



Legal Analysis of the Modus Operandi of Drug Trafficking Using the Outboard System in Cirebon

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ABSTRACT

Drug trafficking in Cirebon City showed a significant increase between 2019 and 2021, with the modus operandi of the outboard system growing rapidly. In this mode, the perpetrator hides the drugs in a specific location for the buyer to pick up without direct interaction. This study aims to evaluate the judge's decision against the perpetrators of narcotics crimes who apply the modus operandi of the sticky system and examine the law's application in the case. The method used is normative juridical, with an emphasis on reviewing the provisions of laws and regulations, especially Law Number 35 of 2009 concerning Narcotics. The data analyzed is secondary data obtained from various legal references, such as books, court rulings, and other relevant documents. Data collection is carried out through literature studies and legal document reviews. The study results show that the outboard mode in Cirebon reduces direct contact between perpetrators and buyers by involving organized crime that utilizes technology. Law enforcement against this mode faces various challenges, including the difference in punishment in the Cirebon District Court decision Number 90/Pid.Sus/2021/PN Cbn sentenced him to four years in prison and a fine. Law enforcement against the modus operandi of the drug trafficking outboard system in Cirebon faces challenges in proving and disclosing the perpetrator network, even though intelligence strategies, undercover operations, and inter-agency collaboration have been implemented.

INTRODUCTION

Background

There was a significant spike in narcotics trafficking cases in Cirebon City from 2019 to 2021. Based on information from the Cirebon City Central Statistics Agency, there were 88 narcotics cases recorded in 2019. This figure increased sharply in 2020 to 122 cases and again rose to 123 cases in 2021. This data shows that the eradication efforts that have been carried out have not been able to effectively suppress drug trafficking in the region.

One of the modus operandi that is increasingly developing in drug trafficking is the sticky system, which is a method of narcotics transactions without direct meetings between sellers and buyers. In this mode, the perpetrator sends information on the location of drug packages to buyers through digital technology such as social media and mapping applications (Subekti, 2024). This makes disclosure efforts by law enforcement officials even more difficult.

In September 2023, the Cirebon City Police Drug Investigation Unit succeeded in uncovering a network of narcotics dealers who used the sticky method in carrying out their activities. In this operation, 12 suspects were successfully arrested, with evidence in the form of 19 packages of methamphetamine, illegal drugs, mobile phones, digital scales, and cash (Indramayu Jeh, 2023). Although these operations have shown success, the perpetrators continue to innovate in their modus operandi, so eradication efforts require a more adaptive and comprehensive strategy

The results of Noviandy's research show that the sticky system is one of the various methods of drug distribution in addition to direct transactions, expedition services, and the use of social media. Factors that affect narcotics abuse include individual aspects, family environment, economic conditions, and technological developments (Noviandy, 2021). Therefore, handling the narcotics problem must be carried out holistically by considering legal, social, and technological approaches.

Drug abuse is not only a national issue, but also a global concern. The impact includes physical, mental, and emotional disorders, and an increase in criminal acts in society (Sumiawan & Hermawan, 2022).

In the context of law enforcement in the Cirebon City Resort Police area, there are several obstacles that hinder the effectiveness of narcotics eradication (Ahmadi, 2022), including:

1. The limitations of law enforcement officials in terms of the number of personnel and supporting facilities.
2. Lack of public participation in providing information related to drug trafficking activities.
3. There is a lack of understanding of the concept of restorative justice, especially when dealing with perpetrators using a diversion approach.
4. There is a discrepancy between the provisions of the law and its implementation, where Law Number 35 of 2009 concerning Narcotics has not been implemented optimally in practice.

The inconsistency between the legal norms that should be applied (*das sollen*) and the law enforcement practices that occur in the field (*das sein*)

requires an in-depth evaluation, especially given the increasingly complex development of the sticky mode.

Based on the background description, the research questions that will be discussed include:

1. How is the law enforcement of the modus operandi of the outboard system?
2. What efforts can be made to eradicate drug trafficking?

LITERATURE REVIEW

Law Enforcement Theory

According to John Austin, an English philosopher whose opinion Soerjono Soekanto quoted, law is seen as an order that comes from the party with the highest authority or sovereignty in a country (Soekanto, 200).

Austin argues that law is a rule aimed at rational beings, where the rule comes from a party that is also rational and has authority. Thus, the law comes from the power possessed by the ruler. Austin argues that true law is a law formulated by a ruler to be obeyed by his subordinates, including command, sanction, obligation, and sovereignty (Soekanto, 2006).

In addition to the formation of laws in society, law enforcement is also very important as part of the overall legal process, which includes lawmaking, law enforcement, courts, and administration of justice. Satjipto Raharjo argued that law enforcement is the real application of the law in people's daily lives. Once the law is drafted, the next step is real application in people's daily lives, which is referred to as law enforcement. In other terms, this is also known as the application of the law, or in foreign languages it is called *rechistoepassing* and *rechtshandhaving* (Dutch), law enforcement and application (America) (Rahardjo, 2008).

Soerjono Soekanto argues that law enforcement is a process of harmonizing the relationship between values reflected in norms and solid views and actualizing them in actions and attitudes, as the final form of elaboration of values to achieve peace in community life (Rahardjo, 2008).

Regarding law enforcement in Indonesia, especially in efforts to eradicate corruption, Satjipto Raharjo argued that, in general, we are still stuck in conventional law enforcement methods, including in the cultural aspect. The laws applied tend to be liberal, and the culture is liberal, benefiting only a privileged few, while most of the community bears the impact (Rahardjo, 2008).

Sudikno Mertokusumo explained that the law protects human interests, so its application must be fair and harmonious. However, violations of the law are still possible, so law enforcement is necessary to ensure that the law can be realized in practice (Mertokusumo, 2005). Therefore, the success of law enforcement is highly dependent on the integrity and seriousness of law enforcement officials in carrying out their duties.

Legal System Theory

The Legal System Theory put forward by Lawrence M. Friedman states that the legal system consists of three main components (Friedman, 2019):

1. The legal structure, which includes law enforcement officials as well as the organization and procedures in legal institutions, such as the courts,

legislature, and police, that serve as the operational basis of the legal system.

2. Legal substance, which includes applicable laws and regulations.
3. The culture of law, which reflects the values, norms, and beliefs in society, is the basis for living law.

Thus, these three elements play a role in the effectiveness of law enforcement related to narcotics, especially in overcoming the underground system's modus operandi.

The criminal justice system is defined as a mechanism that integrates regulations, administrative practices, and social behavior through efficient interaction to achieve results despite obstacles (Antasasmita, 2010). In the context of narcotics law enforcement, this system involves various institutions, including the police, prosecutor's office, courts, and correctional institutions.

Court Ruling

Court decisions in narcotics cases have a significant role in setting legal precedents and providing a deterrent effect for perpetrators of criminal acts. The analysis of the court decision will provide an overview of the law's effectiveness in tackling drug trafficking in Cirebon City.

In judicial practice, cases of narcotics crimes with the "sticky system" method have become the object of court decisions. Here are some examples of the verdict:

Decision Number 90/Pid.Sus/2021/PN Cbn

This verdict was read on June 23, 2021, in the case of Imron Sabardiman bin Agus Sabardiman. In this case, the defendant was proven to be involved in narcotics trafficking using the sticky system method, which is to take narcotics in a predetermined place based on a map or plan given by a contact named "Adam." The evidence found included 0.0446 grams of methamphetamine-type narcotics, mobile phones, and motorcycles used in the process of the outboard system. The defendant was imprisoned for four years and fined IDR 800,000,000.00 (CIREBON District Court Decision Number 90/Pid.Sus/2021/PN Cbn," Directory of Supreme Court Decisions of the Republic of Indonesia, 2021 CIREBON District Court Decision Number 90/Pid.Sus/2021/PN Cbn," Directory of Supreme Court Decisions of the Republic of Indonesia, 2021).

Decision Number 71/Pid.Sus/2021/PN Cbn

This case was decided on July 8, 2021 with the defendant Abdullah alias Pepi bin Sapaat. In this case, the defendant was arrested based on information from the public and further investigation that showed the defendant's involvement in the collection of methamphetamine-type narcotics using a sticky system in the Lemahwungkuk District area, Cirebon City. Evidence in the form of 0.66 grams of methamphetamine-type narcotics and a mobile phone was found during the arrest. The defendant was sentenced to a criminal sentence in accordance with the applicable laws and regulations ("CIREBON District Court Decision Number 71/Pid.Sus/2021/PN Cbn," Directory of Supreme Court Decisions of the Republic of Indonesia, 2021).

RESEARCH RESULT AND DISCUSSION

Judge's Decision Against Drug Trafficking Perpetrators with Sticky System Mode in Cirebon

The judge's decision in the case of drug trafficking with the sticky system mode in Cirebon reflects various factors that affect law enforcement. One of the main challenges is the difficulty of proving the possession of narcotics left somewhere without a direct transaction between the perpetrator and the buyer. This often makes it difficult for law enforcement officials to determine who is really responsible.

Based on the results of interviews, the sticky system in Cirebon is generally found in various hidden locations, such as walls, fences, garbage cans, plant pots on the side of the road, and inside trees. This mode is increasingly difficult to detect because the drugs transacted, such as methamphetamine, are often packaged in a non-suspicious way, for example wrapped in ball-shaped plastic duct tape, camouflaged in cement, or even put in toy dolls (Heru (KBO Narkoba Polres Cirebon Kota), Interview, (Cirebon City Police, 07 February 2025)).

In law enforcement in the digital age, the investigation and collection of electronic evidence is a very important aspect. Many narcotics transactions now involve technology, so the authorities must be able to trace digital communications, suspicious financial transactions, and traces of perpetrators on various online platforms (Flora et al., 2024). Not only must this evidence be carefully collected, but also validly analyzed and presented in order to be used in trial.

However, the imbalance of punishment in narcotics cases is still a major issue. Often, the sentences handed down are disproportionate even though the offenses committed are similar. In cases involving Article 112 paragraph (1), Article 114 paragraph (1), and Article 127 paragraph (1) letter a of the Narcotics Law, differences in the verdict can occur due to several factors, such as the judge's freedom in determining punishment, inconsistencies in the charges related to rehabilitation, and the absence of expert witnesses or medical recommendations during the trial (Romdoni, 2021).

In imposing sentences in narcotics cases, the judge's consideration is not only based on the legal provisions in Law Number 35 of 2009, but is also influenced by non-legal factors, such as the socio-economic circumstances of the defendant, which are the reason for replacing the minimum fine with a prison sentence (Rahmawan et al., 2022).

Based on interviews, individuals who are proven to be only narcotics users can undergo rehabilitation in accordance with the provisions of Article 127 of Law No. 35 of 2009. On the other hand, for traffickers, the threat of punishment is more severe because they are subject to Article 114 or Article 112, which can end up with a long prison sentence. This difference in treatment is expected to serve as a deterrent for the perpetrator and provide an opportunity for users to undergo the recovery process.

Law Enforcement of the Outboard System Modus Operandi

Law enforcement of the sticky system involves the stages of investigation, prosecution, and trial. One of the major challenges faced by law enforcement officials is the difficulty in uncovering the dealer network, because transactions are carried out without a direct meeting between the buyer and the seller.

Based on the results of the interview, the perpetrator's communication was only carried out via mobile phones, so when communication was interrupted, it was difficult to trace the dealer at a higher level (Heru (KBO Narkoba Polres Cirebon Kota), Interview, (Cirebon City Police, February 07, 2025)).

The implementation of the Coaching Program in Cirebon Class 1 Prison can be said to be less than optimal, with various obstacles in the production and service sectors that have an impact on the quality, quantity, and continuity of the program, as well as limited facilities and infrastructure that support the development of inmates' skills (Hidayat et al., 2025).

Based on the theory of the legal system put forward by Lawrence M. Friedman, the effectiveness of law enforcement is influenced by three main elements, namely the legal structure, the substance of the law, and the legal culture.

The legal structure includes law enforcement officials, procedures, and coordination between institutions such as the police, prosecutor's office, and courts. The substance of the law refers to existing regulations, as well as Law Number 35 of 2009 concerning Narcotics. Meanwhile, legal culture describes people's views and attitudes towards the law and law enforcement officials.

In the case of the outboard system, even though regulations already exist, its implementation still faces obstacles in terms of legal structure and culture. Limited resources, lack of coordination between institutions, and low public trust in law enforcement are the main obstacles.

The implementation of investigators' discretion in handling drug trafficking cases with the outboard system mode in Cirebon requires a more comprehensive and specific legal basis, considering that so far the handling has only referred to general regulations, so there needs to be a more detailed policy in dealing with the challenges of disclosure and law enforcement related to the modus operandi (Nadeak et al., 2019).

Therefore, efforts are needed to increase the capacity of the apparatus, more effective coordination, and education to the public to strengthen the legal culture that supports the enforcement of narcotics laws.

Efforts to Eradicate Drug Trafficking

Eradicating drug trafficking requires a strategy that includes preventive and repressive approaches.

Based on the results of interviews, the number of drug trafficking cases in Cirebon has increased from 66 cases in 2023 to 103 cases in 2024 Heru (KBO Narkoba Cirebon City Police), Interview, (Cirebon City Police, February 07, 2025). This indicates that public participation in reporting cases is increasing, so a more effective approach is needed to address this problem.

Law enforcement against narcotics crimes is carried out through penal and non-penal policies. Non-penal policies are preventive and repressive with an educational approach and collaboration with various parties, while penal policies focus more on law enforcement. These two policies face various obstacles related to legal aspects, law enforcement officials, available facilities, society, and culture (Hardiansyah & Widoyoko, 2024).

Preventive Strategies

Preventive strategies are carried out through legal counseling and education to increase public awareness of the dangers of drugs and threatening legal consequences. In addition, surveillance of vulnerable areas is strengthened by increasing patrols in vulnerable areas, such as Cirebon Regency (40 cases), Kesambi District (21 cases), Kejaksan District (14 cases), and Lemahwungkuk District (15 cases). Community participation is also a key factor, because with the involvement of residents, the potential for case disclosure is getting greater. Therefore, the public is encouraged to report suspicious activities through a special complaint service.

In addition, community involvement in the prevention of narcotics crimes is very important for law enforcement officials. The public plays a key role in providing information related to suspected narcotics crimes in accordance with the provisions of Article 131 of Law No. 35 of 2009. Meanwhile, witnesses and complainants are entitled to legal protection in accordance with Article 5 of Law No. 31 of 2014, which includes protection of personal safety, freedom from threats, legal assistance, and identity and residence protection (Tetuko, 2023).

Repressive Strategies

Strengthening intelligence and technology is carried out by utilizing *Artificial Intelligence* (AI) to analyze suspicious financial transactions. In addition, the consistent application of penalties aims to avoid disparities by applying stricter standards for dealers and dealers. Thus, perpetrators can be given punishments per their role in the narcotics trafficking network.

On the other hand, rehabilitation for users is carried out based on their level of addiction. This process is categorized on the health web through classification. Therefore, a health-based approach is also an important part of the drug control strategy (Heru (KBO Narkoba Polres Cirebon Kota), Interview, (Cirebon City Police, 07 February 2025)).

The application of restorative justice in the Cirebon Police in embezzlement cases is carried out under certain conditions without ignoring the investigation process, as an effort to realize justice that is in line with changes in values in society (Oktavia & Rahman, 2021). This approach shows the potential for the application of similar policies to narcotics users who are not part of a large trafficking network, so that the law can be enforced in a proportionate and humane manner.

The anomie theory introduced by Robert K. Merton posits that individuals tend to choose illegal paths when there is a mismatch between expected social goals and the means available to achieve them (Merton, 2004). Therefore, the government needs to strengthen economic empowerment programs for

vulnerable groups so that they are not tempted to engage in drug trafficking as a source of income.

CONCLUSION AND RECOMMENDATIONS

Based on this, law enforcement against the modus operandi of the outboard system still faces challenges in proving and disclosing the perpetrator network, even though intelligence strategies, undercover operations, and interagency collaboration have been carried out. To eradicate drug trafficking, it is necessary to strengthen technology, cross-sector coordination, and preventive approaches through legal education and supervision of vulnerable areas, and repressive through the consistent application of punishment and rehabilitation for users. Synergy between law enforcement officials and the community is very important to increase the effectiveness of drug eradication.

ADVANCED RESEARCH

Future research should focus on to increase law enforcement against drug trafficking with the sticky system mode, it is necessary to have clear consistency of sanctions, strengthen cooperation between the public and the authorities, and protection for whistleblowers and witnesses. The use of technology such as CCTV and intelligence systems is also important to identify circulation patterns. In addition, the rehabilitation program for narcotics users must be strengthened so that they do not fall back into it. These measures are expected to strengthen drug eradication and encourage the active role of the community.

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