



## Synergy between the National Narcotics Agency and the Police in Handling Narcotics Crimes in Indonesia

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### Abstract

Drug abuse and illicit trafficking are serious problems in the Indonesian criminal justice system that require comprehensive and equitable handling. Law Number 35 of 2009 concerning Narcotics regulates a dual approach through repressive law enforcement against dealers and a rehabilitative approach for drug abusers. However, in practice, the implementation of rehabilitation is still not optimal and tends to be replaced by imprisonment. This study aims to analyze the law enforcement policy for narcotics crimes in Indonesia, focusing on the role of the National Narcotics Agency and the Police and the implementation of rehabilitation for drug abusers. The research method used is normative legal research with a legislative and conceptual approach. The results show that there is still a gap between legal norms and law enforcement practices, particularly in the implementation of rehabilitation, and the need to strengthen synergy between the National Narcotics Agency and the Police. This study concludes that optimizing rehabilitation policies and institutional coordination are key to realizing just, humanistic, and social recovery-oriented narcotics law enforcement.

## I. INTRODUCTION

Drug abuse and illicit trafficking are serious issues within Indonesia's criminal justice system due to their widespread impact on public health, social order, and national security. The state responded to this issue by enacting Law Number 35 of 2009 concerning Narcotics, which classifies narcotics crimes as serious crimes with the threat of severe criminal sanctions, particularly for drug dealers and producers (Supramono, 2009). However, the same law also recognizes drug abusers as individuals requiring a rehabilitative approach through medical and social recovery mechanisms (Supreme Court of the Republic of Indonesia, 2010).

In law enforcement practice, there is still a tendency to impose prison sentences on drug abusers, despite the strict normative regulation of rehabilitation policies (Junaedi et al., 2019). This situation indicates a gap between legal norms and their implementation, which has resulted in an increase in the number of drug users in correctional institutions and a suboptimal social recovery goal (Imran, 2013). Furthermore, the overlapping authority between the National Narcotics Agency and the Police in

investigating and prosecuting drug crimes requires institutional synergy for effective and equitable law enforcement (Wajdi & Lubis, 2019).

Based on these issues, this article aims to analyze drug law enforcement policies in Indonesia, focusing on the roles of the National Narcotics Agency and the Police, as well as the implementation of rehabilitation for drug abusers. This study is crucial for assessing the extent to which a balance between penal and non-penal approaches has been achieved and for providing policy recommendations oriented toward recovery and social justice.

## II. RESEARCH METHODS

This study uses a normative legal research method with a statute approach and a conceptual approach (Marpaung, 2005). The statutory approach is used to analyze legal provisions governing narcotics crimes, specifically Law Number 35 of 2009 concerning Narcotics, Supreme Court Circular Letter Number 4 of 2010, and other implementing regulations related to the rehabilitation of narcotics abusers and the

authority of the National Narcotics Agency and the Police.

A conceptual approach is used to examine the concept of criminal law policy, penal and non-penal approaches, as well as the principles of proportionality and restorative justice in handling narcotics crimes (Zaidan, 2015; Prodjodikoro, 2003). The legal materials used consist of primary legal materials in the form of relevant laws and court decisions, secondary legal materials in the form of books, scientific journals, and previous research results, and tertiary legal materials in the form of legal dictionaries and encyclopedias (Sofyan & Asis, 2014).

The legal data collection technique was conducted through library research, while data analysis was conducted qualitatively using descriptive-analytical methods. The results of the analysis are then presented in a systematic description to explain the relationship between legal norms and law enforcement practices, as well as to formulate policy implications for combating drug crimes in Indonesia.

### III. RESULTS AND DISCUSSION

#### A. Research result

Based on a normative study of Law Number 35 of 2009 concerning Narcotics, implementing regulations, and relevant legal literature, the following main results were obtained:

First, drug crimes in Indonesia are systematically classified based on the type, class, and role of the perpetrator. The Narcotics Law distinguishes between users, dealers, and producers, each with varying legal consequences (Supramono, 2009). This regulation demonstrates the state's effort to provide a proportional legal response according to the level of culpability and impact of the act (Prodjodikoro, 2003).

Second, the National Narcotics Agency (BNN) has a strategic role not only in enforcement but also in prevention and rehabilitation (Junaedi et al., 2019). The existence of an integrated assessment team is a crucial tool in determining whether someone deserves to be treated as a victim of drug abuse or as a perpetrator of a crime that requires criminal prosecution.

Third, there is a shared authority between the National Narcotics Agency (BNN) and the National Police (Polri) in the investigation and

prosecution of narcotics crimes. This situation requires strong coordination and synergy to prevent overlapping authority or institutional conflict in law enforcement practices (Wajdi & Lubis, 2019).

Fourth, medical and social rehabilitation is a legal policy that is normatively recognized as an alternative to imprisonment for drug addicts and victims of abuse. However, its implementation in the field is still less than optimal due to factors such as law enforcement officials, judges' perceptions, and limited rehabilitation facilities (Supreme Court of the Republic of Indonesia, 2010; Imran, 2013).

#### B. Discussion

##### Law Enforcement of Narcotics Crimes in Indonesia

The results of a normative study indicate that Law Number 35 of 2009 concerning Narcotics comprehensively regulates narcotics crimes by classifying the types of narcotics, the roles of perpetrators, and the types of criminal sanctions that can be imposed. This regulation clearly differentiates between drug abusers, dealers, and producers, each of which carries different legal consequences. This differentiation reflects the application of the principle of proportionality in criminal law, where the severity of sanctions is adjusted according to the level of culpability and the impact of the act.

From a criminal law policy perspective, this regulation demonstrates that narcotics crimes are positioned as serious crimes, particularly for those involved in illicit trafficking (Marpaung, 2005). This is evident in the threat of severe penalties, including long-term imprisonment and the death penalty for drug dealers and producers. However, the same law also provides room for a non-penal approach to drug abuse through rehabilitation mechanisms (Zaidan, 2015).

##### The Role and Synergy of the National Narcotics Agency and the Police

The analysis shows that the National Narcotics Agency (BNN) and the National Police have relatively overlapping authorities in the investigation and prosecution of narcotics crimes. The police serve as the primary law enforcement agency in

eradicating narcotics trafficking, while the BNN has broader functions, encompassing prevention, community empowerment, rehabilitation, and cross-sector coordination (Wajdi & Lubis, 2019).

This situation demands institutional synergy to prevent overlapping authority in law enforcement practices (Fuady & Fuady, 2016). This synergy is reflected in the formation of an integrated assessment team involving medical and legal elements to determine the status of the perpetrator, whether as a dealer who must be prosecuted or as a drug abuser who deserves rehabilitation. Thus, synergy between the National Narcotics Agency (BNN) and the police is a key factor in achieving effective and equitable law enforcement.

### **Rehabilitation as a Non-Penal Policy Instrument**

The results of the study indicate that rehabilitation is an important instrument in non-penal policies to combat narcotics crimes. Law Number 35 of 2009 explicitly requires rehabilitation for addicts and victims of narcotics abuse, which is reinforced through Supreme Court Circular Letter Number 4 of 2010. This policy positions narcotics abusers as subjects who require recovery, not merely punishment (Zaidan, 2015).

However, in judicial practice, the implementation of rehabilitation is still suboptimal. Many judges' decisions impose prison sentences coupled with rehabilitation, making the rehabilitation goal less effective and actually exacerbating the problem of correctional overcapacity (Imran, 2013). This demonstrates a gap between legal norms (*das sollen*) and law enforcement practices (*das sein*).

Conceptually, rehabilitation, implemented through assessment, medical rehabilitation, social rehabilitation, and follow-up development, has significant potential to reduce recidivism rates and restore the social functioning of drug abusers (Mastiyanto, 2020; Rodliyah, 2017). Therefore, optimizing rehabilitation requires increased understanding among law enforcement officials and strengthened coordination between relevant agencies.

Based on these results and discussion, it can be concluded that combating drug crime

in Indonesia requires a balance between penal and non-penal approaches. A repressive approach remains necessary for drug traffickers, while a rehabilitative approach must be optimized for drug abusers. Synergy between the National Narcotics Agency (BNN) and the police, as well as consistent law enforcement in implementing rehabilitation policies, are key to realizing an effective, just, and recovery-oriented narcotics law enforcement system.

Theoretically, this study strengthens the concept of balance between penal and non-penal approaches in criminal law policy, particularly in handling drug crimes, by emphasizing that drug abusers should be positioned as subjects of recovery. Practically, the results of this study provide implications for policymakers and law enforcement officials to optimize the implementation of rehabilitation as an alternative to imprisonment and strengthen coordination between the National Narcotics Agency and the Police in determining the legal status of perpetrators. Policy-wise, this study can serve as a reference in the formulation of stricter regulations and technical guidelines to prevent excessive criminalization of drug abusers and support a law enforcement system oriented towards restorative justice.

This study has limitations due to its use of a normative legal approach focused on analyzing legislation and legal literature. Therefore, it does not empirically describe the implementation of drug rehabilitation in the field. Furthermore, this study does not quantitatively analyze court decisions to measure the consistency of rehabilitation implementation by judges. Therefore, further research is recommended to use an empirical or socio-legal approach to obtain a more comprehensive picture of the effectiveness of rehabilitation policies and inter-agency synergy in drug law enforcement practices.

## **IV. CONCLUSION AND SUGGESTIONS**

### **A. Conclusion**

The handling of narcotics crimes in Indonesia, as regulated by Law Number 35 of 2009, demonstrates a balance between penal and non-penal approaches through differentiating legal treatment for drug dealers and abusers. Dealers and producers are positioned as perpetrators of serious

crimes deserving of heavy criminal sanctions, while drug abusers are positioned as subjects requiring recovery through rehabilitation mechanisms. However, the effectiveness of this policy depends heavily on the synergy between the National Narcotics Agency and the Police, as well as the consistency of law enforcement officials in implementing an appropriate rehabilitative approach. The tendency to impose prison sentences on drug dealers demonstrates the persistence of a repressive paradigm in judicial practice. Therefore, the optimization of rehabilitation as a non-penal policy instrument needs to be continuously strengthened to realize just, humane, and socially rehabilitative narcotics law enforcement.

## **B. Suggestion**

The government needs to strengthen drug prevention policies by establishing operational norms that clearly differentiate between drug abusers and illicit traffickers to prevent excessive criminalization of users. Rehabilitation policies should be the primary instrument in addressing drug abuse by ensuring cross-sectoral regulatory integration and improving the capacity and service standards of rehabilitation institutions. Furthermore, coordination between the National Narcotics Agency (BNN) and the National Police (Polri) is needed through integrated policy mechanisms, including optimizing the role of integrated assessment teams as the basis for legal decision-making. Moving forward, data-driven policy evaluations and empirical research need to be conducted on an ongoing basis to assess the effectiveness of rehabilitation in reducing recidivism and supporting a narcotics law enforcement system oriented toward recovery and social justice.

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