

# Implementation of Legal Responsibility and Settlement of Drug Cases to Create Professional and Transparent Clean Performance

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# Implementation of Legal Responsibility and Settlement of Drug Cases to Create Professional and Transparent Clean Performance

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**Abstract.** The advancement of maltreatment of opiates and unlawful medications in Indonesia is expanding far and wide and shows an increment from one year to another. Accurate data regarding the magnitude of drug abuse in general does not yet exist. However, it is estimated that in recent years the number of cases of drug abuse has increased. In the police there is a classification of light, medium and difficult crimes. However, the problem is that the application of the rules for handling light, medium and difficult cases does not change the form of accountability. What has changed is only a limitation on the use of the budget to handle a case. This means that the determination of the value of light/moderate/severe cases is only an addition to the rules <sup>2</sup> at limit the number of cases handled, not part of the form of accountability as intended. **The objectives of this research are** (1) to analyze the mechanism of budget submission in handling drug cases; (2) Analyzing the form of accountability for the use of funds <sup>4</sup> the settlement of drug cases to create a clean and transparent professional performance. **The method used in this research is normative law, namely by making a classification of written legal.**

**Keywords:** Funds, Finance. Drugs, Transparent, Professional

## 1 Introduction

In the current era of globalization, society continues to develop, where its development is always followed by a process of adjustment that sometimes occurs in an unbalanced manner. Violations of these norms are becoming more and more frequent and crimes are increasing, both the type and form of the pattern is increasingly complex. The development of society is caused by science and the mindset of an increasingly advanced society. Diverse society certainly raises the emergence of diverse interests as well. That is why in society it is necessary to regulate the various interests that exist, so that these interests do not conflict with one another. This is where the law plays a role, the law is made in order to create certainty, justice and benefit for the community. (Hujibers, 2011)

In this regard, in order to create a safe, orderly and controlled community life, it is necessary to implement good and effective legal regulations. The concept of Western law that applies in Indonesia has 3 (three) legal objectives, as outlined in the standard priority theory, namely justice, expediency and legal certainty. (Devi Aprianti, 2020)

5 Crime is a form of deviant behavior 5 that is always present and inherent in every form of society. Deviant behavior is a threat to social norms that underlie life or social order, can cause individual tensions and social tensions, and is a real or potential threat to the ongoing social order in society. (Arief, 2013)

Meanwhile, the definition of crime as formulated by Paul Moedikdo Moeliono is a human act which is a violation of norms that is felt to be harmful, annoying, so it should not be allowed to happen. (Circle, Year 13) Some of these types of crimes include: (Taufik, 2019)

1. What is called a crime as a business; namely organized crime, white collar crime, corruption, smuggling;
2. Alcohol and narcotics abuse;
3. Acts of terrorism
4. Crime or traffic violation.

One of the crimes that causes unrest in the community is the misuse of narcotics and illegal drugs which is an extraordinary crime and can damage the life of the nation and state. The problem of narcotics abuse is not only a problem that needs attention from Indonesia, but also from the international world. (Adi, 2014)

The advancement of the utilization of opiates at this time is not only in the fields of health and science and technology, but has shifted to the goal of seeking big profits. The impact of drugs on health and the future is not small, many are sacrificed because of drug abuse. The relationship between the dealer and the victim makes it difficult for the victim to escape, and it is not uncommon for the victim to be involved in trafficking due to the increasing need for and dependence on drugs. Whereas Law Number 35 of 2009 concerning Narcotics contains quite heavy sanctions ranging from fines, life imprisonment and even death penalty. (Hamzah, 2010)

The development of abuse of narcotics and illegal drugs in Indonesia is increasingly widespread and shows an increase from year to year. Accurate data regarding the magnitude of drug abuse in general does not yet exist. However, it is estimated that in recent years the number of cases of narcotics abuse has increased, even the actual number is estimated to be in accordance with the "iceberg" phenomenon, where the number of cases is much larger than the reported/collected cases. Society in general views drug use more as a moral issue than a health problem.

The abuse and illicit circulation of narcotics in Indonesia has penetrated all regions of the country and has spread to various parts of life. Drug trafficking and abuse in society must be prevented and addressed. This problem concerns the role of law enforcement officers, especially the police, which is very important in the midst of society as state servants and protectors of life in society. (Sunarso, 2007)

Narcotics abuse is regulated in Law no. 35 of 2009 concerning Narcotics. This law is special (Lex Specialis), the main purpose of the promulgation of Law no. 35 of 2009 concerning Narcotics according to Article 3 of Law no. 35 of 2009 are: (Rahmadani, 2003)

1. Guarantee the availability of narcotics for the benefit of health services or the development of science and technology;
2. Prevent, protect and save the Indonesian nation from narcotics abuse;
4. Eradicating the distribution and abuse of narcotics;
4. Ensure the arrangement of medical and social rehabilitation efforts for drug abusers and addicts.

7 While in Article 73 to Article 103 of Law no. 35 of 2009 concerning Narcotics regulates the process of investigating, prosecuting and examining narcotics crime courts. In every series of handling narcotics case, the investigation process is the most important process in eradicating narcotics abuse.

This is because the investigation is a process of collecting evidence that can determine who the suspect is, it is during the investigation process that evidence can be collected that can be used to prove a crime in the use of narcotics. In addition, at this stage it can be known whether the suspect's status is a user or a dealer. The legal arrangements administering opiates issues have been drafted and authorized through Law no. 35 of 1999 concerning Narcotics. Nonetheless, violations connected with opiates have not been mollified. In numerous new cases, many street pharmacists and dealers have been gotten and gotten serious assents, yet this doesn't appear to have an obstacle impact for different culprits, there is even an inclination to extend their area of activity. (Associates, 2012)

The eradication of narcotics crime has the same spirit as the eradication of corruption. This is as previously described those narcotics crimes have been categorized as unordinary crimes (extraordinary crimes). (Daniel, 2011) Even narcotics crimes are classified as special crimes that are regulated outside the Criminal Code. In the police there is a classification of light, medium and difficult crimes. However, the problem is that the application of the rules for handling light, medium and difficult cases does not change the form of accountability. What has changed is only a limitation on the use of the budget to handle a case. This means that the determination of the value of light/moderate/severe cases is only an addition to rules that limit the number of cases handled, not part of the form of accountability as intended.

What about things that are not finished but the budget runs out? this means that the investigators working on the case have run out of budget, and the case still has work to be done. The reality that is faced in many police stations today is that in dealing with cases reported by the public, many can be resolved. However, difficulties arise when investigators at the Resort Police level have to be financially responsible for the financing of the case. Because so far the available budget is not proportional to the number of cases handled.

On the other hand, if there is a Police station at the Polres level that is able to solve more cases than budgeted, can that be considered an achievement or a mistake? For example, of the 100 cases reported, 30 cases could be handled thoroughly and could be resolved properly and the perpetrators could be revealed, even though there is no longer available budget for that. The budget for investigation and investigation is indeed in the title of the budget, the nominal and the number of cases that can be financed by the state are determined. However, financial accountability is not to the number of cases, but to the use of the budget money.

Meanwhile, Article 17 paragraph (2) of Presidential Decree 42 of 2002 concerning Guidelines for the Implementation of the State Budget, which reads: "Departments/institutions are not allowed to impose levies or additional levies that are not stated in laws and or government regulations". This means, where does the funding for these cases come from? what if it turns out that these cases are not financed by the state can be interpreted as levies? If there is no investigation budget, is it left alone? Is it permissible for investigators to look for alternative financing? If you have received additional costs not from the state, should there be an official report on the grant and the use of the funds will still be accounted for, such as the use of state money.

To realize good management, of course, it must be based on several principles of financial management, including the principles of transparency and accountability. In this regard, the government then carried out public sector financial reforms, namely the issuance of Law Number 17 of 2003 concerning State Finance.

The fact is that so far it turns out that the Police are still being forced by the state to carry out many activities that are not funded by the state but they can still be carried out with the aim of meeting people's expectations. If this continues, it is the same as the state has ordered the National Police to look for alternative financing that could lead to irregularities. Then what is

the budget submission system in the investigation of criminal acts that occur in the Bogor Police Legal Area and how is the accountability for the use of these finances?

### Literature Review Police Investigator

Examination is the phase of settling a lawbreaker case after the examination which is the underlying phase of searching for the presence or nonappearance of a crook act in an occasion. Whenever it is realized that a wrongdoing has happened, then an examination can be done in light of the aftereffects of the examination. In the demonstration of examination, the accentuation is put on the demonstration of "looking and finding" an "occasion" that is thought of or thought to be a lawbreaker act. While in the examination the accentuation is put on the demonstration of "looking and assembling proof". The reason for the examination is to reveal insight into the violation found and furthermore to decide the culprits. The meaning of examination is expressed in Article 1 point 2 of the Criminal Procedure Code, specifically in Chapter I with respect to General Elucidations, in particular:

- a. An examination is a progression of activities that contain activities that are interconnected with each other;
- b. Examinations are completed by open authorities called specialists;
- c. Examinations are completed as per legal guidelines.
- d. The reason for the examination is to find and gather proof, with that proof to clarify the wrongdoing that happened, and to see as the suspect.

### Definition of narcotics

Opiates are substances or medications got from plants or non-establishes either combined which can cause a decline and change in cognizance, loss of taste, diminish to vanishing of torment, and can cause reliance. Therefore, if this group substances is consumed by humans either by being inhaled, smoked, swallowed, or injected, it will affect the central nervous system (brain) and will cause dependence. As a result, the working system of the brain and vital functions of other body organs such as the heart, respiration, blood circulation and others will change when consuming and will decrease when not consumed (become irregular)(Chazawi, 2002).

The word opiates come from the Greek word "narke" and that implies anesthetized so you feel nothing. Certain individuals believe that opiates comes from "narcissus" and that implies sort of plant that has blossoms that can make individuals become oblivious.(Sasangka, 2003)M. Ridha Ma'roef said that there are two kinds of narcotics, namely natural narcotics and synthetic narcotics. Included in the category of natural narcotics are various types of opium, morphine, heroin, marijuana, hashish, codeine, cocaine. Mini-style narcotics are included in the narrow sense of narcotics while synthetic narcotics is a broad definition of narcotics and includes hallucinogens, depressants, stimulants.(Sasangka, 2003)

The word opiates have something to do with the word narkam in Greek which means to be firm (spasms), in clinical phrasing the terms narcose or narcosis which means to be anesthetized, particularly while completing a medical procedure (medical procedure), this significance is by all accounts contained in the Latin expression narcotikum (drug). bus), which then, at that point, implies all the more extensively so it is equivalent to medicate in English.(Soedjono, 2005)

By and large, what is implied by opiates is a sort of substance that can cause specific impacts for individuals who use it, in particular by embedding it into the body. According to Law Number 35 of 2009, Narcotics are substances or medications beginning from plants or non-plants, both manufactured and semi-engineered, which can cause a lessening or change in



cognizance, loss of taste, decrease to kill torment, and can cause reliance, which are separated into bunches as 1 joined to this Law. The term opiates utilized in this study has a similar importance as "drug", which is a sort of substance which, when utilized, will have certain endlessly consequences for the client's body, to be specific:

- a. Affects consciousness;
- b. Give support that can influence human way of behaving;
- c. These influences can be in the form of:
  - 1) Tranquilizer;
  - 2) Stimulus (not sexual stimulation);
  - 3) Cause mental trips (the wearer can't recognize dream and reality, loses familiarity with general setting).

## 2 Research Methods

In this study, the approach taken by the author is normative law, namely by making a classification of written legal materials, which aims to facilitate the analysis and construction of the mechanism for filing a budget for handling drug cases and a form of accountability for the use of funds for the settlement of drug cases to create Professional Transparent Clean Performance.

To have the option to additionally investigate the aftereffects of this review, the analyst will likewise adopt an observational juridical strategy to more readily comprehend the ramifications of regulations and guidelines in regards to monetary obligation inside the Bogor Police. So this exploration can give legitimate contentions as a reason for deciding if an occasion is correct or wrong and how the occasion ought to be as per material regulation.(Achmad, 2010).

## 3 Results and Discussion

Narcotics are substances or drugs that are prohibited to be consumed or used without permission because they will result in decreased and tethered consciousness and narcotics can damage the central nervous system of the brain. The increase in narcotics cases in Indonesia has resulted in budget expenditures for the State because the investigation of cases handled requires a very large budget with only each case handled can prevent an increase in the use and spread of narcotics in Indonesia.

Implementation of the use of funds received for the investigation of narcotics cases is carried out by creating a professional clean and transparent performance for the prevention and control of the spread of narcotics in Indonesia. Prevention and control of narcotics continues to be improved because the impact of narcotics use will be detrimental to the health of users.

Prevention and control of narcotics must be carried out jointly from the community, government and law enforcers. The role of government officials, especially the police, is very important, apart from being a servant of the state, the police play a role in protecting life in society.

The existence of Law Number 35 of 2009 concerning narcotics is expected to be able to overcome and prevent the circulation of narcotics and the application of real, fair and firm sanctions that violate the regulations related to narcotics must be implemented so that there is a deterrent effect and no more the same crime, especially the use and abuse narcotics.

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