

Indonesia in Circle Dark Distribution International Narcotics

Bachtiar Marpaung¹,

law school postgraduate student of University of North Sumatera, Member of Indonesian State Police,

Abstract: *Indonesian geographical location and the large population and the number of foreign nationals caught smuggling drugs into Indonesia became a cause of international drug trafficking and the manufacture of narcotics, especially marijuana, ecstasy and methamphetamine and drug users themselves. Development of the illicit traffic of narcotics in Indonesia since 2002 has increased, in Indonesia combating illicit trafficking conducted by state police with the Indonesian republic forming a national drug agency with some effort: 1) are preventive or pencehan through dissemination, outreach to the community, youth, student, students and government and private agencies. 2) As a repressive or law enforcement. 3) Rehabilitation to users of Narcotics and 4) regional and international cooperation, however, illicit trafficking in Indonesia remains the higher frequency and even Indonesia into "heaven" for international Drug Dealers.*

I. Introduction

Illicit trafficking problem today is no longer a problem for a particular country, but also has become an international problem that plagued every any country. Illicit trafficking are acts which are prohibited by law (illegal), circulation of narcotics has expanded into a global problem, power and wealth make dealers are able to organize its business worldwide with technology and advanced communication tools.¹ In addition, the circulation is also regardless of national borders or do not recognize the jurisdiction of a particular region and nationality. The danger of narcotics is also from year to year showed an increase in serious and increasingly worrying. Even today, its development has collaborated with other crimes and the more difficult to be detected and revealed, like smuggling (people smuggling) with narcotics, smuggling arms with narcotics, and terrorists with narcotics (narco-terrorism)

Not surprisingly, when every country continue beating the drums of war against illicit trafficking of this. Moreover, the impact of which is feared in the use of this drug is that it can threaten the loss of generation (los generation) to a nation. This concern is justified by the views of the drug users who do not know walks following the impact of the danger posed. Can be found every level from among the children until adulthood, and from the bottom up to the officials, among artists, politicians and law enforcement and so on so consuming drugs.² Not to mention that there is purpose behind narcotics itself, if the first producing and selling illegal narcotics in the order of business for the purpose of economic interests alone, it is now widespread with other objectives namely to finance other criminal activities.³

In the international area, Southeast Asia is one area that the level of crime, including illicit trafficking are relatively high with the terms of the golden triangle (golden triangle) that the three countries as a center of production, smuggling, and drug trafficking is the largest in Southeast Asia known by country Thailand, Myanmar, and Laos, which until now not being able to be eradicated completely.

Obviously also, Indonesian archipelago located in Southeast Asia with a population large enough can not be separated from the shackles of narcotics, even when it has become a huge potential market for illicit trafficking International. Widespread drug trafficking can not be separated from the activities of transnational criminal organizations that operate in various countries in an international crime network, including Indonesia. The results of this promising drug trafficking huge advantage for organizations crime and keep trying by all means to maintain and develop these illegal activities by means infiltrate, interfere and destroy the structure of the Government as well as the influence of certain groups in society.⁴

¹ Parasian Simanungkalit, *Globalisasi Peredaran Narkoba dan Penanggulangannya di Indonesia*, (2012), 16.

² http://badannarkotikanasionalprovinsilampung.blogspot.com/2012_05_01_archive.html, diakses tanggal 15 Maret 2014. Artikel yang ditulis oleh Badan Narkotika Nasional Provinsi Lampung, berjudul, "Pagelaran Seni dan Budaya di Lingkungan Pelajar Yang diselenggarakan Badan Narkotika Nasional Provinsi Lampung".

<https://plus.google.com/113754896716599990221#113754896716599990221/posts>, diakses tanggal 15 Maret 2014. Artikel NGO GnGan Koordinator Wilayah Sumatera, berjudul, "Nakoba Ancam Serius Generasi Muda".

³ I. Wayan Pathiana, *Hukum Perjanjian Internasional Bagian I*, (2002), 16. Based on Internasional Drugs Enforceent Conference (IDEC) XXIX, di Nusa Dua BALI, 12th June 2013.

⁴ <http://politik.kompasiana.com/2011/07/26/narko-kolonialisme-ala-cia-381611.html>, diakses tanggal 15 Maret 2014. Artikel yang ditulis oleh Ahmad Sofyan di Kompasiana, berjudul, "Narko-Kolonialisme Ala CIA".

Still fresh in the memory of a few days ago about the executions were carried out by the Indonesian government against drug offenders, including foreign nationality. In addition, currently still waiting for executions for other narcotics offenders who did not escape the attention of the international. This shows how international drug syndicates have mastered the Indonesian region.

Seeing the impact of the harmful effects of the drug peredaran, it has long been looking for countries eradication efforts together to form a cooperative forum. In this example, the United Nations (UN) has issued a single convention on Narcotics known as the United Nations Single Convention on Narcotics Drugs 1961 (Single Convention on Narcotic Drugs). Then formed also the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 (collectively, the Vienna Convention 1988). The 1988 Vienna Convention institutions governing law enforcement in preventing the illicit trafficking of narcotic drugs and specifically regulate the issue of confirmation and expansion of the scope of control, the affirmation of an expanded jurisdiction, extradition, confiscation and mutual relationship or Mutual Legal Assistance (MLA)

As for the ASEAN region have long formed the ASEAN institutions such eradication of narcotic Drugs Experts Meeting on the Prevention and Control of Drug Abuse, held on 23 s / d October 26, 1972 in Manila. Subsequently passed the Declaration of Principles of the ASEAN meeting to Combat the Abuse of Narcotic Drugs, which was signed by the Foreign Ministers of ASEAN member countries in 1976.

Of course, with the establishment of various institutions both international and national levels can reduce to a minimum against illicit trafficking in countries including Indonesia.

Indonesia as a country located in Southeast Asia Indonesia also not spared from the drug trafficking. Even Indonesia's position is even more alarming with high levels of consumption and a destination. Starting from an early age has been contaminated by narcotics are usually disguised with overlaid circulation in the food / snacks children.

Circulation of origin, country of Malaysia is the main entry of narcotics from China and other areas with very varied types of narcotics include heroin, morphine, cannabis, opiates, methamphetamine, and ecstasy. Malaysia into illicit trafficking pathway towards Indonesia Sumatra parts namely Nanggroe Aceh Darussalam, Province of North Sumatra, Riau, Pekanbaru, Jambi. BNN North Sumatra province argued Malaysia used as a transit country (transit) and in the disclosure narcotics cases in North Sumatra through Malaysia, the production of China, Hong Kong, and Thailand.⁶ Even today, China started to become the supplier of methamphetamine to Indonesia via Malaysia.⁷ Not only Malaysia are close to Indonesia, as the largest source of the drug, but in the southern part of Indonesia, the country of Australia is also involved as an entry point to the Indonesian narcotics.⁸ Not to mention the problem of marijuana fields in the Aceh region of Indonesia, for example in a suitable cultivation of marijuana and grow with proliferation.⁹

According to research conducted by the Indonesian Media Monitoring Centre (IMMC), published on 27 June 2012 at Alert Online, there are ten (10) countries that are the main source of entry of illicit trafficking in Indonesia. Among the 10 (ten) countries, Malaysia is the highest at 44 percent. In second place is Australia (13 percent), followed by China (8 percent), Iran (7 percent), Africa (5 percent), India (5 percent), United Kingdom (5 percent), the Netherlands (4 percent), Thailand (3 percent) and Nigeria (2 percent).¹⁰

For the Indonesian state itself illicit trafficking showed a significant increase from year to year. An increasing number of these cases showed very poor condition and endanger the life of the community, the nation and the state. As an illustration, an increase in the number of cases of drug condition five years from 2009 until 2013 can be seen from the following table.

⁵<http://www.asean.org/resources/item/combating-and-preventing-drug-and-substance-abuse-by-pratap-parameswaran>, diakses tanggal 20 Maret 2014. written by Pratap Parameswaran and published on ASEAN Sites (Asean.org) pada tanggal 29 April 2000, berjudul, "Combating and Preventing Drug and Substance Abuse".

in: <http://www.asean.org/communities/asean-political-security-community/item/cooperation-on-drugs-and-narcotics-overview>, diakses tanggal 20 Maret 2014. Dipublikasikan langsung di Situs Resmi ASEAN (Asean.org), berjudul, "Cooperation on Drugs and Narcotics Overview".

⁶ <http://beritasore.com/2013/12/17/malaysia-jalur-masuk-narkoba/>, diakses tanggal 19 Maret 2014. Berita yang ditulis di Beritasore.com, berjudul, "Malaysia Jalur Masuk Narkoba". Lihat juga di: <http://www.korankaltim.com/sebatik-rentan-dan-malaysia-lengah-narkoba-masuk/>, diakses tanggal 19 Maret 2014. Berita yang ditulis di Koran Kaltim pada tanggal 20 Februari 2014, berjudul, "Sebatik Rentan dan Malaysia Lengah, Narkoba Masuk".

⁷ <http://news.liputan6.com/read/800605/waspada-narkoba-asal-china-kuasai-indonesia>, diakses tanggal 19 Maret 2014. Berita yang ditulis di Liputan 6, berjudul, "Waspada, Narkoba Asal Cina Kuasai Indonesia".

⁸ <http://jaringnews.com/politik-peristiwa/umum/17615/malaysia-dan-australia-pintu-masuk-narkoba-ke-indonesia>, diakses tanggal 19 Maret 2014. Berita yang ditulis di Jaringnews.com, berjudul, Malaysia dan Australia, Pintu Masuk Narkoba ke Indonesia".

⁹ M. Arief Hakim, Narkoba Bahaya dan Penanggulangannya, (2007), 31.

¹⁰ http://www.waspada.co.id/index.php?option=com_content&view=article&id=251735:australia-dan-malaysia-jalur-narkoba-ke-indonesia&catid=59:kriminal-a-hukum&Itemid=91, diakses tanggal 18 Maret 2014. Berita ditulis pada tanggal 27 Juni 2012 di Waspada.co.id, berjudul, "Australia dan Malaysia Jalur Narkoba ke Indonesia".

Table Disclosure Case Narcotics Police of the Republic of Indonesia Forum In Five Years (2009 s / d 2013)¹¹

No	Year	Number of Cases	Suspect	Description
1.	2013	32.470	40.057	5.909 = 22,25 %
2.	2012	26.561	32.892	1.071 = 4,20 %
3.	2011	25.490	30.763	1.959 = 8,33 %
4.	2010	23.531	29.091	2.191 = 10,27 %
5.	2009	21.340	27.003	1.450 = 7,29 %

Source: Calculated from the data of the Criminal Investigation Police in 2013

Based on the table above, shows narcotics in any year in the past five years are likely to increase, the number of suspects more than the number of cases. In the last five years, the number of criminal cases handled narcotics Police ranks numbered 129 392 cases, the highest increase occurred in the year 2013 as many as 5909 cases, up 22.25 percent.

An increasing number of narcotics cases at intervals of five years from the year 2009-2013 is also recognized by the Chief of Police of the whole of 2013 amounted to 32 470 cases of narcotics, or an increase of as many as 5909 cases (22.25 percent) compared to the year 2012. There are a total number of 40 057 suspects narcotics secured throughout 2013. This number shows the increase of 7,165 people or 21.78 percent compared to the year 2012.¹²

Furthermore, regarding the disclosure of the results of narcotics cases conducted by BNN can be seen in the following table:

Table Disclosure Case Narcotics Do BNN In Five Years (2009 s / d 2013)¹³

No	Year	Number of Cases	Suspect	Description
1.	2013	150	245	46 = 44,23 %
2.	2012	104	187	21 = 25,30 %
3.	2011	83	143	58 = 232 %
4.	2010	25	109	22%

Source: Calculated from data BNN Year 2013

Based on the table above, note the number of criminal cases handled by BNN narcotics from year to year also experienced significant improvements. The highest increase occurred in 2011 amounted to 58 cases, up 232 percent, while in 2013 the number of cases as many as 245 cases, up 46 cases from the previous year.

Thus within the last 5 five years in 2013 the abuse of drugs has increased significantly so that Indonesia has become one of the countries that serve major markets from international narcotics syndicate. As for the Asian countries, particularly in ASEAN, Indonesia is calculated syndicate as the most promising market. With such a large number of drug users, Indonesia not only as a potential market in illicit trafficking but has become a country of manufacture. In addition, since 2008 indicated Indonesia is no longer a transit country but a destination and source country or country of manufacture narcotics, especially marijuana, ecstasy, and methamphetamine.

As for some of the factors that cause the Indonesian state was subjected to illicit trafficking, among others:¹⁴ First, the geographical position of the country of Indonesia is very strategically at the intersection of two continents of Asia and Africa, and the Pacific Ocean and Indonesian ocean making it easier for narcotics traffickers to smuggle narcotics.

Second, a large proportion of the population of more than 242 million people with the proportion of young people are quite large (about 45 percent) with a level of prosperity and low interconnected economy, it is becoming market narcotics. For drug trafficking network in Asian countries, Indonesia is calculated as the market (market state) most commercially prospective for international syndicates operating in developing countries.

Third, the Indonesian state area consists of the largest archipelago in the world with 17 580 islands and has a coastline and border of a very long and open and is located not far from the opium-producing areas in the

¹¹Badan Reserse Kriminal Kepolisian Republik Indonesia (Bareskrim Polri) Tahun 2013.

¹²<http://www.antaranews.com/berita/411384/jumlah-kasus-narkoba-hampir-32500-sepanjang-2013>, diakses tanggal 19 Maret 2014. Siaran Pers di Antaranews.com pada tanggal 27 Desember 2013 yang disampaikan oleh Kapolri Jenderal Polisi Sutarman kepada Antaranews.com, berjudul, Jumlah Kasus Narkoba Hampir 32.500 sepanjang 2013”.

¹³Badan Narkotika Nasional, “Laporan Press Release Akhir Tahun 2013 Badan Narkotika Nasional (BNN)”, (2013), 1-6.

¹⁴Antonio Maria Costa, (Executive Director) UNODC, “Opium Poppy Cultivation in the Golden Triangle Lao PDR, Myanmar, Thailand”, Central Committee for Drug Abuse Control Lao National Commission for Drug Control and Supervision Office of the Narcotics Control Board, October 2006. Lihat juga: Statistik dan Analisis Pasokan dan Perdagangan Narkotika dan Zat Adiktif 2006. Program Pengawasan Obat PBB, Austria, 2007.

biggest world in Golden Triangle countries (Thailand, Laos, Myanmar), and the countries of the Golden Crescent (Iran, Afghanistan, Pakistan).

Fourth, The influence of globalization and highly advanced transport stream can support this illicit trafficking.

When viewed from the causes of drug abuse in Indonesia is caused by many factors influence each other. Meanwhile, if viewed from the side location of the region, geographical location of Indonesia, on the other hand there are also due to economic factors, factors ease of access to obtain narcotics, family and community factors, personality factors and physical factors of the individual itself.¹⁵

Narcotics distribution lines to and from Indonesia showed a network of illicit trafficking increasingly widespread, it is becoming very serious as illicit trafficking today is no longer a transit area but it was the destination and the production of a number of countries which are then distributed throughout the territory of Indonesia. Path narcotics into Indonesia dominated from four Asian countries, namely Malaysia, Thailand, and Cambodia Myanmar, by utilizing the geographical location of Indonesia, especially the utilization due to weak border security and the entrances to Indonesia such as ports, airports and supported many of Indonesia's population unemployment is still well in the State of origin of the shipment of narcotics and in Indonesia itself.

Judging from the abuse (consumption) of narcotics, the head of BNN during the Memorial Day International Anti Narcotics July 26th, 2011, the President of the Republic of Indonesia that the growing number of drug users ranging from the 2008 drug users in Indonesia as many as 3.5 million people, or about 1.99 percent of Indonesia's population, in 2009 drug users around 3.6 million, in 2010 the abuse of drugs increased to 4.02 million, then in 2011 of drug users increased to 5 million.¹⁶ Further, the head of BNN during the Indonesia Lawyers Club (ILC) said in 2013 of drug users has reached 6 million.¹⁷

With the number of drug users in Indonesia certainly has consequences, namely the increasing market demand. With the high demand of the market making illicit trafficking continues to increase that eventually the actors, especially the city illicit trafficking reap greater profits, while on the other hand there are thousands and even millions of victims as a result of the illicit trafficking.

The development of the modus operandi of illicit trafficking has now utilize advances in technology over the internet, telephone and SMS, Facebook, e-mail, or through the latest service BlackBerry Messenger (BBM). Storage narcotics saved by actors in hidden places by utilizing the estimated locations is not suspected by the officer as housing complexes, luxury hotel, the location adjacent to the official home and even side by side with the military and police command headquarters.

Based on international regulations and regional¹⁸, as described above, and also increasing the modus operandi of illicit narcotics trafficking, the Government of the Republic of Indonesia has sought a set of legal instruments (legislation) to seriously regulate the ban and harsh threats against illicit trafficking.

the level of regulation, Indonesia has been working on a set of legal instruments regulating illicit trafficking, ranging from prevention, enforcement and eradication up to the rehabilitation of offenders. As evidence of the seriousness of the Indonesian government in tackling the illicit trafficking has been realized with the release of the drug legislation and has been amended several times, most recently by Act No. 35 of 2009 on Narcotics until now.¹⁹ In fact the condition of law enforcement in the fight against illicit trafficking remains just a dream. The quantity of illegal narcotics cases and actors are increasingly showing an increase from year to year.²⁰

To support the performance of the police in combating narcotics, along with the increasing illicit trafficking in Indonesia, in 2002, the Indonesian government established the National Narcotics Agency (BNN) which is a non-ministerial government institution under and responsible to the President through the coordination of Chief Police Indonesia.

From the above it can be concluded that the number of entrances into Indonesian territory either air, land and sea make the monitoring of illicit trafficking in narcotic detection more difficult. Moreover, Indonesia is located on the strategic position of the intersection between the two continents and two oceans so that the relatively high frequency of inflows and outflows of residents.

Indonesian government's efforts to combat illicit trafficking carried out by various methods, such as preventive or precautionary nature through socialization and education of narcotics danger to the community,

¹⁵Parasian Simanungkalit, Op. Cit., 222-223.

¹⁶Badan Narkotika Nasional, "Laporan Press Release Akhir Tahun 2013, Op. cit., 16.

¹⁷Indonesia Lawyers Club (ILC) on TV One, (2013).

¹⁸ The United Nations Single Convention on Narcotics Drugs 1961, Convention on Psychotropics and Substances Of 1971, United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988 (Vienna Convention 1988), serta ASEAN Drugs Experts Meeting on the Prevention and Control of Drug Abuse (1972)

¹⁹ Hence the birth of Law No. 35 of 2009 on the new Narcotics, the Act No. 22 of 1997 on Narcotics long is no longer valid. However, under Article 153 of Law No. 35 of 2009 new that Act No. 5 of 1997 on Psychotropic remain valid until the moment it's just a slight change of the type of psychotropic class I and class II on Law Number 5 Year 1997 has moved into Law No. 35 of 2009 to group I.

²⁰ Article 1 (1) Regulation of the President of the Republic of Indonesia Number 23 Year 2010 on the National Narcotics Agency.

youth, seminars to students and students about the dangers and threats of Narcotics for the younger generation as well as coordination with government and private agencies. Repressive nature or law enforcement for the perpetrators of crimes ranging from illicit trafficking investigation by the police, prosecution by the Attorney, sentencing by the judge. Implement Rehabilitation to users of narcotics and regional and international cooperation in order to anticipate and cope with the influx of illegal narcotics into Indonesia.

The existence of anti-narcotics agencies both nationally and internationally is currently expected to reduce the high level of illicit trafficking law enforcement required by the government, is expected to give a positive contribution in the fight against illicit trafficking in Indonesia.