

Procedures for Securing Evidence of Narcotics Crimes (Study at Deli Serdang Police Department)

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Article Info

Article history:

Received March 13, 2025

Revised March 27, 2025

Accepted April 17, 2025

Keywords:

Evidence
Investigation and Prosecution
Narcotics Crimes

ABSTRACT

This study aims to determine the Procedure for Securing Evidence of Narcotics Crimes (Study at Polresta Deli Serdang). This study uses a normative legal research method that is prescriptive in nature. Normative legal research is used to study the procedure for securing evidence of narcotics crimes at Polresta Deli Serdang through research on literature and cases which are then described systematically according to research principles. Prescriptive research is used to answer legal issues related to security procedures and obstacles in their implementation. Based on the results of the study on the Procedure for Securing Evidence of Narcotics Crimes at Polresta Deli Serdang, it can be concluded that the procedure for securing evidence has been implemented in accordance with applicable operational standards, although there are still several obstacles in its implementation. The main obstacles include limited facilities and infrastructure, human resources, and coordination between institutions, but Polresta Deli Serdang has made various efforts to overcome them by submitting proposals for the procurement of facilities and infrastructure, increasing personnel competence through periodic training, and building a more effective coordination system with related institutions.

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INTRODUCTION

Currently, drug misuse and illegal trafficking are major issues in Indonesia. Drug offenses affect national stability and resilience in addition to endangering the lives and futures of those who commit them. According to data from the National Narcotics Agency (BNN), drug misuse is becoming more and more common in Indonesia every year, which is concerning (BNN, 2023). Law enforcement operations must be thorough and methodical in order to address this issue, notably when it comes to managing drug crime evidence. As a method of proof that can disclose the material truth of a crime, evidence is essential to the criminal justice system. Evidence of drugs, in particular, has unique qualities that set it apart from evidence of other offenses. Because of its high economic worth, risk, and susceptibility to destruction, proof of drug use is susceptible to theft, embezzlement, and even misuse (Arief, 2019). Therefore, to guarantee the integrity and security of the evidence, stringent and uniform security protocols are required.

One of the law enforcement agencies in the North Sumatra area, Polresta Deli Serdang, is heavily tasked with managing drug-related issues. Deli Serdang is susceptible to drug trafficking because to its advantageous geographic location, which borders the Malacca Strait and other sizable regencies and cities. The number of drug-related cases has significantly increased over the past three years, according to data from the Deli Serdang

Police Narcotics Investigation Unit. This has been followed by an increase in the amount of evidence that has been effectively obtained (Polresta Deli Serdang, 2023). To support the law enforcement process, this condition need expert evidence management and security.

Law Number 35 of 2009 about Narcotics and the Regulation of the Chief of the Republic of Indonesia National Police are the first two regulations that govern the security of drug evidence in police settings. From the phases of confiscation, storage, laboratory testing, and destruction, the legislation thoroughly governs the processes for managing evidence. However, there are still a number of operational and technical obstacles that must be overcome in order to apply these techniques in practice, which may compromise the integrity of the evidence (Simanjuntak, 2021).

Given the intricacy of the issue, the researcher is eager to learn more about the methods used by the Deli Serdang Police to gather evidence of drug-related offenses. This study is crucial for evaluating how current security protocols are being implemented, identifying challenges, and developing ways to increase the efficacy of protecting drug evidence. It is anticipated that the study's findings will offer useful suggestions for enhancing the evidence security system in law enforcement establishments, particularly the Deli Serdang Police.

REVIEW LITERATURE

Evidence

The perpetrator and his actions as well as evidence are a unity that is the focus of efforts to find and discover material truth. Although evidence plays an important role in criminal cases, it does not mean that the presence of evidence is always absolute in criminal cases, because there are also criminal acts without evidence, for example verbal insults (Article 310 paragraph (1) of the Criminal Procedure Code). In such cases, the judge conducts an examination without evidence.

Ansori Hasibuan is of the opinion that evidence is goods used by the defendant to commit a crime or as a result of a crime, confiscated by investigators to be used as court evidence. Evidence that supports evidence has a very important position in a criminal case. However, the presence of evidence is not absolute in a criminal case, because there are several criminal acts that in the process of proving it do not require evidence, such as the crime of verbal insults (Dianti, 2023).

In order to obtain and/or keep moveable or intangible objects under their control for use as evidence in investigations, prosecutions, and trials, investigators must perform a number of steps, including confiscation, searches, and letter examination (Sasangka, 2003).

It can be inferred from a variety of expert perspectives that the following constitute evidence:

- 1) Items used to commit a crime
- 2) Products that aid with criminal activity
- 3) Items used to carry out criminal activity
- 4) Items brought about by a crime
- 5) The item may offer information in the form of voice recordings or pictures to aid in the criminal investigation (Dianti, 2023).

The meaning of goods is not stated clearly in the Criminal Procedure Code. Nonetheless, it is possible to argue that evidence and confiscated items are equivalent. "Confiscation is a series of steps by investigators to take over or store under their control moveable or immovable objects, tangible or intangible, for the goal of producing evidence in investigations, prosecutions, and trials," according to Article 1 Point 16 of the Criminal Procedure Code. The confiscated or confiscated objects that are mentioned in several articles of the Criminal Procedure Code (Article 8 paragraph (3) letter b; 40; 45 paragraph (2); 46 paragraph (2); 181 paragraph (1); 194; 197 paragraph (1) letter I; 205 paragraph (2)) as "Evidence" are functional (useful) for the purpose of providing evidence in investigations, prosecutions, and trials, according to the understanding (authentic interpretation/Authentieke Interpretatie) as formulated in Article 1 point 16 of the Criminal Procedure Code (Kuffal, 2007).

Examining and probing

An investigation is the first step in the criminal procedural process. Law enforcement officials, including the police, conduct investigations to gather evidence of alleged crimes. Examining the crime site, gathering witness accounts, and gathering pertinent evidence are all part of the investigation. The investigating process starts after the arrest. In order to gather more detailed evidence on the suspected crime, investigators or law enforcement officers conduct the investigation. To obtain the information required for the inquiry, the suspect, witnesses, and evidence will all be further examined (Rangkuti, 2023).

An investigating officer will first conduct an inquiry with the goal of gathering "initial evidence" or "adequate evidence" in order to do additional research. Perhaps the definition of "investigation" can be

associated with the endeavor to locate traces of an occurrence suspected of being criminal in the form of information and evidence. The investigation's motivation and goal are to hold the investigating officer accountable, not to carry out law enforcement operations that violate human rights. One must attempt to gather facts and evidence as a foundation for additional research before pursuing actions to conduct an investigative examination, such as making an arrest or placing someone under custody (Harahap, 2006). An investigation is defined as a sequence of steps taken by investigators to look for and locate an alleged criminal incident in order to ascertain whether or not an inquiry may be conducted in accordance with the legal procedures. An investigation is a set of steps used by investigators to look for and locate an alleged criminal incident in order to ascertain whether or not an investigation may be conducted in accordance with the legal procedure (Harun, 2011).

Law Number 8 of 1981 concerning Criminal Procedure Law as general formal criminal law provides an explanation of investigation and inquiry. Law Number 2 of 2002 concerning the Indonesian National Police also provides an explanation of investigation and inquiry, citing the Criminal Procedure Code as well. Investigation, prosecution, examination, and settlement of case files are the sequence of investigator activities in criminal investigations. The Indonesian National Police uses the criteria of legitimate evidence in accordance with Article 184 of the Criminal Procedure Code, which is related to the evidence triangle, to satisfy the legality and legitimacy aspects to prove the crime that occurred.

Crimes Associated with Narcotics

Narcotics were originally exclusively utilized as a tool for religious ritual rites, but their history also shows that they were used for treatment. Opium, sometimes known as opium, was the first kind of narcotics to be utilized (Adi, 2014).

Narcotics, broadly speaking, are any substances that have the ability to produce specific effects in users, specifically through insertion into the body. The word "narcotics" employed here does not refer to "narcotics" in pharmacology (pharmacy), but it has the same meaning as "drugs"—that is, a class of substance that, when taken, causes specific bodily effects, such as:

- 1) influencing awareness;
- 2) offering motivation that may impact conduct in people;
- 3) These influences may include:
 - a) A sedative
 - b) A stimulant (not a sexual one);
 - c) Producing hallucinations, in which users lose awareness of time and location and are unable to discriminate between reality and fiction.

"The word narcotics derives from the Greek word (Narke), which means being drugged so that you do not feel anything," according to Sudarto's description of drugs in his book Moh. Taufik Makarao, Suhasril, and Moh. Zakky A.S. on Narcotics Crimes (Makarao, Suhasril, and Zakky, 2013). According to Smith Kline and Freech Clinical Staff, narcotics are defined as "substances or drugs that can cause unconsciousness or anesthesia because these substances work by affecting the central nervous system" in their book Moh. Taufik Makarao, Suhasril, and Mo. Zakky A.S. on Narcotics Crimes. Opium and its derivatives, such as morphine, codeine, and methadone, are included in this definition of narcotics. Suhasril, Zakky, and Makarao (2013).

Narcotics are classified into different groups according to Law Number 35 of 2009 concerning Narcotics. Narcotics are defined as any tool or drug made from plants or non-plants, whether synthetic or semi-synthetic, that can cause a decrease or change in consciousness, loss of feeling, reduce or eliminate pain, and cause dependence.

Crimes related to narcotics can be defined as any action that contravenes the law's provisions. More than 30 articles, specifically Articles 111 to 142, comprise the provisions of Law Number 35 of 2009 concerning narcotics, which regulates narcotics offenses (the type of crime committed and the threat of criminal consequences for the perpetrators) (Azis Syamsuddin, 2014). Similar to the legal system, the criminal penalty or punishment that is applied is determined by the actions that are subject to criminal penalties. These actions must be specified in the criminal law; therefore, the punishment cannot be applied if no legislation governs them. "Nullum delictum nulla poena sine praevia lege poenale" is a principle found in Chapter I Article 1 paragraph (1) of the Criminal Code. It basically says that no action can be punished unless the law first regulates it (Makarao, Suhasril, and Zakky, 2013).

RESEARCH METHODOLOGY

Research Type

This study employs a normative, prescriptive legal research methodology. Through literature and case studies that are subsequently methodically explained in accordance with research principles, normative legal research is utilized to examine the process of obtaining evidence of drug-related offenses at the Deli Serdang Police. In order to address legal concerns pertaining to security protocols and challenges in their execution, the research is prescriptive in character.

Approach to the Problem

The case approach is the methodology employed. In order to study the use of procedures and challenges, the author looks at cases pertaining to the Deli Serdang Police's process for obtaining evidence of narcotics that have permanent legal force.

RESULTS AND DISCUSSION

Procedures for Protecting Evidence When the Deli Serdang Police Department Confiscates Narcotics Crimes

Challenges in the Deli Serdang Police Department's Evidence Securing Procedures for Narcotics Crimes and How to Get Past Them

The Deli Serdang Police Department faces a number of challenges in implementing evidence-securing processes related to drugs, which have an impact on how well cases are handled. To develop the best solution, a thorough understanding of this problem's intricacy is necessary. According to Harahap, challenges in obtaining evidence can significantly affect the court's evidence process (Harahap, 2012: 265).

The main obstacle faced is the limited facilities and infrastructure. Polresta Deli Serdang still lacks standardized weighing equipment, storage space with proper temperature control, and adequate security systems. Inadequate infrastructure can result in a decrease in the quality of evidence during storage. The human resources aspect is also a significant obstacle. The number of personnel who have special competence in handling narcotics evidence is still limited. Handling narcotics evidence requires specific expertise that must be updated periodically following developments in the *modus operandi* of the crime. Problems of coordination between agencies also often arise in the process of securing evidence. Delays in the laboratory testing process, complicated bureaucracy in the destruction process, and ineffective communication between law enforcement agencies are obstacles that need to be overcome. The importance of synergy between institutions in handling narcotics evidence.

The Deli Serdang Police have made a number of calculated actions in an attempt to get over these challenges. The first step is to present the North Sumatra Police with a plan for the acquisition of infrastructure and amenities. The budget for building evidence security infrastructure has increased, according to data from the Deli Serdang Police. The second step is to regularly train staff members who deal with drug evidence. This application covers normal handling protocols, security measures, and up-to-date information on new drug types. The significance of boosting human resource capability in order to meet the difficulties posed by drug law enforcement. Third, creating a structure of collaboration with relevant institutions that is more effective. This is accomplished by standardizing communication protocols throughout universities and establishing a dedicated coordination team. The efficiency of managing evidence has greatly risen as a result of better coordination. In cases involving drug offenses, restorative justice typically targets addicts, abusers, or victims of drug abuse rather than dealers or distributors. There are multiple ways to assess the degree of success:

- a. Addicts' Rehabilitation Addicts and drug abusers frequently receive medical and social rehabilitation as a kind of restorative justice. A rehabilitation program can be deemed successful if addicts are able to quit taking drugs. According to data, Indonesia's rehabilitation success rate continues to fluctuate. Relapse (returning to drug use) is the reason why some rehabilitation programs have low success rates, while others report success rates as high as 50–60%.
- b. Reducing Prison Overcrowding The number of addicts who enter penal facilities is decreased when restorative justice is applied through rehabilitation. Due to the high volume of drug offenders, many Indonesian jails are overcrowded.
- c. Resilience in Society Compared to incarceration, offenders who participate in social programs and rehabilitation programs typically have a higher probability of reintegrating into society.

Numerous factors impact the effectiveness of restorative justice in drug-related cases, such as:

- a. Willingness and Awareness of the Perpetrator if the perpetrator really wants to change and stop using narcotics, this program has more potential to succeed.
- b. Availability of Rehabilitation Facilities not all areas have adequate rehabilitation facilities. This can be an obstacle in the implementation of restorative justice.
- c. Family and Community Support social support is very important so that addicts do not return to the same environment that can cause them to relapse.
- d. Coordination of Law Enforcement Officers the police, prosecutors, and courts must have the same understanding of the implementation of restorative justice in narcotics cases.
- e. Post-Rehabilitation Supervision perpetrators who have completed rehabilitation need to receive assistance so that they do not return to the world of narcotics.

Obstacles in the Implementation of Restorative Justice in Narcotics Cases

- a. Social Stigma society often finds it difficult to accept former drug addicts.
- b. Lack of Legal Understanding not all law enforcement officers understand the concept of restorative justice and when it can be applied in narcotics cases.
- c. The existence of a Narcotics Syndicate if the perpetrator is connected to a narcotics network or syndicate, the restorative justice approach is difficult to apply because there is a risk of threats or pressure from the syndicate.

The success rate of restorative justice in drug crimes can be said to be quite effective for addicts or abusers who really want to recover, especially if supported by good rehabilitation. However, its application is not suitable for perpetrators involved in the illicit trafficking of narcotics (dealers/distributors). The success of restorative justice is highly dependent on the commitment of the perpetrator, the availability of rehabilitation facilities, family support, and supervision after rehabilitation.

CONCLUSION

The study's findings on the Deli Serdang Police's procedure for securing evidence of narcotics crimes lead to the conclusion that, despite a number of ongoing challenges, the procedure has been put into place in compliance with relevant operational standards. The Deli Serdang Police have made several attempts to overcome the primary challenges, which include a lack of facilities and infrastructure, human resources, and inter-institutional coordination. These efforts include submitting proposals for the purchase of facilities and infrastructure, enhancing staff competency through regular training, and creating a more efficient system of coordination with related institutions. It is anticipated that the Deli Serdang Police will modernize the integrated digital technology-based drugs evidence security system to make it easier to record, track, and oversee evidence from the point of confiscation to disposal.

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