thoughts, both negatively and positively. The negative development of narcotics crimes is definitely a threat to the lives of all Indonesian people. Meanwhile, on the positive side, law enforcement for perpetrators of narcotics abuse crimes can bring major changes to state revenue.¹²

The prevention, eradication of narcotics trafficking and abuse in law enforcement is very close to criminalization, the scope in law enforcement is very wide which aims to prevent criminal acts and eradicate the occurrence of narcotics crimes. In law enforcement, the

⁹ lihat Donny Michael Situmorang, "Implementasi Undang-Undang Narkotika Ditinjau dari Perspektif Hak Asasi Manusia," *Jurnal Penelitian Hukum De Jure* 18, no. 3 (2018): 416, <https://doi.org/10.30641/dejure.2018.v18.415-432>; Novita Sari, "Penerapan Asas Ultimum Remedium Dalam Penegakan Hukum Tindak Pidana Penyalahgunaan Narkotika (Application Of Ultimum Remedium Principles In Law Enforcement On Criminal Act Of Narcotics Abuses)," *Jurnal Penelitian Hukum De Jure* 17, no. 3 (2017): 354.

¹⁰ lihat Situmorang, "Op.Cit," 416.

¹¹ lihat Atet Sumanto, "Efektifitas Pidana Mati Dalam Proses Penegakan Hukum Tindak Pidana Narkotika," *Perspektif* 22, no. 1 (2017): 22, <https://doi.org/10.30742/perspektif.v22i1.548>.

¹² lihat Rara Rahayu Nur raharsi, Supanto Supanto, dan Muhammad Rustamaji, "Eksistensi Sanksi Pidana Denda dalam Penegakan Hukum Tindak Pidana Narkotika di Indonesia," *Jurnal Wawasan Yuridika* 3, no. 2 (2019): 118, <https://doi.org/10.25072/jwy.v3i2.253>.

existing narcotics crime is divided into two, namely preventive law enforcement and repressive law enforcement, the definition of preventive enforcement itself is prevention before a violation occurs, and while the definition of repressive law enforcement is an action after a violation occurs. Law enforcement of narcotics crimes must first be understood that repressive law enforcement is one and the same as mandatory law enforcement that cannot be separated.¹³

Law enforcement against narcotics crimes has been carried out by many law enforcement officers and has received many judges' decisions in court hearings. This law enforcement is expected to be able to be an antidote to the outbreak of drug or narcotics trafficking, but in reality, the more intensive law enforcement is, the more the circulation of the narcotics trade will increase.¹⁴ In principle, criminal law enforcement in the field of narcotics has the same process as criminal law enforcement in general as regulated in the Criminal Code.¹⁵ Although narcotics and psychotropic drugs are special offenses and are regulated in special laws, it does not rule out the possibility that the Criminal Code (KUHP) is set aside even though the applicable legal principle is *lex specialis derogate legi generali*, nevertheless the enforcement of narcotics laws must also refer to the Criminal Code and the Criminal Code as material and formal criminal laws.¹⁶

One of the provinces in Indonesia that "contributes" to narcotics trafficking is the province of Maluku. Maluku Province which consists of 11 regencies/cities is an archipelago that is very strategic in trade and shipping flows. With an area that consists mostly of the ocean, making the province of Maluku rich in various resources that can be utilized. In addition, with an area that is mostly ocean, to obtain trade access, it is used by air with the existence of 4 airports consisting of 1 domestic airport and 3 local airports. For sea routes, Maluku has 13 sea ports. However, there are still several seaports that have not been covered by the Maluku Provincial Transportation Office. The unsupervised operation of several seaport routes allows various criminal acts to occur, including narcotics abuse, embezzlement, *illegal logging* and others. Various efforts have been made by the government, law enforcement officials and community participation to tackle drug trafficking in Maluku.¹⁷

The discussion of law enforcement for narcotics crimes has been widely studied from various studies. Previous research has shown that the main obstacles lie in the lack of coordination between law enforcement agencies, weak integrity of the apparatus, overlapping regulations, and low public legal awareness. In addition, the limited supporting facilities and

¹³ lihat Sakti Aminnullah, "Asas Strict Liability Dalam Tindak Pidana Narkotika," *Jurist-Diction* 1, no. 2 (2018): 725.

¹⁴ lihat Marlina Kristiyani dan Vieta Imelda Cornelis, "Penegakan Hukum Terhadap Pelaku Tindak Pidana Narkotika di Wilayah Hukum Kepolisian Resor Kota Besar Surabaya," *Binamulia Hukum* 12, no. 1 (2023): 202, <https://doi.org/10.37893/jbh.v12i1.331>.

¹⁵ lihat Andrika Imanuel Tarigan, "Pertanggungjawaban Pidana Korporasi Dalam Tindak Pidana Narkotika," *Jurnal Ilmiah Mandala Education* 6, no. 2 (2020): 148, <https://doi.org/10.58258/jime.v6i2.1433>.

¹⁶ lihat Endri Endri, "Problematika Penegakan Hukum Tindak Pidana Narkotika dan Obat/Bahan Berbahaya (Narkoba) di Indonesia," *UNIFIKASI: Jurnal Ilmu Hukum* 3, no. 1 (2016): 8, <https://doi.org/10.25134/unifikasi.v3i1.416>.

¹⁷ lihat Yonna Beatrix Salamor dan Erwin Ubwarin, "Kebijakan Penanggulangan Tindak Pidana Narkotika di Wilayah Maluku," *Jurnal Muara Ilmu Sosial, Humaniora, dan Seni* 1, no. 1 (2017): 59–60, <https://doi.org/10.24912/jmishumsen.v1i1.335>.

infrastructure such as rehabilitation facilities, forensic laboratories, and early detection technology also hampered the effectiveness of case handling.¹⁸ Law enforcement against narcotics crimes in Indonesia faces various challenges and problems, namely the lack of public awareness and participation in reporting and eradicating narcotics trafficking, limited human resources and infrastructure owned by law enforcement officials, weak coordination and synergy between various related agencies are other problems that need to be overcome and the lack of prevention and rehabilitation efforts for abusers narcotics.¹⁹ Other studies have also found similar results as previous studies.²⁰

Although there have been many previous studies that have examined the issue of law enforcement for narcotics crimes, the research still leaves gaps and empty spaces to be filled because it has weaknesses. The above research in terms of results only focuses on descriptive analysis and is only busy presenting common phenomena that are known. In addition, the research methods and approaches used only rely on normative research with literature studies so that it does not provide much more actual and precise research results. The approach used also only focuses on the legislative approach and the case approach. Then, there has been no discussion that tries to look at the issue of law enforcement of narcotics crimes from another side such as restorative justice.

This paper aims to answer and analyze the enforcement of narcotics crime cases, including matters related to it. For example, the issue of restorative justice in the settlement of narcotics cases in the police is seen as contradictory and ambiguous between the regulation of norms in police regulations and practical issues. That way, a clear picture will be obtained and the problem of the object studied in this study will be obtained.

2. Method

The method used in this study is empirical legal research with a *sociolegal research* model. Empirical legal research emphasizes the study of the identification of the law and the effectiveness of the law when it is applied in society.²¹ This research is also called field research.²² Empirical legal research is closely related to the function of law on social aspects of society.²³ The empirical legal research method is the study of the reality of how law works in society.²⁴ Empirical legal research is legal research that analyzes the application of law in reality to individuals, groups, communities, and legal institutions in society with an emphasis

¹⁸ lihat Anisa Nazaila Idris, Mahfudzah Rahva Nur Laily, dan Syarifuddin Syarifuddin, "Analisis tentang Problematika Penegakan Hukum terhadap Pelaku Tindak Pidana Narkotika," *Aliansi: Jurnal Hukum, Pendidikan dan Sosial Humaniora* 2, no. 6 (November 2025): 168, <https://doi.org/10.62383/aliansi.v2i6.1355>.

¹⁹ lihat Hikmah Putri Amalia, Naida Andhita Pasa, dan Salsabila Nur Sahara D, "Problematika Penegakan Hukum Terhadap Tindak Pidana Narkotika Di Indonesia," *Ma'mal: Jurnal Laboratorium Syariah dan Hukum* 5, no. 3 (Juni 2024): 286, <https://doi.org/10.15642/mal.v5i3.367>.

²⁰ lihat Immanuel Simanjuntak dkk., "Kedudukan Hukum Pidana Terhadap Pelaku Tindak Pidana Narkotika Jenis Shabu-Shabu," *Jurnal Hukum Lex Generalis* 6, no. 7 (Juli 2025): 6, <https://doi.org/10.56370/jhl.v6i7.1105>.

²¹ lihat Indah Sari, "Perbuatan Melawan Hukum (PMH) Dalam Hukum Pidana Dan Hukum Perdata," *Jurnal Ilmiah Hukum Dirgantara* 11, no. 1 (September 2020): 56, <https://doi.org/10.35968/jh.v11i1.651>.

²² lihat Maiyestati, *Metode Penelitian Hukum* (Padang: LPPM Universitas Bung Hatta, 2022), 23.

²³ lihat Asmak Ul Housnah, Dwi Seno Wijanarko, dan Hotma P. Sibuea, *Karakteristik Ilmu Hukum dan Metode Penelitian Hukum Normatif* (Depok: Rajawali Pers, 2021), 104.

²⁴ lihat Aditya Yuli Sulistyawan, *Argumentasi Hukum* (Semarang: Yoga Pratama, 2021), 8.

on the behavior of individuals or society, organizations or legal institutions in relation to the application or enactment of laws.²⁵

3. Results and Discussion

3.1. Law Enforcement of Narcotics Crimes in Maluku Province

The process of law enforcement of narcotics crimes really requires seriousness and supervision from all elements in this nation, because on the one hand narcotics with certain groups can be used in health services but must be in accordance with the provisions of the applicable law, on the other hand narcotics can also have the potential to be abused, so a comprehensive understanding is needed so that we can keep the younger generation from falling into narcotics abuse, We can imagine if the younger generation then falls into a vicious circle of narcotics abuse, whether it is as an abuser or an addict even worse if they are then involved in the illicit circulation of narcotics either as dealers or drug dealers.²⁶ The statistics of narcotics crimes in general do not show the slightest decrease, even though the government has made great efforts to reduce the figure, for example by establishing a special institution that is expected to coordinate various related agencies for the prevention, law enforcement, rehabilitation and others of drugs.²⁷

According to Article 81 of Law Number 35 of 2009, in the case of the settlement of this narcotics crime, the authority to conduct an investigation is the Investigator of the National Police of the Republic of Indonesia and the Investigator of the BNN.²⁸ In general, what is meant by narcotics is a type of substance that can cause certain effects for people who use it, namely by entering the body. The term narcotics used here is not "*narcotics*" in *pharmacology*, but the same meaning as "*drug*", which is a type of substance that when used will bring certain effects and influences on the user's body.²⁹

From the findings in the field, law enforcement of narcotics crimes, especially those that occurred in Maluku province, is presented as shown in the table below.

Table 1. Data on Narcotics Crime Law Enforcement Cases from 2019-2024 in the Jurisdiction of Maluku Province

No	Case Follow-up	Year					
		2019	2020	2021	2022	2023	2024
	Cases Per Year	123	143	169	172	149	179
1	Case Completed	123	143	169	132	141	141
2	Redirected to Restorative Justice	0	0	0	37	8	26
3	Delinquent Cases	0	0	0	0	1	12

Source: Directorate of Drug Investigation of the Maluku Police

²⁵ lihat Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020), 83.

²⁶ lihat Joey Josua Pamungkas Pattiwael, "Reorientasi Penegakan Hukum Bagi Penyalah Guna Narkotika," *Gorontalo Law Review* 6, no. 1 (2023): 35.

²⁷ lihat Tim Institute for Criminal Justice Reform (ICJR), *Politik Kebijakan Hukuman Mati di Indonesia Dari Masa Ke Masa* (Jakarta: Institute for Criminal Justice Reform, 2017), 52–53.

²⁸ lihat Widodo, *Op.Cit.*, 53–54.

²⁹ lihat Joko Sriwidodo, *Kajian Hukum Pidana Indonesia "Teori dan Praktek"* (Jakarta: Penerbit Kepel Press, 2019), 305.

Based on the table above, law enforcement for narcotics crimes in Maluku province continues to increase from year to year from 2019-2022. However, the number of cases from 2022-2023 actually decreased, then increased again in 2024. This is because from 2019-2024, the number of cases handled by the Maluku Police has also decreased from year to year. However, the increase in the number of cases in quantity actually does not show a significant number, because there will be a decrease in 2023.

However, unfortunately, in terms of resolving law enforcement cases for narcotics crimes, there are still problems, especially in 2023-2024 because the number of cases handled is apparently not completely resolved. This is due to the settlement of cases through *restorative justice* mechanisms. The rest of the unresolved cases are included in the category of arrears, especially in 2024 as many as 12 cases. Apart from that, the positive trend is that law enforcement of narcotics crimes is fairly effective because it tends to be consistent from year to year.

In addition, what is quite interesting to note is the number of cases that have been transferred to restorative justice. It is recorded that in 2022-2024 there will be a total of 71 cases of narcotics crimes that will be resolved through the restorative justice mechanism. This, of course, raises a fundamental question, can the enforcement of narcotics crime cases be transferred to restorative justice, especially in the police? The question will be answered later. From the data presented above, cases of narcotics crimes in Maluku province do look quite sad, because there is always an increase in the number of cases from year to year. Nevertheless, we can say that law enforcement is also effective by looking at a number of cases that have been resolved rather than cases that are stopped in the middle of the road.

On the other hand, the increase in the number of narcotics crime cases handled by the Maluku Police based on the table above further confirms that Maluku province is one of the regions in Indonesia where the level of narcotics circulation and abuse is quite high. This is due to the position of Maluku province which is geographically spread into several archipelago areas with fairly difficult access from one region to another. In addition, the geographical terrain also affects law enforcement because to trace and pursue narcotics criminals, they must cross the island using sea vehicles plus a long road trip. This condition triggers the emergence of the phenomenon of "unofficial entrances" (rat paths). Sea transportation (pioneer ships, wooden ships, and people's ports) is the main means of smuggling that is difficult to completely supervise. The distribution of illicit goods from outside areas (such as Java, Makassar, and Papua) often escapes because of the vast sea area that is not comparable to the patrol fleet. Control of delivery packages at airports or large expedition services is relatively more interceptable. On the other hand, once goods enter the waters of the archipelago and move from ship to ship (ship to-ship), legal detection becomes very weak.

The obstacles in terms of action, handling, and combating are difficult to overcome that make narcotics so easy to spread to various parts of the island because of the difficulty of uncovering, chasing and arresting the perpetrators. Moreover, Indonesia is an archipelagic

country that has many sea routes that can be passed by perpetrators of narcotics crimes.³⁰ In addition to geographical problems and access facilities, what also affects law enforcement and the increase in the number of cases is the weak law enforcement. The increase in the number of cases from year to year also confirms that in the aspect of law enforcement, this narcotics crime is relatively weak because it is often ridden by the mafia and rogue officials who also "play" because it is seen as a business field with huge profit potential.

The synergy of supervision in coastal areas between BNN, the Police, Customs, and Syahbandar/Transportation Agency still faces geographical constraints and limitations in tracking technology (such as eavesdropping devices or digital detection on outer islands) are also often a determining factor that contributes to increasing the number of narcotics cases in Maluku. Although there is a spirit of restorative justice for pure users or addicts through rehabilitation mechanisms, representative rehabilitation facilities in Maluku are still very limited when compared to the surge in the number of users. As a result, correctional institutions (Prisons) in Maluku experience overcrowding by narcotics inmates, which actually risks creating a cycle of recidivism (repeat crime) in prisons.

3.2. Restorative Justice for Narcotics Crimes, Is It Possible?

Answering the previous question, can the settlement of narcotics crimes in the police be solved by a restorative justice mechanism? If you look at the Regulation of the Republic of the Republic (Perpol) Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice as stipulated in article 6, in the article it is stipulated that the formal requirements as referred to in article 4 letter b include:

- a. peace from both parties, except for drug crimes; and
- b. fulfillment of the rights of victims and the responsibility of the perpetrator, except for drug crimes.

The provisions of article 4 above indirectly negate the existence of restorative justice practices for the enforcement of narcotics crimes in the police because in the article there is a phrase "except for drug crimes". Thus, the settlement of non-criminal drugs with the restorative justice mechanism is actually unknown. However, article 7 of the Perpol above, seems to state that specifically for narcotics crimes, a settlement process can also be applied with a restorative justice approach. As stipulated in article 7, there are 3 criminal acts that can be solved with restorative justice, namely information crimes and electronic, drug and traffic transactions.

Especially for narcotics crimes, it is emphasized again by the regulation of article 9 of the Perpol that drug addicts and abuse criminals apply for rehabilitation, at the time of arrest evidence of drug use is found for a day, no evidence of drugs is found at the time of arrest, but the urine test results show positive for drugs and are not involved in drug crime networks, dealers and/or dealers. The provisions of article 9 are then further emphasized by the regulation of article 15 paragraph (4) of the Perpol regarding the exception of the termination of investigations and special investigations for drug crimes. Thus, we can say that the

³⁰ see Roni Gunawan Raja Gukguk and Nyoman Serikat Putra Jaya, "Narcotics Crime as Transnational Organized Crime," *Indonesian Journal of Legal Development* 1, no. 3 (September 2019): 348, <https://doi.org/10.14710/jphi.v1i3.337-351>.

existence of the Perpol on restorative justice above creates ambiguity for both the regulation and the practical aspect. Because on the one hand, the perpol uses the nomenclature of restorative justice which seems to include drug crimes as the object of its scope, but in several articles as mentioned above, it is increasingly emphasized that the settlement of narcotics crimes with a restorative justice approach is still a debate because the provisions of the perpol are more dominant in excluding these criminal acts.

The intention of the perpol is actually more towards a rehabilitation approach than restorative justice. The reason is that narcotics crimes are crimes without victims (*crime victimless*).³¹ Which means that this crime does not cause casualties. Not causing victims here does not mean that there are no victims, but the perpetrator of this crime is not only the perpetrator of the crime but also the victim of the crime itself. Based on the view of crime without victim, we can see that narcotics abusers are both perpetrators and victims of the crimes they commit, so to help abusers not to move up as narcotics addicts, extra help is needed, namely with medical rehabilitation and social rehabilitation efforts, not with prison penalties that will worsen the situation of narcotics abusers and are very ineffective as a recovery measure.³²

Narcotics crimes that are claimed to be crimes without victims are very rational if they cannot be solved with restorative justice because the existence of the criminal act in question is indeed not a criminal act that directly causes victims and losses to others. So how is it possible that such a criminal act can be subject to restorative justice. The best drug crime of the perpetrator is to be rehabilitated if he is indeed a victim of abuse and is not a dealer and/or a snapper class. Therefore, the existence of the above perpol does theoretically and practically raise problems in terms of concept and implementation, because it embeds narcotics crimes to be classified as criminal acts that can be solved with restorative justice, but in fact the perpol only wants to say that drug users can apply for rehabilitation and it is impossible to solve it with restorative justice because none of the victims experience losses both direct and indirect.

3.3. Countermeasures of Narcotics Crimes in Maluku Province

Narcotics countermeasures in Maluku Province have quite complex challenges due to the characteristics of the region as an archipelago province. The geographical location that is spread and consists of many islands causes obstacles in terms of connectivity, supervision, and control of the entry of narcotics by sea and air. The number of unmonitored entrances and the lack of integrated supervision between agencies such as the National Police, BNN, Customs, and the Transportation Department further increase the opportunity for narcotics trafficking. Maluku as a province whose territory is mostly ocean and land consisting of various large and small islands allows the circulation of narcotics to be carried out freely. Ambon City is an entry point for drug traffickers. The types of drugs that enter Maluku include marijuana, methamphetamine, and several other types of drugs.³³

³¹ lihat N. Sari, "Op.Cit," 354.

³² lihat Pattiwael, "Op.Cit," 40.

³³ lihat Salamor dan Ubwarin, "Op.Cit," 61.

In addition, the location of Maluku, which borders several countries such as Australia, Timor Leste and Papua New Guinea, has a high impact on the vulnerability of drug crimes. Syndicate networks react by marketing drugs through a wide range of food products, cakes, perfumes, supplements, and more. Because most of the Maluku area consists of the sea, drug trafficking can be carried out by air (airport) or sea (port). BNN Maluku data shows that 70% of drug trafficking in Maluku is carried out by sea, and 30% by air. Supervision of the port as a sea route by law enforcement officials and Maluku customs is still far from what is expected.³⁴

Countermeasures against narcotics crimes in the Maluku archipelago can be pursued with various efforts. Be it preemptive, preventive, and repressive efforts. These three efforts are three approaches in problem management, especially in the context of public security and order (kamtibmas) or law enforcement. In short, preemptive is an effort to prevent early by targeting the cause of the problem, preventive is direct prevention by eliminating the opportunity for problems to occur, and repressive is action after problems occur. The goal of preemptive efforts is to eliminate or reduce factors that can trigger problems. The focus of preemptive education is on changing people's mindsets, behaviors, and attitudes through education, counseling, coaching, and other positive activities.³⁵

Various programs are designed by the government through authorized agencies to minimize the circulation of narcotics in the Maluku islands. One of them was carried out by the Central Maluku Police by forming a drug-free/shining village in the Land of Makariki, Central Maluku Regency. Makariki was chosen as a pilot model for other villages in Central Maluku because of its strategic location or high potential for Human Resources (HR) in supporting drug clean-up programs and is considered to be able to be a pioneer in community-based drug handling and Makariki is also a prone location or cases of drug abuse/circulation and is a trajectory or drug distribution area, both between islands and between sub-districts. The country of Makariki is used as a pilot / drug-free village is expected to be a showcase or role model for Central Maluku Regency to minimize the circulation and abuse of narcotics and liquor. The target of this activity is expected to become a sustainable program and the Central Maluku Regency Government can also form other drug-free villages throughout Central Maluku Regency.³⁶

The drug-free village program should not only be formed in the Central Maluku Police area. But it must be comprehensive in all jurisdictions of the Maluku Police. At least there are Villages/Countries per Regency/City that can be role models for other Villages/Countries in preventing and eradicating narcotics trafficking in Maluku. Given the geographical location of the Maluku Islands, it will be difficult if there is only 1 drug-free village as a role model for the area with the characteristics of this archipelago. The process of law enforcement of narcotics crimes is also directed more optimally so that it can reduce

³⁴ lihat *ibid.*

³⁵ lihat Suhardiman, "Kebijakan Kriminal Tindak Pidana Narkotika di Maluku Sebagai Provinsi Kepulauan" (Universitas Pattimura, 2025), 82.

³⁶ lihat *ibid.*, 90–91.

the rate of narcotics abuse. For example, in the process of investigating narcotics crimes, it is optimized by using the e-MP application.³⁷

Countermeasures of narcotics crimes in Ambon City use penal (criminal law) and non-penal approaches. The Penal approach consists of several parts, including: *first*, Substance, substance related to available laws and regulations in accordance with criminal acts. Indonesia already has a Narcotics Law, namely Law Number 35 of 2009 concerning Narcotics. Related to the countermeasures of narcotics crimes in Maluku, both for producers, dealers and dealers, it is processed in accordance with the applicable law where the existence of Law No. 35 of 2009 is very accommodating to provide criminal penalties for producers, dealers and dealers. Based on the results of the research, although the threat of severe criminal punishment at the stage of court decisions has not yet had a deterrent effect on several drug dealers and dealers in Maluku. *Second*, the structure, this section prioritizes the structure of law enforcement officials. In narcotics crimes, not only the police but also members of the National Narcotics Agency and Customs and Excise employees. In Maluku, the supervision of sea transportation routes received more serious attention.

In some findings, drugs were sent through freight forwarding services, which not only used air routes but also used sea routes to be distributed in areas/islands that did not have airports considering the Maluku region which mostly consists of islands and seas. Generally, drugs are distributed through small ports that rarely receive attention from police officers and customs officers. The problem of lack of members in efforts to counter narcotics crimes and the lack of supporting infrastructure in carrying out supervisory functions in the Maluku archipelago area are obstacles faced by law enforcement officials in preventing and supervising drug trafficking in the sea route. *Third*, culture, especially in villages far from the city, still considers drug eradication as a taboo because some people in these villages still think that drug trafficking will not reach their area or area. Therefore, BNN Maluku together with the local Police carry out various advocacy about narcotics abuse and the dangers of drugs for the younger generation. The advocacy activities carried out involve various elements of society. Starting from community leaders, traditional leaders, youth and even housewives. With knowledge of the dangers of drugs, it is hoped that the number of drug users among the younger generation will decrease. The latest trend, especially in the city of Ambon, most of the drug users are school-age adolescent girls in both junior high and high school with a capable family background. The condition of a "broken home" family is no longer a dominant factor for drug users.³⁸

3.4. Factors Affecting Law Enforcement of Narcotics Crimes in Maluku Province

The factors that hinder the prevention of narcotics crimes in Maluku as an archipelago province are, among others. *First*, its geographical location as an archipelago province. The range of control and connectivity in the process of preventing and countering the circulation and abuse of narcotics is very difficult. *Second*, operational costs are quite high. Due to the problem of control range and connectivity due to its geographical location as an archipelago,

³⁷ lihat *ibid.*, 91.

³⁸ hal Salamor dan Ubwarin, "Op.Cit," 63.

it will also have an impact on the high operational costs of the law enforcement process for narcotics crimes. *Third*, the lack of human resources. The lack of human resources in the sense of the lack of law enforcement officers who focus on the law enforcement process of narcotics crimes is an obstacle to the countermeasures of narcotics crimes themselves. *Fourth*, the lack of community participation. The lack of cooperation or community participation in helping law enforcement officials overcome narcotics crimes is an inhibiting factor that must be a common concern. *Fifth*, Many entrances. Located as an archipelagic province, there are many entrances for narcotics trafficking through various islands in Maluku. *Sixth*, the lack of supervision. Lack of supervision and joint patrols between related agencies, such as the National Police, BNN, Customs, Transportation Service and so on. Even if there is only temporary. Even though Maluku with its geographical location with many islands, with its sea area exceeding the mainland, it is difficult to control properly.³⁹

In addition to the inhibiting factors above, supporting factors that can support the implementation of narcotics law enforcement in Maluku province include: *First*, Ambon as the center of narcotics circulation in the Maluku Islands is a small city. So that it makes it easier for law enforcement officials to detect the circulation of narcotics in the vicinity. *Second*, if narcotics enter Ambon and then distribute to the islands, it will be easy to detect. Because of the location of Ambon as a small city that is easy to reach. But if narcotics come in from various islands (many entrances), it is a complicated problem. Because it is difficult to detect with the area of the Maluku sea. *Third*, with its geographical location as a small island that is easy to reach, the supervision and patrol of law enforcement officials will be very easy. *Fourth*, if various campaigns, counseling and training are centered in the city of Ambon as the provincial capital, it will be very easy. However, if it will be a problem if it is only centered in the city of Ambon, because of the geographical location of Maluku as an archipelago province. will be very ineffective if various campaigns, counseling or training are only centered in the city of Ambon.⁴⁰

4. Conclusion

Law enforcement of narcotics crimes in Maluku province has shown an increase from year to year from 2019-2024. However, from 2022 to 2023 there was a decrease in the total number of cases handled by the police. However, in 2024 the number of cases will again increase. Thus, it can be said that the tendency of narcotics crimes in the region is often increasing. Even so, the case that occurred also received meaningful handling based on data statistics from the Directorate of Drug Investigation of the Maluku Police. You could say that the enforcement of the law on narcotics crimes is effective when you look at the number of cases that occur and how many cases are resolved. However, there are irregularities in terms of resolving cases using restorative justice mechanisms. Because after all, in Perpol number 8 of 2021, drug crimes are excluded for the use of restorative justice, even though restorative justice referred to in the Perpol is more directed to rehabilitation. From a practical perspective, providing rehabilitation for narcotics detoxification is a must, but if it is

³⁹ lihat Suhardiman, "Kebijakan Kriminal Tindak Pidana Narkotika di Maluku Sebagai Provinsi Kepulauan," 98.

⁴⁰ lihat ibid., 99.

interpreted as restorative justice, that is where the mistake lies because restorative justice can only be applied if there are victims. The perpetrator and the victim are involved and as much as possible is tried to lead to peace on both sides. Meanwhile, rehabilitation has no victims because the crime of narcotics itself is a crime without a victim (*crime victimless*). As for crime prevention, it has been running quite effectively, but law enforcement cannot be separated from various obstacles.

References

Journal article

- Amalia, Hikmah Putri, Naida Andhita Pasa, dan Salsabila Nur Sahara D. "Problematika Penegakan Hukum Terhadap Tindak Pidana Narkotika Di Indonesia." *Ma'mal: Jurnal Laboratorium Syariah dan Hukum* 5, no. 3 (Juni 2024): 279–96. <https://doi.org/10.15642/mal.v5i3.367>.
- Aminnullah, Sakti. "Asas Strict Liability Dalam Tindak Pidana Narkotika." *Jurist-Diction* 1, no. 2 (2018): 723–37. <https://e-journal.unair.ac.id/JD/article/view/11021/6245>.
- Anisa Nazaila Idris, Mahfudzah Rahva Nur Laily, dan Syarifuddin Syarifuddin. "Analisis tentang Problematika Penegakan Hukum terhadap Pelaku Tindak Pidana Narkotika." *Aliansi: Jurnal Hukum, Pendidikan dan Sosial Humaniora* 2, no. 6 (November 2025): 165–74. <https://doi.org/10.62383/aliansi.v2i6.1355>.
- Cahyani, Endah, dan Nathalina Naibaho. "Penegakan Hukum Situasional Dalam Menangani Tindak Pidana Penyelundupan Narkotika Di Indonesia." *SALAM: Jurnal Sosial dan Budaya Syar-i* 10, no. 4 (2023): 1322. <https://doi.org/10.15408/sjsbs.v10i4.32658>.
- Endri, Endri. "Problematika Penegakan Hukum Tindak Pidana Narkotika dan Obat/Bahan Berbahaya (Narkoba) di Indonesia." *UNIFIKASI: Jurnal Ilmu Hukum* 3, no. 1 (2016): 1–27. <https://doi.org/10.25134/unifikasi.v3i1.416>.
- Guguk, Roni Gunawan Raja, dan Nyoman Serikat Putra Jaya. "Tindak Pidana Narkotika Sebagai Transnasional Organized Crime." *Jurnal Pembangunan Hukum Indonesia* 1, no. 3 (September 2019): 337–51. <https://doi.org/10.14710/jphi.v1i3.337-351>.
- Khairunisa, Kania, dan Dey Ravena. "Analisis Hambatan Pelaksanaan Eksekusi Pidana Mati pada Pelaku Tindak Pidana Peredaran Narkotika di Dalam Lembaga Pemasyarakatan Dihubungkan dengan Putusan Mahkamah Konstitusi Nomor 107/PUU-XIII/2015." *Jurnal Riset Ilmu Hukum* 1, no. 1 (2021): 15–20. <https://doi.org/10.29313/jrih.v1i1.59>.
- Kristiyani, Marlina, dan Vieta Imelda Cornelis. "Penegakan Hukum Terhadap Pelaku Tindak Pidana Narkotika di Wilayah Hukum Kepolisian Resor Kota Besar Surabaya." *Binamulia Hukum* 12, no. 1 (2023): 201–11. <https://doi.org/10.37893/jbh.v12i1.331>.
- Montana, Vindo, M. Yamin Lubis, dan Ibnu Affan. "Penegakan Hukum Terhadap Prajurit TNI yang Melakukan Tindak Pidana Penyalahgunaan Narkotika (Studi Putusan Pengadilan Militer I-02 Nomor 109-K/PM.I-02/Al/XI/2022)." *Jurnal Ilmiah Metadata* 5, no. 3 (2023): 1–9.
- Novitasari, Novi, dan Nur Rochaeti. "Proses Penegakan Hukum Terhadap Tindak Pidana

- Penyalahgunaan Narkotika Yang Dilakukan Oleh Anak.” *Jurnal Pembangunan Hukum Indonesia* 3, no. 1 (2021): 96–108. <https://doi.org/10.14710/jphi.v3i1.96-108>.
- Nur raharsi, Rara Rahayu, Supanto Supanto, dan Muhammad Rustamaji. “Eksistensi Sanksi Pidana Denda dalam Penegakan Hukum Tindak Pidana Narkotika di Indonesia.” *Jurnal Wawasan Yuridika* 3, no. 2 (2019): 115. <https://doi.org/10.25072/jwy.v3i2.253>.
- Patiwael, Joey Josua Pamungkas. “Reorientasi Penegakan Hukum Bagi Penyalah Guna Narkotika.” *Gorontalo Law Review* 6, no. 1 (2023): 34–45.
- Raja Gukguk, Roni Gunawan, dan Nyoman Serikat Putra Jaya. “Tindak Pidana Narkotika Sebagai Transnasional Organized Crime.” *Jurnal Pembangunan Hukum Indonesia* 1, no. 3 (2019): 337–51. <https://doi.org/10.14710/jphi.v1i3.337-351>.
- Salamor, Yonna Beatrix, dan Erwin Ubwarin. “Kebijakan Penanggulangan Tindak Pidana Narkotika di Wilayah Maluku.” *Jurnal Muara Ilmu Sosial, Humaniora, dan Seni* 1, no. 1 (2017): 58. <https://doi.org/10.24912/jmishumsen.v1i1.335>.
- Samosir, Agustinus. “Penegakan Hukum Tindak Pidana Narkotika dilihat dari Perspektif Kriminologi.” *Logika: Journal of Multidisciplinary Studies* 11, no. 02 (2020): 87–94. <https://doi.org/10.25134/logika.v11i02.3122>.
- Sari, Indah. “Perbuatan Melawan Hukum (PMH) Dalam Hukum Pidana Dan Hukum Perdata.” *Jurnal Ilmiah Hukum Dirgantara* 11, no. 1 (1 September 2020): 53–70. <https://doi.org/10.35968/jh.v11i1.651>.
- Sari, Novita. “Penerapan Asas Ultimum Remedium Dalam Penegakan Hukum Tindak Pidana Penyalahgunaan Narkotika (Application Of Ultimum Remedium Principles In Law Enforcement On Criminal Act Of Narcotics Abuses).” *Jurnal Penelitian Hukum De Jure* 17, no. 3 (2017): 351–63. <http://ejournal.balitbangham.go.id/index.php/dejure>.
- Seregig, I Ketut, Gindha Ansori Wayka, dan Mutiara Fitri. “Penegakan Hukum Pidana Bagi Pelaku Tindak Pidana Penyalahgunaan Jual Beli Narkotika Golongan I Bukan Tanaman Studiputusan Nomor : 199/Pid.Sus/2022/Pn.Tjk).” *Unizar Law Review* 5, no. 2 (2022). <https://doi.org/10.36679/ulr.v5i2.16>.
- Simanjuntak, Immanuel, Emmanuella Mary Oktavia Lumbantobing, Immanuel Pahala Surya Lumbantobing, dan Geby Teresy Apriani Sihombing. “Kedudukan Hukum Pidana Terhadap Pelaku Tindak Pidana Narkotika Jenis Shabu-Shabu.” *Jurnal Hukum Lex Generalis* 6, no. 7 (Juli 2025). <https://doi.org/10.56370/jhlg.v6i7.1105>.
- Situmorang, Donny Michael. “Implementasi Undang-Undang Narkotika Ditinjau dari Perspektif Hak Asasi Manusia.” *Jurnal Penelitian Hukum De Jure* 18, no. 3 (2018): 415. <https://doi.org/10.30641/dejure.2018.v18.415-432>.
- Sumanto, Atet. “Efektifitas Pidana Mati Dalam Proses Penegakan Hukum Tindak Pidana Narkotika.” *Perspektif* 22, no. 1 (2017): 21. <https://doi.org/10.30742/perspektif.v22i1.548>.
- Tarigan, Andrika Imanuel. “Pertanggungjawaban Pidana Korporasi Dalam Tindak Pidana Narkotika.” *Jurnal Ilmiah Mandala Education* 6, no. 2 (2020): 146–53. <https://doi.org/10.58258/jime.v6i2.1433>.

Book

- Housnah, Asmak Ul, Dwi Seno Wijanarko, dan Hotma P. Sibuea. *Karakteristik Ilmu Hukum dan Metode Penelitian Hukum Normatif*. Depok: Rajawali Pers, 2021.

- Maiyestati. *Metode Penelitian Hukum*. Padang: LPPM Universitas Bung Hatta, 2022.
- Muhaimin. *Metode Penelitian Hukum*. Mataram: Mataram University Press, 2020.
- Sriwido, Joko. *Kajian Hukum Pidana Indonesia "Teori dan Praktek."* Jakarta: Penerbit Kepel Press, 2019.
- Suhardiman. "Kebijakan Kriminal Tindak Pidana Narkotika di Maluku Sebagai Provinsi Kepulauan." Universitas Pattimura, 2025.
- Sulistyan, Aditya Yuli. *Argumentasi Hukum*. Semarang: Yoga Pratama, 2021.
- Tim Institute for Criminal Justice Reform (ICJR). *Politik Kebijakan Hukuman Mati di Indonesia Dari Masa Ke Masa*. Jakarta: Institute for Criminal Justice Reform, 2017.
- Widodo, Dwi Indah. *Hukum Pidana, Narkotika Dan Psikotropika*. Surabaya: R.A.De.Rozarie, 2019.