



Legal Protection Against Under Cover Buys in Exposing Narcotics Trafficking

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ABSTRACT

The phenomenon of narcotics circulation that is increasing today requires a special investigative approach, one of which is the application of under cover buy. However, the implementation of under cover buys presents a high risk for the National Police who carry it out, so comprehensive legal protection is needed. This study aims to analyze the form of legal protection provided to the National Police that acts as an under cover buy, its implementation mechanism, and the obstacles faced in providing such protection. This study uses an empirical juridical research method with a normative juridical approach. Data collection was carried out through interviews with the Medan Police Drug Investigation Unit, field observations.

INTRODUCTION

The State of Indonesia is a State of law as contained in Article 1 paragraph (3) of the Constitution of the Republic of Indonesia of 1945. This article is one of the foundations in law enforcement in Indonesia. This means that all orders of life in the nation, society and state are based on the applicable law. The state of law as mentioned in paragraph IV of the preamble to the Constitution of the Republic of Indonesia in 1945 has the purpose of protecting the entire Indonesian nation and all Indonesian bloodshed and to promote public welfare, educate the nation's life, and participate in implementing a world order based on independence, lasting peace and social justice(Winarno, 2016).

Along with the development of an increasingly complex society, the form and variety of crimes have also undergone significant changes. Criminal acts in society are acts that violate norms in society such as legal norms, social norms, and religious norms. As a result of violating these norms, the impact not only harms individuals, but can also disrupt social order and harmony in the community.

One of the criminal acts that is very troubling and causes a large loss impact is the crime of narcotics. Narcotics are defined as "substances or drugs derived from plants or non-plants, both synthetic and semisynthetic, that can cause a decrease or change in consciousness, loss of taste, reduce to eliminate pain, and can cause dependence" reads article 1 of Law Number 35 of 2009 concerning Narcotics. It is undeniable that the illicit circulation of narcotics in Indonesia has recently become more prevalent and very concerning(Manullang et al., 2023).

Narcotics and illegal drugs are dangerous substances that can cause dependence for their users. The adverse impact caused not only affects physical health, but also has an impact on a person's mental health and social life. If various types of narcotic drugs, alcohol and other intoxicating substances are abused for purposes other than treatment, it will alter the neural work of the brain, so that the user thinks, feels and behaves abnormally.

The development of illicit trafficking of narcotics and other addictive substances has become an important topic. This has become a serious problem and has reached a worrying point because it occurs on a national scale and has crossed the borders of the State when viewed from the convergence and technology used(Malik, 2021) . Narcotics crimes are included in extraordinary crimes because their modus operandi covers cross-country. In the data on the handling of narcotics crimes in Indonesia, the National Police shows the cases of narcotics crimes in the last 4 years as follows:(Polri Tindak 41.116 Kasus Narkoba Hingga November 2024, 2024)

Table 1. Number of Drug Cases in the Last 4 Years

Year	Number of Cases
2021	48.358
2022	44.983
2023	50.291
2024	53.672

In addition, the development of drug crime in Indonesia has entered a very worrying level. Indonesia is now known not only as a transit place and drug consumer, but also known as a drug producing country, this is known by the unraveling of several drug production houses with sales turnover of up to billions of rupiah successfully arrested by police officers (Pardede et al., 2023). Therefore, narcotics crime is becoming a promising and rapidly growing business stage, with a devastating impact on the mental and physical health of its users, especially among the younger generation. Narcotics abuse is no longer a victimless crime, but it is a crime that takes many victims and a prolonged disaster for all mankind in the world (Nasional, 2005). Drug abuse involves a wide range of community groups, including law enforcement officials, political officials, private officials, students, and even children (Efridadewi, 2023).

Narcotics circulation in the city of Medan has become a serious problem that continues to increase. Narcotics abuse is almost evenly distributed throughout Indonesia, starting from the household level, neighborhood units (RT), community units (RW), villages/villages, sub-districts, districts/cities, provinces to the national level. The rise of narcotics trafficking shows the complexity of social problems that require serious attention from various parties, including law enforcement officials, the government, and the community.

The city of Medan, as one of the major cities in Indonesia, has become a significant center of narcotics distribution. The Medan Police revealed 815 narcotics cases throughout 2023 and in total, 952 people were designated as suspects (Polrestabes Medan Ungkap 815 Kasus Narkotika Sepanjang 2023, 2023). The strategic geographical location of Medan City, which is close to international trade routes, makes this area vulnerable to the entry of narcotics networks from various directions. Various types of narcotics such as methamphetamine, marijuana, ecstasy, and other illegal drugs are easily circulated and accessible to various groups of people. The social impact of narcotics trafficking is complex, not only affecting the health of individuals, but also threatening the social structure of society. Teenagers and youth are the most vulnerable group, with a high rate of drug abuse that can damage the future of the nation's next generation. In many recent cases, many dealers and dealers have been caught and severely sanctioned, but other perpetrators such as ignoring them are even more inclined to expand their area of operation.

The National Police of the Republic of Indonesia is one of the state law enforcement agencies tasked with protecting, protecting, and serving the people of Indonesia. As an official institution mandated in the constitution, the National Police has the main responsibility for maintaining public security and order throughout the territory of the Unitary State of the Republic of Indonesia. Law enforcement officials who have an important role in carrying out criminal procedure law enforcement are one of the Police Institutions. The Police Institution is an institution established by the State to create order, peace and security in the community both in terms of prevention, eradication, and enforcement of criminal acts (Adi, 2005).

Efforts to destroy narcotics continue to be carried out by the government, but these efforts are still difficult to do, this is due to the impact of globalization,

technological advances, transportation flows created extraordinarily, and changes in materialistic properties, making narcotics an illegal commodity that continues to expand. Indonesian society and surprisingly, the whole world as a whole are facing the uncontrolled use of various types of narcotics (Arfiansyah, Tri & Aida, 2023). The police and the National Narcotics Agency (BNN) continue to experience serious challenges, considering that the dealer network has sophisticated capital and strategies in avoiding law enforcement (Pratama, 2010). Cross-agency cooperation and a comprehensive approach are needed to effectively reduce illicit narcotics trafficking in the region. Efforts to control drug manufacturing and trafficking are not new and also if not hampered by conflicting political agendas (Singer, 2008).

The increasing circulation of narcotics in this country has made law enforcement officials, especially the Indonesian National Police, make an Under Cover Buy policy. Article 75 Letter J of Law Number 35 of 2009 concerning Narcotics defines Under Cover Buy as conducting investigation techniques for covert purchases and submissions under supervision. The regulation of the implementation of Under Cover Buy by the National Police is contained in Law Number 35 of 2009 concerning Narcotics and Regulation of the Chief of the National Police of the Republic of Indonesia Number 6 of 2019 concerning Criminal Investigation Acts.

The implementation of Under Cover Buy is carried out strictly and has strict procedures, where the National Police acts as a buyer by disguising themselves to obtain narcotics evidence. This process is carried out under strict supervision to ensure the legality and validity of the evidence obtained, as well as minimize the risk of irregularities or actions outside the applicable legal procedures. Each stage in the application of Under Cover Buy must be well documented and legally accountable to guarantee the power of proof in court.

The implementation of Under Cover Buy has a strategic goal to uncover crime networks comprehensively, where the National Police can obtain direct evidence of illegal transactions while minimizing possible risks. The implementation process involves careful planning, in-depth preparation, and coordination between the investigation team to ensure the success of the operation, as well as ensure the safety of personnel involved in the mission. In addition, this method not only focuses on the arrest of a single perpetrator, but is also intended to identify the flow of goods, distribution networks, and potential other perpetrators involved in such illegal activities.

LITERATURE REVIEW

1. Legal Protection

Legal protection is a protection given to legal subjects in the form of devices, both preventive and repressive, both oral and written. In other words, it can be said that legal protection is a separate description of the function of law itself, which has the concept that the law provides justice, order, certainty, usefulness and peace (Tampubolon, 2016). In this context, the state plays the role of the main guarantor in protecting the rights and interests of its citizens through various legal and policy instruments. This legal protection system covers various aspects of life, ranging from civil, political, economic, to socio-cultural rights.

One of the fundamental aspects of legal protection is the principle of equality before the law. This principle guarantees that every citizen, regardless of social, economic, or political background, has the same right to legal protection. This is realized through a justice system that is fair, transparent, and accessible to all levels of society, including those who are economically disadvantaged.

In its implementation, legal protection is manifested in two main forms: preventive and repressive protection. Preventive protection includes efforts to prevent violations of the law through regulations, socialization, and legal education to the public. Meanwhile, repressive protection is related to the enforcement and settlement of legal disputes that occur, including the provision of sanctions against perpetrators of law violations. In the international context, legal protection is no longer limited to the national scope. Globalization and interconnectivity between countries create the need for a transnational legal protection system. This is realized through various international agreements, conventions, and cooperation mechanisms between countries in the field of law. Harmonization of laws between countries is becoming increasingly important in the face of global challenges such as organized crime, terrorism, and human rights violations.

In the future, the development of the legal protection system must continue to be carried out by paying attention to the social dynamics and technology that is developing. Increasing the capacity of law enforcement officials, modernizing the judicial system, and strengthening public legal awareness are priorities that must be considered. In addition, active community participation in supervision and law enforcement also needs to be encouraged to create a more effective and sustainable legal protection system.

2. Under Cover Buy

The act of undercover buying is regulated in Article 75 letter j and Article 79 of Law Number 35 of 2009 concerning Narcotics, which gives the authority to narcotics investigators to act directly as buyers in the context of investigations.⁷ This technique is also protected by the Criminal Code and the Police Law. Based on the Field Instruction of Police Number Juklap/04/VIII/1983 which has been revised through Decree No. Skep/1250/XI/2000, covert purchase is a special method in the investigation of narcotics and psychotropic crimes (Fahrezi & Gaol, 2024).

This method requires very detailed planning and strong coordination between various units in the police. Before the operation is carried out, the investigation team must gather accurate information about the target, location, and modus operandi used. The assigned National Police must also be equipped with convincing disguised documents and identities to avoid suspicion from the target of the operation.

In the implementation of under cover buy, timing and location selection are crucial factors that determine the success of the operation. The support team consisting of the supervision unit and the enforcement unit must always be ready to provide backup when needed. Planned and encrypted communication

between the National Police acting as an undercover and the support team must be maintained consistently to anticipate emergency situations. The legal aspects of undercover buying operations must be carefully considered to avoid accusations of provocation or entrapment. Every action taken must be legally accountable and well documented. The evidence collected during the operation must meet the standard of proof required in the judicial process.

The success of undercover buy operations is not only measured by the arrest of the perpetrators, but also by the ability to uncover the larger network behind the crime. Information obtained during operations is often the key to dismantling a wider criminal syndicate. Therefore, the ability of officers to collect and analyze information during incognito is very important.

The risks faced in undercover buy operations are very high, ranging from the possibility of undercover exposure to threats to the safety of officers. Operations teams must have strict security protocols and a well-thought-out contingency plan in place to deal with the worst. The officers involved must also have strong mental resilience given the psychological pressure faced during the operation.

Post-operative evaluation is an important stage to analyze the successes and shortcomings in the implementation of under cover buy. Learnings from each operation are used to improve the effectiveness of these techniques in the future. The development of new methods and strategies continues to be carried out to keep pace with changes in the modus operandi of crime that are increasingly sophisticated.

3. Narcotic

Narcotics are substances or drugs derived from plants or non-plants, both synthetic and semi-synthetic, which can cause a decrease or change in consciousness, loss of pain, and can cause dependence. In Indonesia, regulations regarding narcotics are regulated in Law Number 35 of 2009 concerning Narcotics which divides narcotics into three groups based on their potential dependence and use in health services.

Narcotics abuse has become a serious global problem, affecting various aspects of people's lives ranging from health, social, economic, to security. Narcotics abuse, such as among teenagers or students, is a form of abuse that is concerning, because it is not only in terms of quantity, but also in terms of the quality of its abuse which has a widespread impact, such as the consequences on oneself and its transmission to other members of society (Putra, 2022). The negative impact of narcotics not only affects individual users but also impacts families and society at large. Narcotics addiction can lead to organ damage, mental disorders, and in the worst case can result in death.

Community participation in the prevention of narcotics abuse is very important. Education and socialization about the dangers of narcotics need to be carried out continuously, especially for vulnerable groups such as adolescents and young adults. The family environment and education are at the forefront of fortifying the young generation from the threat of narcotics abuse.

International cooperation in the eradication of narcotics is also a crucial aspect considering the transnational nature of narcotics crimes. Indonesia actively collaborates with various countries and international organizations in information exchange, joint operations, and capacity building for law enforcement officials. The challenge ahead is how to optimize this cooperation to break the increasingly complex global narcotics trafficking chain.

4. Police Unit of the Republic of Indonesia

The Police is one of the law enforcement agencies, its existence is mentioned in the 1945 Constitution of the Republic of Indonesia Article 30 paragraph (4) which reads that "The National Police of the Republic of Indonesia is a state tool that maintains public security and order, as well as enforcing the law." The police as law enforcers are also mentioned in Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia (Police Law), in Article 2 which states that "the function of the police is one of the functions of the state government in the field of maintaining public security and order, law enforcement, protection, protection, and service to the community" (Afrizal et al., 2021).

As an institution directly under the President, the National Police has duties and authorities regulated in Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia. This institution has a great responsibility in protecting, protecting, and serving the communityt.

In its organizational structure, the National Police is led by a Chief of the Indonesian National Police (Kapolri) who is directly responsible to the President. The National Police organization is spread throughout Indonesia with a tiered structure starting from the central level (Police Headquarters), the provincial level (Polda), the district/city level (Polres), to the sub-district level (Polsek). Each level has duties and functions that are adapted to its jurisdictional area.

The National Police has various police functions that include maintaining public security and order, law enforcement, protection, protection, and service to the community. In carrying out its functions, the National Police is equipped with various special work units such as Criminal Investigation, Traffic, Security Intelligence, and Brimob, each of which has certain specialties and expertise.

METHODOLOGY

The simple definition of a research method is a procedure for how to conduct research. The method of legal research is adjusted to the problem being studied (Nurhayati et al., 2021). The research method used is an empirical juridical approach as the main approach, supported by a normative juridical approach. The empirical juridical research method is legal research regarding the enforcement or implementation of normative legal provisions in action on every specific legal event that occurs in society. The normative juridical approach is an approach that refers to applicable laws and regulations. The data used are secondary data as the main data and primary data as supporting data collected by literature studies and field studies with interview techniques. The data is then analyzed qualitatively and presented in a qualitative descriptive form (Kelana Sembiring, 2023). The empirical juridical approach is to examine the applicable

legal criteria and what actually happens in the community or research is carried out on real conditions in the community, which aims to find facts that can be used as research data and then the data is analyzed to identify problems that ultimately lead to problem solving (Atika, 2022). This method is based on evidence obtained through observation or direct experience, which is then analyzed using a qualitative or quantitative approach.

RESEARCH RESULT AND DISCUSSION

1. A Form of Protection for the National Police that Acts as an Under Cover Buy in Revealing Narcotics Trafficking

One form of the cause of the damage of the younger generation is the abuse of narcotics. At first, narcotics were used for human purposes, especially for treatment and health services. However, as the times develop, narcotics are used for negative things that cause psychological and social disorders in society (Bawono et al., 2022).

In the Legal Dictionary, narcotics are substances that anesthetize, eliminate taste or cause inability to think or unconscious which when entering the human body can, suppress the activity functions of the brain and nerves (Asmarawati, 2015). When narcotic substances enter the body, the impact is very significant on a person's cognitive ability. Users will experience disturbances in the thought process, loss of consciousness, and inability to control themselves normally. This happens because narcotics directly suppress the vital functions of the brain that regulate various bodily activities. In Indonesia, the law that supervises and controls the use of narcotics and tackles narcotics abuse and the treatment of its victims is known as the narcotics law (Sasangka, 2003). The beginning of the regulation was Law Number 9 of 1976 concerning Narcotics which was later updated to Law Number 22 of 1997 concerning Narcotics and subsequently updated to the present, namely Law Number 35 of 2009 concerning Narcotics.

In Indonesia, the police play the main role in the investigation of general criminal law, the main duties and authority of the police are contained in Chapter III of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia in Article 14 paragraph (1) letter g of the National Police of the Republic of Indonesia is tasked with "conducting investigations and investigations into all criminal acts in accordance with the criminal procedure law and other laws and regulations" (Mulyarsi & Sarwoningtyas, 2014). In article 1 number 13 of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia defines "Investigation is a series of actions of investigators in terms and in the manner regulated in the law to seek and collect evidence with which evidence sheds light on the criminal act that occurred and in order to find the suspect".

Investigators, in accordance with Article 1 point 1 of the Criminal Code, are officials of the State Police of the Republic of Indonesia or certain civil servant officials who have special authority granted by law to conduct investigations in criminal cases. The Investigator's task is to carry out an investigation into a case. The investigator has the duty to find out the truth of a fact in a case so that all involved hear that there has been a legal act in the case (Ramadhan & Ruslie,

2023). The Criminal Code further regulates the role of investigators in more detail in Article 6 which stipulates the limits and scope of investigating officials in the criminal law process. Article 10 of the Criminal Code regulates the assistant investigator, who plays a role in addition to the main investigator (Harahap, 2002). The regulation of investigators in Law Number 35 of 2009 concerning Narcotics is regulated as follows:

- a. Investigators from the National Narcotics Agency (BNN) which are regulated from Article 75 to Article 81 of Law No. 35 of 2009 concerning Narcotics.
- b. Certain Civil Servant Investigators (PPNS) regulated from Article 82 to Article 86 of Law Number 35 of 2009 concerning Narcotics.
- c. Investigators of the National Police of the Republic of Indonesia are regulated from Article 87 to Article 95 of Law Number 35 of 2009 concerning Narcotics (Sunarso, 2012).

The investigation stage is a preliminary examination conducted by the investigator including additional investigation on the basis of instructions from the public prosecutor in order to improve the investigation results (Hutagaol, 2019). The purpose of the investigation is to find and collect the necessary evidence, to explain the criminal events that occurred and to reveal the identity of the perpetrator (Mika et al., 2025). One of the efforts used by investigators in investigating narcotics crimes is the under cover buy technique. "Undercover buy", defined in field instruction No. Pol. Juklap /04/VIII/1983 with amendments to Decision Letter No. Skep/1205/IX/2000/11 September 2000 "concerning the revision of the Juklak Association and the Criminal Investigation Process Juknis, as a special technique in which an informant or member of the police acts as a buyer in illicit narcotics transactions to arrest the seller or intermediary along with evidence (Sinulingga et al., 2024). Investigators themselves and/or using other people to purchase narcotics under supervision then arrest the perpetrator and his evidence. The authority of the National Police investigator to make undercover buys is contained in Article 75 letter j and Article 79 of Law Number 35 of 2009 concerning Narcotics, namely conducting investigative techniques for covert purchases and handing over under supervision. The investigation technique of covert purchases and submissions under supervision is carried out by investigators on written orders from the leadership (Sapto & Umar, 2020). Among the different types of surgery, the nature of contact also varies. Contacts may be purely business, as in many investigations targeting drugs or weapons (secret purchases or infiltration) (Kruisbergen et al., 2011). This technique requires courage and high professionalism from the police members on duty, considering that the risks faced are very large and have the potential to endanger the safety of officers' lives.

The implementation of the under cover buy is carried out with very careful and structured preparation. Tracking or identifying the perpetrators of this narcotics crime takes quite a long time, therefore, members who enter this community do have special expertise and intelligence. Even though the members who were undercover buyers of Under cover Buy already clearly knew the

existing transactions, they could not immediately make an arrest (Winata et al., 2024). Any undercover buy operation must obtain a special warrant from the leadership and be supported by a comprehensive intelligence analysis regarding the target of the operation. In its implementation, after observation and surveillance, before being arrested by way of covert purchase, it is usually carried out first by infiltration of agents (undercover agents). This is done because to get a criminal offender in a narcotics crime cannot be done in open ways so it is necessary to disguise (Taufik, 2018). This is important to ensure the success of the operation while ensuring the safety of the National Police who act as an undercover buy on duty.

Based on the field instructions No. Pol. Juklap /04/VIII/1983 with the amendment of Decision Letter No. Skep/1205/IX/2000/11 September 2000 "concerning the revision of the Juklak Association and the Juknis of the Criminal Investigation process, it is stated that identity protection is the most fundamental aspect in undercover buy operations. The implementation of a layered protection system is carried out to maintain the confidentiality of the identity of the undercover buy officers. This includes the use of pseudonymous identities complete with supporting documents, as well as the storage of officers' personal data in places where access is very limited. The physical security aspect of the National Police, which acts as an undercover buy, received special attention from the Medan Police. Every undercover buy operation is always supported by a backup team consisting of trained and fully armed personnel. This team is tasked with supervising the operation from a safe distance and is ready to provide immediate assistance in the event of an emergency situation. Any action taken in the context of an undercover buy operation, including the purchase of narcotics in the context of an investigation, is protected by law and cannot be criminalized as long as it is carried out in accordance with applicable procedures.

A special communication system is developed to guarantee the safety of coordination during undercover buy operations. This system is regularly updated to prevent information leakage. Protection of the families of the National Police who act as undercover buys is also a priority. has a special unit that is in charge of monitoring and maintaining the safety of the families of Undercover Buy officers, especially during the operation. If needed, the Police family acting as an undercover buy can be relocated to a safe place to avoid the threat of a narcotics trafficking network.

The financial aspect of the undercover buy operation is managed with a strict and transparent system. The Medan Police provide a special budget for undercover buy operations, including for undercover, operational, and unexpected funds. This budget management is carried out with layered supervision to prevent abuse. Special training programs are regularly given to the National Police who act as undercover buys to improve their abilities and vigilance. This training includes camouflage techniques, self-defense, situation analysis, and emergency procedures. Training materials are constantly updated in accordance with the development of narcotics dealers' modus operandi.

The implementation of a duty rotation system for the National Police that acts as an undercover buy must be carried out in order to avoid excessive

exposure that can endanger the secrecy of operations. This rotation is also important to give officers the opportunity to perform physical and mental recovery after undergoing stressful surgery. Post-operative evaluations are conducted thoroughly to identify security gaps and potential information leaks. The results of this evaluation are used to improve the protection system and prevent the recurrence of incidents that can endanger the safety of the National Police which acts as an under cover buy.

Cooperation with other law enforcement agencies has also been developed to strengthen the protection system that acts as an undercover buy. The institution coordinates with the prosecutor's office, courts, and correctional institutions to ensure that the confidentiality of officers' identities is maintained throughout the legal process. A dedicated database of narcotics trafficking networks is constantly updated to support undercover buy operations. This information is very important in providing preventive protection to the National Police acting as an under cover buy by identifying potential threats and new modus operandi developed by the dealer network.

An internal supervision system is in place to ensure that the protection procedures of the National Police, which act as under cover buys, are carried out correctly. A special supervisory team is tasked with monitoring the implementation of security protocols and reporting any violations or omissions that could endanger the safety of the National Police. Information technology protection is becoming increasingly important in undercover buy operations. This aims to protect the data and communications of the National Police which act as an under cover buy from hacking attempts by narcotics trafficking networks.

Continuous protection is provided to the National Police who act as undercover buys even after they are no longer active in undercover operations. This includes long-term security monitoring and relocation assistance if needed to guarantee their safety from potential reprisals from the dealer network.

In the implementation of under cover buying, there is the development of a digital dual identity system for the National Police that plays a role. This new method allows the National Police to have a very convincing and hard-to-trace online identity, complete with a credible digital footprint, helping them in penetrating narcotics networks operating through social media and the dark web. The implementation of the witness protection system needs to be expanded. This system not only protects the National Police who act as an undercover buy during the operation, but also provides a long-term post-operation protection program, including relocation, identity change, and security guarantees for the families of the officers involved.

The second aspect that has undergone an update is the development of multi-institutional coordination procedures. This new approach allows for closer cooperation between the National Police, BNN, Customs, and other law enforcement institutions in protecting the National Police acting as an under cover buy, including the establishment of a special team that handles aspects of protection in an integrated manner. Furthermore, it is related to the development of a more comprehensive post-operative investigation protocol. These protocols

include digital evidence handling procedures, sensitive data protection, and reporting mechanisms that ensure the confidentiality of the identity of undercover officers, while maintaining the integrity of evidence for court proceedings.

The development of the National Police protection system that acts as an under cover buy at the Medan Police continues to be carried out dynamically following the development of new threats and modus operandi in narcotics trafficking. Innovation and adaptation in this protection system are the key to the success of the under cover buy operation while ensuring the safety of the National Police who are on the front line in the eradication of narcotics.

2. Advantages of the Implementation of Under Cover Buy and Obstacles Faced by the National Police in Uncovering Narcotics Trafficking

Law enforcement is an effort made to make the law both in a narrow formal sense and a broad material sense, as a guideline for conduct in every legal act, both by the legal subjects concerned and by the law enforcement apparatus who are officially given the task and authority by the Law to ensure the functioning of the applicable legal norms in the life of society and the state (Abidin & Zainal, 2007).

Narcotics, if not stopped, will achieve its main goal of destroying the future of the Nation, if it is not stopped now the greatest asset of the community will continue to be harmed, both physically and intellectually under the influence of drugs (Yunus et al., 2022). Narcotics users or users are basically victims of the abuse of narcotics crimes that violate laws and regulations in Indonesia and they are all Indonesian citizens who are expected to build this country from adversity in almost all fields. Narcotics abuse is the most frightening crime for the nation's generation because the effects of narcotics abuse are not only felt to destroy the health of the user, but also to the economy, society and the nation's generation because the majority of perpetrators of narcotics abuse are young people whose notabent is the next generation of the nation and the nation (Mahaputra et al., 2022). Narcotics abuse can cause dependence on narcotic substances, if stopped, the user will be stunned. Narcotics abuse or dependence needs to be approached in various ways (Esther et al., 2021). According to Dadang Hawari, among the factors that play a role in the use of narcotics and psychotropics are: (Angrayni & Yusliati, 2018)

- a. Antisocial and Psychopatric personality factors;
- b. Psychiatric conditions that easily feel disappointed or depressed;
- c. Family conditions which include family integrity, parental busyness, parent-child relationships;
- d. Peer groups;
- e. Narcotics and psychotropics themselves are easy to obtain and there are official and unofficial markets available;

Narcotics crimes are no longer carried out individually, but involve many people who are together, even one organized candidate with a wide network that works neatly and very secretly both at the regional, national and international levels (Halizah et al., 2024).

With the application of the under cover buy technique in the disclosure of narcotics crimes, it has proven to be the most effective method in uncovering narcotics trafficking networks. This technique allows the Police to take direct approaches to the network of narcotics dealers and gather strong evidence for the law enforcement process. One of the main advantages of the under cover buying technique is its ability to identify the structure of the narcotics trafficking network thoroughly. Through direct interaction with dealers, the National Police, which acts as an undercover buy, can map distribution flows, identify key perpetrators, and understand the modus operandi used in narcotics trafficking.

The under cover buy technique also allows for the collection of very strong evidence legally. In an under cover buy operation, every transaction and interaction is documented in great detail, including audio/video recordings, which can then be used as irrefutable evidence in court. This significantly increases the success rate of prosecution of the perpetrators.

Another advantage of the application of under cover buying is its ability to uncover narcotics networks without raising suspicion that can result in the destruction of evidence or the escape of the perpetrators. A subtle and planned approach to undercover buying allows for the systematic collection of information and evidence without triggering defensive actions from the dealer network. Through direct interaction with the dealer network, the National Police acting as an undercover buy can identify advanced techniques used to smuggle and distribute narcotics, information that is invaluable for the development of eradication strategies. Undercover buys also allow for the identification of assets and financial channels used in the narcotics business. Infiltrating officers can gather information about money laundering methods, bank accounts used, and assets owned by the trafficking network, which can then be targeted for seizure by authorities. In the context of prevention, the information gathered through undercover buy operations is invaluable for developing more effective preventive strategies. An in-depth understanding of how narcotics networks work allows the Medan Police to identify and close loopholes that could potentially be exploited by traffickers.

However, the implementation of undercover buying also faces various significant obstacles. The obstacle that arises in the implementation of this under cover buy is the lack of community members who are willing to be involved in eradicating narcotics abuse. There are still many people who are afraid to report narcotics crimes that occur in their environment because it concerns their safety (Irabiah et al., 2023). Another obstacle is the limitation of human resources who have special qualifications to carry out undercover operations. Not all members of the police have the skills and mentality needed to play the role of under cover buy. Financial barriers are also a serious challenge in the implementation of undercover buy operations. Undercover operations require a lot of funds to support undercover, including accommodation costs, transportation, and funds to conduct transactions with dealers. Budget constraints often limit the scale and frequency of undercover buy operations. For example, in a covert purchase operation, the investigator must play the role of a

buyer so that it requires initial capital to transact. However, with a larger budget, the potential profits that will be obtained are also greater(Shaleh, 2024)

The safety risk of the National Police, which acts as an under cover buy, is also a very serious obstacle. Narcotics trafficking networks are often equipped with sophisticated security systems and do not hesitate to use violence. This creates a dilemma between the need to collect evidence and keep officers safe. Technological barriers are also increasing along with the use of advanced technology by narcotics trafficking networks. Dealers use a variety of encryption applications and communication methods that are difficult to trace, making the task of the National Police acting as an undercover buy even more challenging in collecting digital evidence. Coordination obstacles between institutions also often hinder the effectiveness of under cover buy operations. While cooperation with other law enforcement agencies is essential, differences in procedures and interests sometimes create difficulties in the implementation of operations that require rapid responses. The information leak factor is a serious obstacle that can jeopardize the success of undercover buy operations. The existence of individuals who cooperate with the dealer network can leak information about ongoing operations, endanger the safety of officers and thwart the disclosure of cases.

Psychological obstacles are also experienced by the National Police who act as undercover buyers who have to live in disguise for a long time. The mental pressure of having to play a double role and the fear of revealing one's identity can affect officers' performance and mental health. Obstacles in the legal process are also often faced, especially related to evidence in court. Programs that implement secret purchase inspections under criminal law authority may need to be aware of local courts, public opinion, and pressure placed on health departments and prosecutors as these things have proven to be barriers to secret purchases(Lee et al., 2016). Although the evidence collected through undercover buys is very strong, long and complicated court proceedings sometimes provide loopholes for suspects to escape legal entanglement.

Geographical barriers are a challenge in under cover buying operations in a large and complex area. Dealer networks often take advantage of remote locations or hard-to-reach border areas for their operations, making surveillance and evidence gathering more difficult. Rapid changes in the modus operandi of narcotics dealers are also an obstacle to the implementation of under cover buying. Dealers continue to develop new techniques to avoid detection, forcing the National Police acting as undercover buys to constantly adapt and learn new strategies. Cultural and language challenges are also an obstacle, especially when dealing with international narcotics networks. The National Police, which acts as an undercover buy, must be able to adapt to various cultural and linguistic backgrounds to be able to make effective penetration into the target network.

Despite facing various obstacles, the under cover buying technique remains the main choice in the disclosure of narcotics cases in various police institutions because of its proven effectiveness. Efforts continue to be made to overcome existing obstacles through capacity building, equipment modernization, and the development of new strategies.

CONCLUSIONS AND RECOMMENDATIONS

In its implementation, the protection of the National Police who act as an under cover buy is carried out through various mechanisms, such as the provision of a backup team that is ready to provide assistance, the provision of pseudonymous identities, and the guarantee of the confidentiality of the officers' real identities. In addition, the undercover buy officer is also equipped with a duty warrant that serves as a legal umbrella for actions taken during the investigation operation. This protection is important considering the characteristics of undercover buying tasks that are high-risk and vulnerable to the threat of violence from narcotics trafficking networks.

The application of the under cover buy technique in the disclosure of narcotics trafficking cases at the Medan Police has several significant advantages. This technique allows investigators to gather strong evidence and obtain in-depth information about narcotics trafficking networks, including modus operandi, organizational structure, and distribution channels. Through undercover buy operations, investigators can make direct inroads into narcotics networks and identify key perpetrators, which is difficult to do through conventional investigation methods. In addition, this technique also allows the timely arrest of the perpetrator with complete evidence, thus strengthening the evidence in court.

ADVANCED RESEARCH

Legal protection for UCB officers also needs to be supported by institutional strengthening and capacity building. Coordination between law enforcement agencies must be strengthened to ensure that UCB operations run effectively and safely. The establishment of a special unit tasked with supervising and evaluating UCB operations is also necessary to minimize risks and improve professionalism. Post-operative protection programs such as security guarantees, relocation programs, and protection from the threat of retaliation should be an integral part of the legal protection system. Periodic training on UCB techniques, legal understanding, and handling emergency situations is also important to improve the competence and safety of officers in carrying out their duties.

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