



## The Investigation Process of Drug-Related Crimes Based on the Criminal Procedure Code (Kuhap) Within the Jurisdiction of the Salatiga Police Resort

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**Abstract** This study aims to understand the process of investigating drug-related criminal offenses based on the Indonesian Criminal Procedure Code (KUHAP) within the jurisdiction of the Salatiga Police Department. It also seeks to identify the obstacles faced in conducting the investigation of drug crimes based on KUHAP in the Salatiga Police jurisdiction and explore the solutions to these challenges. The research employs both normative juridical and sociological juridical methods, with a descriptive-analytical specification. The population and sampling method includes all objects, phenomena, events, or units that will be studied. Data collection techniques include library research and interviews, and data analysis is qualitative in nature. The steps in investigating drug-related crimes within the jurisdiction of the Salatiga Police Department are fundamentally similar to the investigation of other general criminal offenses, in accordance with KUHAP. The steps taken include: raids and arrests, searches, seizures, securing evidence, securing the crime scene, crime scene processing, evaluation, proof, and case development. Obstacles faced by law enforcement officers in investigating and resolving drug-related crimes in the Salatiga Police jurisdiction include: suspects failing to provide clear statements, witness testimonies that do not support the investigation, and incomplete evidence. Efforts to overcome these obstacles in drug crime investigations include: ensuring suspects provide clear and honest statements about the sequence of events and the drug crime objects involved, which can serve as evidence to uncover the crime; witnesses must cooperate with investigators by providing honest and complete testimonies to facilitate the investigation; investigators should work to find and gather at least two pieces of evidence in uncovering drug-related crimes; and fostering community involvement to assist in revealing drug crimes within the Salatiga Police jurisdiction.

**Keywords:** Criminal, Investigation, Narcotics, Offenses, Process

### 1. INTRODUCTION

Legal violations, whether in the form of criminal acts or other offenses, are generally driven by the challenge of meeting basic needs, particularly exacerbated by the impact of the COVID-19 pandemic. The difficulty in securing employment during the pandemic has heightened societal struggles to fulfill daily necessities, which in turn has increased the likelihood of crimes such as the distribution and abuse of narcotics within the jurisdiction of the Salatiga Police Department. According to the modern school of thought, criminal law aims to protect individual Indonesian citizens from potential crimes or criminal acts.

Investigation aims to clarify the criminal acts identified and to determine the perpetrators. Article 1, clause 2 of the Indonesian Code of Criminal Procedure (KUHAP) defines investigation as a series of actions conducted by investigators in accordance with the law to

search for and collect evidence, thereby clarifying the criminal acts committed and identifying the suspects.

Under Article 1, paragraph (1) of Law No. 8 of 1981 on the Criminal Procedure Code, an investigator is defined as a police officer of the Republic of Indonesia or a specific civil servant authorized by law to conduct investigations.

Law enforcement is carried out by officers who are at the forefront and directly interact with the community. These officers are responsible for enforcing laws to maintain societal order. In cases of criminal acts, the police are the first to respond. The primary duties of the police, as outlined in Article 13 of Law No. 2 of 2002 on the Indonesian National Police, include maintaining public security and order, enforcing the law, and providing protection, guidance, and services to the community.

De Pinto describes investigation (*opsporing*) as the initial examination by authorized officials upon receiving reasonably substantiated information about a legal violation.<sup>5</sup> Consequently, if there is a report or complaint from an individual or the public regarding a suspected criminal act committed by an individual or group, the police are obligated to promptly follow up on the report.

Article 1, clause 2 of KUHAP defines investigation as a series of actions conducted by investigators in accordance with the law to search for and collect evidence, thereby clarifying the criminal acts committed and identifying the suspects. Hence, the function of an investigation is not limited to identifying suspects but also extends to uncovering the sequence of criminal acts involved. Investigators are vested with specific authority to gather evidence, enabling them to complete investigations and submit them to the public prosecutor. Criminal justice proceedings adhere to strict procedural rules, including constitutionally bound evidentiary standards, culminating in court trials.

## **2. RESEARCH METHOD**

The research employs both sociological juridical and normative juridical approaches. The sociological juridical method incorporates legal science while also integrating other social sciences to provide a comprehensive understanding. In contrast, the normative juridical approach focuses on principles and foundations of law, reviewing, analyzing, and evaluating existing issues within a legal framework.

This study adopts a descriptive-analytical specification, aimed at describing or illustrating the research object based on collected data or samples without performing analyses to produce universally applicable conclusions. It emphasizes investigating issues as they exist

during the research period, with findings subsequently processed and analyzed to draw conclusions.

The population is defined as the total set of values, whether quantitative or qualitative, resulting from calculations or measurements, associated with specific characteristics of a complete and clearly defined group of objects. The purpose of defining the population is to determine the sample size and to establish the scope of generalization.

The sampling method employed is purposive sampling, a non-random sampling technique where researchers select samples based on specific characteristics relevant to the research objectives. This method aims to provide a targeted resolution to the research problem. The purpose of purposive sampling is to ensure that the selected sample aligns with the research objectives, addresses the identified issues, and yields more representative results, thereby fulfilling the research's objectives.

Data analysis is conducted qualitatively, following a research process based on methodologies that explore social phenomena and human issues. This approach produces descriptive data in the form of written or spoken words from observed individuals and behaviors recorded during the research process.

#### **A. Investigation Process for Narcotics-Related Criminal Acts Based on the Indonesian Criminal Procedure Code (KUHAP) in the Jurisdiction of Salatiga Police Resort**

The suspect serves as the subject of examination and may be subjected to various actions permitted under procedural law, even if the allegations against the suspect ultimately lack sufficient evidence. Such circumstances are often unavoidable, as these investigative actions are essential to determine the veracity of suspicions regarding an individual's involvement in a criminal act.

Upon receiving a report, law enforcement conducts a series of preliminary inquiries to identify and uncover incidents suspected to constitute narcotics-related criminal acts. This step aims to determine whether further investigation, as regulated by law, is warranted. If the inquiry establishes the occurrence of a criminal act, the process progresses to an investigation. This investigation entails a series of actions undertaken by investigators in accordance with legal procedures to gather and compile evidence. The evidence serves to clarify the criminal act in question and identify the perpetrator.

The investigative activities focus on collecting evidence to shed light on the discovered criminal act and ascertain the identity of the suspect. These activities must

strictly comply with prevailing legal provisions. The ultimate outcome of an investigation is a case dossier deemed complete in all aspects, including the completeness of the file, the legal sufficiency of the evidence, and compliance with procedural and substantive legal requirements. If the investigation results confirm that the elements of the alleged criminal act are fully met, the case dossier is declared complete and submitted to the Public Prosecutor (referred to as the first-stage submission of the case dossier).

The accuracy and thoroughness of the investigative process are of utmost importance. Professionalism among investigators is expected to yield a comprehensive case dossier that adheres to the standards set forth in the Indonesian Criminal Procedure Code (KUHAP).

The investigation process for addressing narcotics-related criminal offenses is carried out through a series of actions, including raids, searches, seizures, securing evidence, securing crime scenes, processing crime scenes, conducting evaluations, obtaining proof, and developing cases involving narcotics crimes within the jurisdiction of the Salatiga Police Department (Polres Salatiga).

The investigation procedures for narcotics-related crimes in this jurisdiction generally follow the same principles as those for other general crimes, adhering to the Indonesian Criminal Procedure Code (KUHAP). The specific steps include:

1. **Raids:** Raids are conducted with a focus on caution, given that the targets are individuals suspected of narcotics-related offenses.
2. **Searches:** Searches are performed according to established tactics and procedures, ensuring compliance with regulations. Neutral witnesses and the suspects are present during the process to observe the actions taken by officers. Items discovered during the search are carefully documented, either through photographs or video recordings, with attention to detail and without haste.
3. **Seizures:** The seizure of evidence is carried out in accordance with established procedures and ensures that suspects or witnesses can verify the items seized. Detailed records are made, including documentation through photographs or videos, and a seizure report (Berita Acara) is signed at the scene.
4. **Securing Evidence:** Evidence collected at the crime scene is gathered in a single location and categorized by type. Items such as mobile phones, electronic devices, or other items related to narcotics crimes are stored separately and securely.
5. **Crime Scene Security:** Crime scenes are secured using standard procedures,

such as marking the area with warning tape. Information relevant to the case is gathered, while the security measures ensure the preservation of the crime scene's integrity.

6. **Crime Scene Processing:** Investigators analyze the scene to gather information about individuals present at the crime scene before the investigation commenced.
7. **Evaluation:** The investigation process is evaluated to identify areas for improvement and inform future investigations.
8. **Evidence Collection:** After interrogating suspects and witnesses, including neutral witnesses who observed the raid, search, or seizure, the investigators compile reports and complete administrative requirements. These reports are submitted to the Public Prosecutor (JPU) once deemed complete.

Efforts are made to extract as much information as possible from suspects and evidence to uncover other individuals involved in the case. The Narcotics Unit of Polres Salatiga adheres to the guidelines outlined in Regulation No. 14 of 2012 on Criminal Investigation Management. Their investigative procedures are designed to follow this regulation, including detailed planning, task delegation among personnel, and supervision.

Based on the findings, the planning process for investigations has been conducted effectively, supporting the success of the Narcotics Unit in uncovering narcotics-related crimes. The planning aligns with operational needs, contributing to effective case resolution and minimizing investigative failures. Additionally, the organizational framework aligns with the planning, further enhancing the efficiency and success of the investigative process.

These investigative activities demonstrate adherence to the provisions of Regulation No. 14 of 2012, ensuring compliance and professionalism in the management of narcotics crime investigations.

## **B. Challenges in Conducting Criminal Investigations of Narcotics Offenses Based on the Indonesian Criminal Procedure Code (KUHAP) in the Jurisdiction of Salatiga Police**

In conducting criminal investigations, maintaining a balance between evidence, objects related to criminal acts, and investigative procedures is essential. Investigators must ensure this balance to safeguard human rights, given that investigative actions—such as summons, examinations, searches, seizures, and detentions—are closely linked to the

fundamental rights of individuals.

Investigations are inquisitorial in nature, meaning they are not conducted publicly, unlike court proceedings. Nonetheless, they must be carried out meticulously, with due consideration of the suspect's or defendant's human rights. In many instances, investigations have been conducted recklessly, causing individuals to suffer for crimes they did not commit but were accused of. Therefore, investigations must treat suspects, evidence, and legal procedures appropriately and in accordance with applicable laws and regulations.

Article 184 of the KUHAP clearly stipulates that seized objects or evidence may serve as legitimate evidence. However, issues often arise when such items are presented in court, particularly when the seized items are not formally recognized as legitimate evidence but can still hold evidentiary value. Article 1, point 16 of the KUHAP states that the seizure of objects by investigators is intended for evidentiary purposes. Despite their informal status, seized items may provide valuable insights or support witness statements, expert testimonies (e.g., forensic reports), and suspect testimonies.

### **Obstacles Faced by Law Enforcement in Investigating Criminal Offenses:**

1. Lack of Public Willingness to Report

Not all individuals who witness or are aware of a crime or human rights violation are willing to report it to law enforcement.

2. Systemic Collusion

Well-organized collusion at various levels often hampers investigations, making it difficult to uncover violations due to the skillfulness of offenders in concealing their actions.

3. Unclear Statements from Suspects

Suspects often deny allegations, a right protected under the principle of *presumption of innocence*. However, such denials can delay investigations and prolong detention periods. Law enforcement must avoid coercion or violence and rely on lawful means, such as witness testimony and evidence, to establish the suspect's guilt.

4. Non-Cooperative Witness Testimony

Witnesses may provide incomplete or uncooperative statements, complicating efforts to substantiate charges. Under Law No. 8 of 1981, prosecutors rely on case files from investigators to proceed with charges. To address this, prosecutors may summon investigators to verify witness credibility.

5. Extended Detentions Without Legal Process

In practice, suspects may face prolonged detention without legal justification, such as a judge's approval, violating their rights and causing undue harm.

6. Incomplete Evidence

The absence of complete evidence often results in extended detention or delays in case proceedings. Prosecutors may return incomplete case files to investigators for further work, causing further delays.

**Strategies for Addressing Challenges in Narcotics Investigations:**

1. Suspect Cooperation

Suspects should provide honest and detailed accounts of the events and locations involved in narcotics offenses to facilitate the uncovering of evidence.

2. Witness Cooperation

Witnesses must provide truthful and comprehensive testimonies to assist investigators in solving cases.

3. Strengthened Evidence Collection

Investigators should ensure the collection of at least two pieces of valid evidence, as required by law, to substantiate charges.

4. Community Involvement

The public should actively participate in assisting law enforcement to expose narcotics-related crimes in the jurisdiction of the Salatiga Police.

**Comprehensive Measures:**

The Indonesian National Police (Polri) and the government should adopt a multifaceted approach to combating narcotics crimes, including preventive, repressive, and cooperative strategies. Strict law enforcement with harsh penalties is necessary, alongside efforts to uphold social order through investigative actions. Given the transnational nature of narcotics crimes, international cooperation—both bilateral and multilateral—should be enhanced through treaties and conventions. This includes agreements on extradition to prosecute offenders in accordance with jurisdictional and legal frameworks.

By integrating internal oversight and collaboration with external entities, such as hospitals and other relevant institutions, effective prevention and enforcement can be

achieved. These efforts should align with international and national legal developments to address the organized and complex nature of narcotics crimes comprehensively.

### **3. CONCLUSION**

The process of investigating drug crimes within the jurisdiction of the Salatiga Police Department essentially follows the same procedure as the investigation of other general criminal offenses, in accordance with the Indonesian Criminal Procedure Code (KUHAP). The steps taken in such investigations include: raids and arrests, searches, seizures, securing evidence, securing the crime scene (TKP), processing the crime scene, evaluation, proof collection, and case development.

Obstacles faced by law enforcement officials in investigating or resolving drug crimes in the Salatiga Police jurisdiction include: suspects not providing clear statements, witness testimonies that do not support the investigation, and incomplete evidence for submission.

Efforts to overcome these challenges in drug crime investigations include the following: suspects must provide honest and clear information regarding the sequence of events and the objects involved in the drug crime, which can serve as evidence in uncovering the offense; witnesses must cooperate with investigators, offering truthful and complete statements to aid in solving the case; investigators must identify and collect evidence, ensuring at least two pieces of evidence are obtained in drug crime investigations; and public participation is vital in assisting the investigation and uncovering drug-related offenses in the Salatiga Police jurisdiction.

In the investigation process, investigators need to improve their investigative methods based on criminal procedural law. Furthermore, the process should be tested in accordance with legal provisions on proof as outlined in the law, including the authority of the Indonesian National Police (POLRI) in conducting investigations, from summons, examination, searches, seizures, detention, to creating official reports.

The issues that investigators must consider include ensuring the suspect's rights are upheld based on the presumption of innocence, as well as making tangible efforts to bridge the gap between the interests of the investigating authorities and the rights of the suspect under investigation.



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