

Implementation Of Undercover Buy In The Uncovering Of Narcotics Crimes By Bnnk Pelalawan

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Abstract

Disclosure of narcotics crimes is not easy because drug abuse crimes are carried out in a systematic, organized, and hidden manner. Narcotics transactions are generally conducted at times and places that are difficult for the public to ascertain. Perpetrators always try to evade law enforcement in their drug abuse activities. From its nature, this study falls into observational research conducted through a survey method, which involves direct research at the study location using interview data collection tools. To avoid law enforcement reach, transactions are usually carried out with individuals who are already known due to the rapidity of illegal narcotics circulation. Often, those apprehended by law enforcement are only small-scale perpetrators as dealers, while narcotics traffickers are difficult to trace. Therefore, one strategy employed to uncover such crimes is the use of undercover purchases (Undercoverbuy).

I. Introduction

The Constitution of the Republic of Indonesia of 1945 asserts that the Indonesian state is based on the rule of law (*Rechstaat*), not solely on power (*Machstaat*) (Kamran and Putri 2023). This means that Indonesia is a democratic state based on Pancasila and the Constitution of the Republic of Indonesia of 1945, upholding human rights, ensuring all citizens are equal before the law and government (Kurniawan, Samsithawrati, and Dharmawan 2024), and obliging them to uphold the law and government without exception (Harisman 2021).

As stated in Article 28 D paragraph (1) of the Constitution of the Republic of Indonesia of 1945, "every person has the right to recognition, guarantees, protection, and fair legal certainty as well as equal treatment before the law." The law serves as a means of assurance and protection for citizens, especially against crimes. One such crime that is difficult to eradicate is narcotics and psychotropic substance offenses (Sari 2023). These offenses have seen significant developments both in production and distribution systems. Even with weak security controls, the smuggling of these illicit goods occurs not only within a single country but also across borders, indicating the need for better handling of narcotics and psychotropic substance issues.

Several social aspects contribute to the occurrence of crimes, including:

1. Poverty, unemployment, illiteracy (ignorance);
2. Lack of or inadequate housing and education systems, as well as mismatched training;
3. Increasing numbers of people without prospects due to social integration processes, as well as worsening social disparities;
4. Weakening of social and family ties;
5. Difficulties faced by migrants in urban areas;
6. Destruction or loss of original cultural identities, which, combined with discrimination, result in social, welfare, and occupational disadvantages;
7. Decrease in the quality of urban environments leading to increased crime and insufficient services for environmental facilities/neighborhoods;
8. Difficulties for individuals in modern society to integrate properly within their community, family, workplace, or school environment;
9. Abuse of alcohol, sedatives, narcotics, and others, whose use is also expanded due to the factors mentioned above;
10. Expansion of organized crime activities, especially in the trafficking of sedatives and the fencing of stolen goods;
11. Influences (especially by mass media) promoting ideas and attitudes towards violence, inequality (rights), or intolerant attitudes (intolerance).

The development process can bring progress to society's life, but it can also result in negative social changes, particularly concerning the increase in criminal activities that disturb society (Cohen and Felson 2010). One such crime that is

quite troubling to society is narcotics offenses.

Narcotics abuse crimes can jeopardize the nation's future, as their primary targets are young people, the nation's future generation. Narcotics crimes are international in scale, knowing no national borders. Typically, narcotics crimes are organized offenses, with distribution networks spanning across countries without regard for their victims (Viano 2018).

This reality means that the circulation of narcotics can affect anyone, regardless of age. It is even suspected that illegal narcotics circulation occurs within correctional facilities where inmates serve their sentences. This indicates that perpetrators of narcotics crimes always seek opportunities to carry out their actions, even within correctional facilities. The National Narcotics Agency (BNN) and the Indonesian National Police are state instruments at the forefront of law enforcement, protecting all Indonesian citizens and the nation from drug abuse and trafficking. As a law enforcement agency, the BNN is tasked with implementing technical policies for drug prevention, community empowerment, eradication, and rehabilitation.

In addressing narcotics offenses, the BNN, as part of law enforcement, conducts investigations and inquiries to find and uncover events suspected of being criminal offenses according to the Criminal Procedure Code (Ahsana, Aprilianda, and Djatmika 2023). The results of these investigations serve as entry points for further criminal proceedings when there is sufficient preliminary evidence of criminal activity. Investigating narcotics crimes is not easy, as drug abuse crimes are conducted systematically, organized, and hidden. Narcotics transactions typically occur at undisclosed times and locations, with perpetrators always attempting to evade law enforcement. To evade law enforcement, transactions are often conducted with individuals who are already known due to the prevalence of illegal narcotics circulation. Often, those apprehended by law enforcement are only small-scale perpetrators as dealers, while narcotics traffickers are difficult to trace due to the anonymity of suppliers.

This situation arises because the suppliers' identities are usually unknown until reaching the distributors. This complicates law enforcement efforts in capturing illegal narcotics suppliers (Bacon 2017). However, investigators from the Pelalawan District National Narcotics Agency (BNNK) continuously strive to uncover narcotics circulation. Therefore, the Pelalawan District National Narcotics Agency requires specific techniques, wherein the role of the police and BNN investigators is crucial. One common technique used by investigators to combat narcotics crimes is undercover buy and controlled delivery. Both techniques are permitted for use not only by BNN investigators but also by police investigators to combat narcotics cases, as stipulated in Article 81 of the Narcotics Law, which authorizes the Indonesian National Police and BNN investigators to conduct investigations into narcotics abuse and trafficking.

Undercover buy is a method employed by investigators from the Pelalawan District National Narcotics Agency to uncover the circulation of narcotics offenses. This method is defined in Article 75 letter (j) of Law No. 35 of 2009 concerning Narcotics, which states that BNN investigators are authorized to conduct undercover buy techniques and supervised deliveries (Mulyadi et al. 2023).

Undercover buy in narcotics crime investigations involves informants or police officers (undercover) acting as buyers in clandestine narcotics and psychotropic substance transactions (Sirait et al. 2023). The aim is to arrest the sellers, intermediaries, or those involved in the narcotics and psychotropic substance supply chain, along with the evidence.

Supervised undercover buy techniques in narcotics crime investigations are also carried out by investigators from the Pelalawan District National Narcotics Agency. This is done to uncover narcotics crimes that are increasingly troubling society, reaching even the rural areas of Pelalawan District. However, investigators from the Pelalawan District National Narcotics Agency still face various obstacles in conducting undercover buys in narcotics crime investigations, such as personnel limitations, investigation budgets, and the scarcity of informants. Therefore, the author is deeply interested in conducting an in-depth study on this matter, which will be presented in this research under the title "Undercover Buy in Uncovering Narcotics Abuse by the Pelalawan District National Narcotics Agency."

2. Research Method

In terms of its type, this research falls under observational research conducted through a survey method, which involves direct research at the study location using data collection tools such as interviews (Phellas, Bloch, and Seale 2011). Meanwhile, in terms of its nature, this writing is descriptive-analytical, meaning it aims to provide a detailed, clear, and systematic overview of the main research problem. Soerjono Soekanto and Sri Pamudji state that descriptive research is intended to provide as detailed data as possible about humans, conditions, or other phenomena, with the aim of refining hypotheses, strengthening a theory, or developing new theories.

The object of this research concerns the role and method of undercover buy in uncovering narcotics abuse crimes by the Pelalawan District National Narcotics Agency.

As per the research title, this study is conducted at the Pelalawan District National Narcotics Agency (Subhayano et al. 2021). The reason for choosing this title is that the author wants to determine the extent to which the method used by the

Pelalawan District National Narcotics Agency in combating narcotics crimes related to undercover buy. Therefore, the author will directly inquire about this issue to the relevant institution.

Population refers to the total number of objects with similar characteristics to be studied. A sample is a subset or part of the population that can represent the entire research object to facilitate the researcher in determining the research. In conducting this research, the author uses data collection techniques through interviews, which involve collecting data by conducting dialogues/conversations (question and answer) directly with respondents (Sigstad and Garrels 2018).

Once all data are obtained and collected, both primary and secondary data, these data are grouped based on their types of both main problems under study (Vartanian 2010). Data obtained from interviews are presented in the form of sentence descriptions. Then, they are processed and presented by comparing field data with the opinions of experts or with legal regulations that serve as the juridical basis of the research (Budianto 2020). Subsequently, the author draws conclusions using deductive methods, which involve drawing conclusions from general to specific aspects (Behfar and Okhuysen 2018).

3. Results and Discussion

a) Role and Method of Undercover Buy in Uncovering Narcotics Abuse Crimes by the Pelalawan District National Narcotics Agency

Efforts to combat narcotics cannot be separated from the support of law enforcement agencies, including those within the criminal justice system, starting from the police, prosecutors, judiciary, to correctional institutions, all of which form an integral unit that cannot be separated (Disantara and Syaifudin 2024). However, since the enactment of Law No. 35 of 2009 concerning Narcotics, there has been another institution playing a role, namely the National Narcotics Agency (BNN), which is even given a significant portion in conducting investigations.

The strengthening of the BNN institution is not only regulated in Law No. 35 of 2009 but also affirmed by Presidential Regulation No. 83 of 2007 concerning the National Narcotics Agency, Provincial Narcotics Agencies, and District/City Narcotics Agencies. The BNN is a non-structural institution under the direct authority of the President, tasked solely with coordination functions. In Law No. 35 of 2009, the BNN is elevated to a non-ministerial government agency (LPNK) and empowered to conduct investigations (Setiyono 2020).

The authority of BNN investigators is already regulated in Law No. 35 of 2009 Article 7, which states that in carrying out the task of combating narcotics abuse and trafficking, the BNN is authorized to conduct investigations into narcotics abuse and trafficking. According to Law No. 35 of 2009, in combating narcotics, the BNN is empowered to investigate narcotics abuse, trafficking, and precursors, with investigators having powers such as a 3x24-hour arrest, extendable for another 3x24 hours, plus wiretapping. However, in addition to BNN investigators, the law also stipulates the authority of other investigators, namely those from the police and civil servant investigators (PPNS). The BNN determines whether someone is a drug user by conducting urine tests on suspected drug users. If the urine test proves positive for drug use, the BNN then conducts further investigation to determine where the drugs were obtained, who supplied them, and how long they have been used, followed by immediate investigation to expedite case resolution.

In carrying out investigations, BNNK Pelalawan investigators do not have specific standard operating procedures (SOPs), but the investigation orders are in accordance with the provisions of the law, as stated in Article 79, which reads: "Undercover investigation techniques and supervised deliveries as referred to in Article 75 paragraph j are carried out by Investigators on written orders from their superiors."

In the process of gathering evidence for these criminal activities, no special methods are used; rather, conventional investigative methods such as tailing, disguises, and ambushes are employed. After the target of operation (TO) is apprehended by officers, a case conference is held to further develop the case and gather more information. Thus, the basis for appointing investigators lies in the operational instructions possessed by the investigators, with appointments made directly by the Head of BNNP.

Investigators at BNNK Pelalawan have broader competencies in handling drug abuse crimes compared to the National Narcotics Agency (BNN) (Sinaga and Mardiah 2014). While the BNN focuses solely on narcotics crimes, the police cover a wider scope, including narcotics, psychotropics, and addictive substances such as alcohol. Special crime prevention, especially narcotics crimes carried out by BNNK Pelalawan, typically employs three techniques: conventional investigation, undercover buy techniques, and supervised deliveries as regulated by law. In practice, the use of undercover buy and controlled delivery techniques poses more challenges compared to conventional investigation methods. These techniques are rarely used by investigators due to their higher risk of failure compared to standard investigative techniques such as tailing, ambushes, and others.

Besides the aforementioned factors, another reason for the infrequent use of undercover buy and controlled delivery techniques is the lack of specific budget allocation for these methods by BNNK Pelalawan. For instance, conducting undercover buy operations requires investigators to act as buyers, necessitating initial capital for transactions. However, with a larger budget, the potential returns would also increase. Additionally, the use of these techniques carries a greater risk of abuse of authority by investigators. Furthermore, success rates are uncertain, and there is a risk of funds allocated by investigators being lost. However, the selection of investigation techniques depends on the information obtained and the situation in the field.

The implementation of undercover buy techniques by BNNK Pelalawan investigators relies on internal budgets from the institution, with procedures and bureaucracy accountable to the investigators through written reports (O'MALLEY 1977). This is because there is no specific budget from the state for implementing these techniques. Similarly, in the execution of supervised delivery techniques, where investigators act as sellers, the police, particularly investigators, already possess narcotics or psychotropics beforehand. Typically, in the implementation of supervised delivery techniques, the police have already apprehended suspects along with evidence. With this evidence, the police, particularly investigators, act as sellers to lure both users and distributors through buying and selling transactions, allowing investigators to expand the case and identify more suspects. The selection of techniques in investigations depends on the situation or condition of the target operation. According to BNNK Pelalawan, the effectiveness of conventional (standard) investigations is preferred based on considerations of success and the potential risks during case processing.

Investigators, in performing undercover buy and supervised delivery techniques in conducting investigations, are essentially authorized by the Narcotics Law, as stated in Article 75 letter j: "In the context of investigation, BNN investigators are authorized to: carry out undercover investigation techniques and supervised deliveries." Although this provision specifically mentions BNN, Article 81 of this Law states: "Investigators from the Indonesian National Police and BNN are authorized to investigate narcotics abuse and trafficking based on this Law."

This provides authority to BNN and Police investigators to conduct investigations as stated in Article 75 of the Narcotics Law. Article 55 letter a of the Psychotropic Law also grants authority to the police as investigators to carry out undercover buy and supervised delivery techniques. The provision in Article 55 letter a of the Narcotics

Law reads: "In addition to what is stipulated in Law No. 8 of 1981 concerning Criminal Procedure Law, State Police Officials can: a. carry out supervised delivery investigation techniques and undercover buy techniques." In both the Narcotics and Psychotropic Laws, especially in their criminal formulations, they share the same legal elements, namely that anyone who possesses, produces, distributes, exports-imports, carries narcotics or psychotropics unlawfully may be subject to criminal penalties as stipulated in these laws tailored to these categories. Investigators performing undercover buy essentially act as buyers; thus, they must prepare a budget beforehand for purchasing narcotics or psychotropics. For example, in the Narcotics Law, Article 114 paragraph (1) of Law No. 35 of 2009 states that:

"Anyone who, without right or unlawfully, offers for sale, sells, purchases, receives, acts as an intermediary in buying and selling, exchanges, or delivers Narcotics Group I, shall be punished with life imprisonment or a minimum of 5 (five) years and a maximum of 20 (twenty) years imprisonment and a fine of at least Rp1,000,000,000.00 (one billion rupiahs) and a maximum of Rp10,000,000,000.00 (ten billion rupiahs)."

Based on this article, the technique employed by BNNK Pelalawan investigators, acting as buyers of narcotics, may be subject to criminal penalties as stipulated in this article because they fulfill the legal elements of being a buyer (Donovan and Advisor 2022). Furthermore, in supervised delivery techniques, BNNK Pelalawan investigators act as sellers, where they deliver narcotics or psychotropics. According to Article 114 of the Narcotics Law and Article 62 of the Psychotropic Law, which essentially prohibit possession, buying, transporting narcotics or psychotropics unlawfully, penalties may be imposed. Therefore, BNNK Pelalawan investigators must have complete authorization to carry out supervised delivery techniques.

Misuse of authority in conducting undercover buy and supervised delivery techniques is possible; therefore, investigators ordered to perform these techniques must report after conducting the investigation. Legal studies provide reasons for the removal of criminal penalties, where anyone who commits an act that violates legal provisions due to their position or official orders from superiors is also known as a justifying reason, thereby exempting them from criminal sanctions. Although BNNK Pelalawan investigators, in terms of legal elements of narcotics and psychotropic laws, have fulfilled criminal elements and may face criminal penalties, the existence of justifying reasons exempts them from criminal sanctions. This is based on official duty orders and legal mandates. Narcotics and psychotropic laws have granted authority to BNNK Pelalawan investigators to carry out undercover buy and supervised delivery techniques in combating narcotics and psychotropic crimes, thus providing BNNK Pelalawan investigators with a legal basis and legitimate authority. Therefore, the actions of BNNK Pelalawan investigators in conducting

undercover buy and supervised delivery techniques cannot be subject to criminal sanctions. The justification for removing criminal penalties, especially justifying reasons, gives BNNK Pelalawan investigators the authority to combat narcotics and psychotropic crimes using techniques that, within the context of legal regulations, fulfill the legal elements for criminal sanctions, which are further elaborated in Article 50 and the Criminal Code which reads as follows: "Article 50. Anyone who commits an act to enforce the provisions of the law shall not be punished."

Regarding whether there are specific authorities between BNN investigators and other investigators such as the Police and civil servant investigators (PPNS), according to Mr. AKBP Andi Salomon, the Head of BNNK Pelalawan, there is no specific authority between BNN investigators and the police. The police are also authorized to conduct investigations, with only a slight difference being that BNN investigators begin investigations from users, couriers, to traffickers, meaning they are narrowed down, akin to a food chain, whereas the police do not discriminate whether they apprehend users, couriers, or traffickers; police investigators do not discriminate in apprehending narcotics offenders.

In addition to the above, in the author's opinion, the authority of BNNK investigators, not possessed by other investigators, namely the police and civil servant investigators (PPNS), is that BNN investigators have the authority to conduct wiretapping on communication devices used by perpetrators in coordination with Telkom, the cellular network provider. This is what makes BNNK Pelalawan consistently effective in carrying out tasks to investigate narcotics offenders in Pelalawan District, as evidenced by the apprehension of narcotics-related cases. This proves that the authority held by BNNK investigators is highly effective in carrying out their duties to eradicate narcotics offenders.

DATA KASUS NARKOTIKA BNN KABUPATEN PELALAWANTAHUN 2016 - TAHUN 2020

Tahun	Jumla hLKN	Jumlah tersangka		Jumlah barang bukti narkotika		
		Laki laki	Perem Puan	Sabu	Ganja	Ekstas i
2016	2 lkn	2 orang	-	3,38 gram	-	-
2017	3 lkn	4 orang	-	11,06 gram	-	-
2018	5 lkn	5 orang	1 orang	1.194,49 gram	19,41 gram	1.424,4 gram

2019	5 lkn	6 orang	-	18,37 gram	-	-
2020	2 lkn	2 orang	1 orang	11,61 gram	-	-
Total keseluruhan Ruhan	17 lkn	19 orang	2 orang	1.238,91 gram	19,41 gram	1.424,4 gram

Sumber : Kabbag Umum dan Tata Usaha Badan Narkotika Nasional Kabupaten Pelalawan Tahun 2020

In the process of resolving narcotics criminal cases at BNNK Pelalawan, it is not much different from the process of a criminal case as regulated in criminal procedural law, starting from investigation to the prosecution stage in court. In Law Number 35 of 2009 concerning Narcotics, it is explained about investigation, prosecution, and examination in court. In conducting an examination or determining suspects of narcotics crimes, it is clear that investigators need evidence to strengthen the suspicion that someone is positively using narcotics. Mr. AKBP Andi Salomon explained that in resolving narcotics criminal cases at BNNK Pelalawan, evidence is needed to strengthen the suspicion that the person is indeed positive for using narcotics, and this evidence is used to convict the perpetrator with imprisonment or to provide medical rehabilitation. However, in reality, the fulfillment of evidence in narcotics crimes often faces many obstacles. Problems that often occur include the arrest of narcotics criminals often being carried out in special ways, so that when the arrest is made, some of the evidence does not meet the minimum requirements as evidence. In narcotics cases, investigations are carried out with undercover buys, controlled deliveries, and wiretapping. In terms of investigation, several tactics and techniques are needed, including observation, interviews, surveillance, undercover operations, and the use of informants.

For example, there are various *modus operandi* for hiding narcotics. Narcotics are placed in dictionaries and sent to buyers via shipping services, placed in specific locations like trash bins and buyers are contacted to retrieve them, couriers deliver narcotics by hiding them inside fried chicken boxes, or even attached to the courier's body and covered with tape, which can deceive evidence.

Undercover buy, as a method performed by the National Narcotics Agency of Pelalawan District in narcotics crimes, is defined in police field instructions No. Pol. Juklap/04/VIII/1983, which states: "Undercover buy is a special technique in narcotics crime investigation, where an informant or a police officer (undercover) acts as a buyer in a clandestine narcotics transaction, with the aim that at the time of the transaction, the seller or intermediary or individuals associated with the narcotics supply can be arrested along with the evidence they possess."

The implementation of undercover buys seems to equate to entrapment sanctioned by the law. However, it should be noted that besides the obligation of an order from the investigator's superior, undercover buys should target the capture of narcotics sellers, especially on a large scale, and not target small-scale narcotics crimes.

The challenge with the undercover buy technique is the lack of further explanation in Law No. 35 of 2009 concerning Narcotics regarding undercover buys and supervised deliveries. Both types of operations are vulnerable to abuse. One cannot confirm whether a "trap" that happens to them is indeed an undercover buy or a supervised delivery. In the example in the fourth pattern, how can it be ensured that the agent has completed his/her mission, so as not to abuse their position as an undercover agent? When someone is caught in an undercover buy, the legitimacy of the trap lies in two aspects: first, the person indeed intended to commit the crime. Second, the undercover buy technique to capture the person is a lawful operation.

Narcotics crimes investigation usually starts with information from informants. Based on the information provided by the informants, an investigation is conducted to verify the accuracy of the information. In narcotics crimes, informants usually come from former users or individuals who are familiar with the narcotics world.

The examination of narcotics crimes is usually conducted after receiving information/reports or suspicions of a narcotics crime. The examination is carried out by investigators by taking the initial actions at the scene of the crime (*locus delicti*), namely by conducting research to find evidence at the scene. Investigators will then attempt to identify the suspected individuals and, if necessary, proceed with arrest, detention, search, and seizure. So, essentially, the examination of narcotics crimes begins as soon as the crime is known to have occurred at a location, while the examination of narcotics crime suspects is conducted after the arrest.

The National Narcotics Agency of Pelalawan District plays a significant role in society and in the national dimension, and therefore, within the broad scope of the National Narcotics Agency of Pelalawan District, there must be clear task assignments.

The important role of the National Narcotics Agency of Pelalawan District in combating narcotics-related crimes must be well supported even though the numbers of cases continue to increase. The disclosure of cases, on one hand, can be an indicator of the increased work of the police in hunting narcotics trafficking syndicates, but on the other hand, it can indicate how weak the current government policies are in dealing with narcotics trafficking.

Efforts to overcome narcotics abuse within the jurisdiction of the National Narcotics Agency of Pelalawan District involve partnership building, namely supervised undercover buy techniques. In this technique, personnel from the National Narcotics Agency of Pelalawan District still involve ordinary people who are willing and able to cooperate with the police in this transaction, starting from information from the

community and suspected locations used for transactions and distribution of narcotics, including through storage services. Beforehand, the police coordinate in uncovering narcotics networks. If evidence of narcotics crimes is found, BNNK personnel immediately take enforcement actions at the crime scene by conducting searches, seizing evidence, and making arrests.

Undercover buy technique is a lawful technique in uncovering narcotics crimes, as regulated by Law Number 35 of 2009 concerning Narcotics. Based on police field instructions No. Pol. Juklap/04/VIII/1983, the definition of the undercover buy technique is a special investigation technique in uncovering narcotics and psychotropic crimes, where an informant or BNNK personnel (undercover) acts as a buyer in a clandestine narcotics and psychotropic transaction, with the aim that at the time of the transaction, the seller or intermediary or individuals associated with the narcotics and psychotropic supply can be arrested along with the evidence at the scene.

Efforts to prevent deviations in the implementation of undercover buy techniques carried out by investigators are crucial. To reduce these deviations, there is regulation that the implementation of undercover buys must comply with written orders from superiors. This is useful to avoid investigators who deviate under the guise of discretion in conducting undercover buys.

Undercover buy methods in investigating narcotics crimes, where an informant or personnel from the National Narcotics Agency of Pelalawan District (undercover) or other police personnel assigned to the National Narcotics Agency of Pelalawan District (undercover), act as buyers in a clandestine narcotics transaction, with the aim that at the time of the transaction, the seller or intermediary or individuals associated with the narcotics supply can be arrested along with the evidence they possess.

The investigation of narcotics crimes using the undercover buy method is regulated in Law Number 35 of 2009 concerning Narcotics in Articles 75 and 79. However, in practice, the investigation technique must receive written orders from superiors, because without this written order, the investigation using undercover buy method is considered invalid.

The reason investigators use the undercover buy technique in narcotics crimes is that narcotics crimes are victimless crimes. With no victims, there will be no one to report narcotics crimes. The technique used by investigators in conducting undercover buys is to gather information using informants and carry out undercover buys using couriers, to support the implementation of undercover buy techniques with observation, surveillance, undercover agents, controlled delivery of narcotics and psychotropics, and planned raid operations.

b) Challenges in Implementing the Undercover Buy Method in Uncovering Narcotics Abuse Crimes by the National Narcotics Agency of Pelalawan District

Crimes are *rechtdelicten*, which are actions that although not specified in the law as criminal acts, are perceived as injustice, as actions contrary to legal norms. Conversely, violations are *wetsdelicten*, which are actions whose illegality can only be known after there is a law stipulating so. The emergence of various forms of crimes in new dimensions recently indicates that crimes are always evolving. The same applies to narcotics crimes, which are not separate from this development. Narcotics crimes (the drug trafficking industry) are part of the activities of transnational criminal organizations in addition to other types of crimes. Hence, efforts to counteract them are necessary, but there are certainly challenges in their implementation.

c) Efforts to Overcome Challenges in Implementing the Undercover Buy Method by the National Narcotics Agency of Pelalawan District

Investigators at BNNK Pelalawan, in carrying out their investigation duties and authorities, not only follow procedural laws regulated in the Criminal Procedure Code (KUHP) but also have special provisions regulated in separate laws as special provisions (*lex specialis*). Drug policies in every country are certainly related to economic, political, and social interests. This reflects how policymakers consider the benefits and disadvantages of making drug policies. The provisions regarding the investigation of Narcotics Crimes regulated in special criminal laws have evolved along with the development of laws regulating narcotics in Indonesia. A significant development occurred after the enactment of Law Number 35 of 2009 concerning narcotics, which granted authority for investigation and prosecution and expanded the techniques for investigating narcotics crimes. This development aims to more effectively prevent and eradicate the abuse and illicit trafficking of narcotics and precursor substances. Given the difficulty of the investigation process in uncovering narcotics cases, there must be special rules governing the process or the authority of investigators in handling narcotics cases.

The implementation of undercover buys is carried out by BNNK Pelalawan investigators, but not all investigators are allowed to conduct undercover buys. The implementation of undercover buys must be carried out by investigators who have received written orders/assignments from their superiors to carry out undercover buys. Investigators conducting undercover buys are protected by Narcotics Laws. In addition to Narcotics Laws, protection is also provided by the Criminal Procedure Code and Police Law, but of course, there are several challenges. Based on the challenges mentioned above, efforts are needed to overcome these challenges.

Investigators who will carry out undercover buy techniques must act professionally and carefully in performing their duties, and minimize errors or even avoid making mistakes, because with a slight mistake, the lives of investigators and other members

are at risk, or the operation conducted will fail. In implementing the undercover buy technique, the risks are significant. Investigators must follow the procedures established by the police to avoid danger, because any mistakes they make, if discovered by narcotics networks, will be exploited, which will then harm both the members and the investigators themselves. Professionalism is the most important element in efforts to overcome the challenges posed in carrying out undercover buy techniques; one example of the losses if not acting professionally is that a police officer in Malang was once sued by a narcotics suspect's lawyer for allegedly forging signatures during inspections and falsifying search warrants and undercover buy orders, which was done by the lawyer so that their clients would not receive severe punishment and the suspect's goal was to keep the police investigators busy so that their network would not be exposed.

4. Conclusion

Based on the discussions in the chapters, the following conclusions can be drawn:

- a) The Role and Method of Undercover Buy by BNNK Pelalawan: The role of the undercover buy technique in uncovering narcotics crimes is in the process of investigating narcotics crimes, which is justified by the law, specifically Law No. 35 of 2009 concerning Narcotics. According to police field instructions NO. Pol. Jaklap/04/VIII/1983, the definition of the undercover buy technique is a special investigation technique in uncovering narcotics and psychotropic crimes, where an informant or BNNK Pelalawan personnel (undercover), or police assigned to BNNK Pelalawan (undercover), act as a buyer in a clandestine narcotics and psychotropic transaction, with the aim that at the time of the transaction, the seller or intermediary or individuals associated with the narcotics and psychotropic supply can be arrested along with the evidence they possess. The undercover buy operation must be well-prepared because it is a dangerous operation that involves the lives of those undercover. Failure resulting in the death of undercover individuals will disturb the feelings of BNNK Pelalawan investigators and constitute a failure in law enforcement efforts.
- b) Challenges in Implementing the Undercover Buy Method: Internal and External Challenges. Internal Challenges include: Personnel shortage and lack of necessary equipment for implementing the undercover buy method. External Challenges include: Obtaining informants/spies, determining undercover buy locations, investigators facing threats, and narcotics networks using booby-trap techniques.
- c) Efforts to Overcome Challenges in Implementing the Undercover Buy Method: Some efforts include:
 1. Increasing personnel at BNNK Pelalawan to investigate narcotics crimes.
 2. Increasing operational funds, with BNNK Pelalawan applying to the central government or BNN National.

3. Maximizing available equipment to address the shortage.
4. Involving the entire community in concrete steps, starting from their respective environments.
5. Optimizing the role of informants by gathering information and conducting undercover buys using couriers or captured suspects.
6. Utilizing legal weaknesses of booby-trap techniques, as indicated in Article 86(2) of Law No. 35 of 2009 concerning Narcotics regarding valid evidence.

References

- Ahsana, Subhan Alamta Ilma, Nurini Aprilianda, and Prija Djatmika. 2023. "Implementation of Article 45 of the Criminal Procedure Law in Narcotics Criminal Cases–Case Study in Malang State Court and Kepanjen State Court." *Path of Science* 9(10): 5011–18.
- Bacon, Matthew. 2017. *Taking Care of Business: Police Detectives, Drug Law Enforcement and Proactive Investigation*. Oxford University Press.
- Behfar, Kristin, and Gerardo A Okhuysen. 2018. "Perspective—Discovery within Validation Logic: Deliberately Surfacing, Complementing, and Substituting Abductive Reasoning in Hypothetico-Deductive Inquiry." *Organization Science* 29(2): 323–40.
- Budianto, Agus. 2020. "Legal Research Methodology Reposition in Research on Social Science." *International Journal of Criminology and Sociology* 9(1): 1339–46.
- Cohen, Lawrence E, and Marcus Felson. 2010. "Social Change and Crime Rate Trends: A Routine Activity Approach (1979)." In *Classics in Environmental Criminology*, Routledge, 203–32.
- Disantara, Fradhana Putra, and Arif Syaifudin. 2024. "VIRALITY OF LAW ENFORCEMENT IN INDONESIA: A REVIEW OF SOCIAL AND LEGAL CHANGES." *Syiah Kuala Law Journal* 8(2): 1–12.
- Donovan, Richard Zell, and Independent Forest Advisor. 2022. "Conversion and the Forest Stewardship Council (FSC)."
- Harisman, Harisman. 2021. "Protection of Human Rights in the Amendment of the 1945 Constitution of The Republic of Indonesia." In *1st International Conference on Law and Human Rights 2020 (ICLHR 2020)*, Atlantis Press, 384–89.
- Kamran, Muhammad, and Mutya Audya Putri. 2023. "Political Form and Sovereignty of the Republic of Indonesia: State of Law or State of Power." *Jurnal Tana Mana* 4(1): 351–58.
- Kurniawan, I Gede Agus, Putu Aras Samsithawrati, and Ni Ketut Supasti Dharmawan. 2024. "Legal Protection for Intellectual Property Holders in Business Activities in The Era of The Industrial Revolution 4.0." *Jurisprudentie : Jurusan Ilmu Hukum Fakultas Syariah Dan Hukum* 11(1): 74–81.
- Mulyadi, Gusti, Anis Mashdurohatun, Eko Soponyono, and H M Ercham Amin. 2023. "Model of Narcotics Criminal Investigation Authority between BNN and Police of the Republic of Indonesia Based on Justice Value." *Sch Int J Law Crime Justice* 6(8): 424–37.
- O'MALLEY, WILLIAM JOSEPH. 1977. *INDONESIA IN THE GREAT DEPRESSION: A STUDY OF EAST SUMATRA AND JOGJAKARTA IN THE 1930'S*. Cornell University.
- Phellas, Constantinos N, Alice Bloch, and Clive Seale. 2011. "Structured Methods: Interviews, Questionnaires and Observation." *Researching society and culture* 3(1): 23–32.

- Sari, Rosalina Indah. 2023. "Resolution of Compensation for Crime Victims as the Responsibility of the State through the LPSK Institution Examined from the Perspective of Legal Certainty." *INTERNATIONAL JOURNAL OF SOCIAL, POLICY AND LAW* 4(2): 93–101.
- Setiyono, Joko. 2020. "Integrated Policy Management of Narcotics Trafficking as Transnational Organized Crime in Indonesia." *Diponegoro Law Review* 5(2): 260–76.
- Sigstad, Hanne Marie Høybråten, and Veerle Garrels. 2018. "Facilitating Qualitative Research Interviews for Respondents with Intellectual Disability." *European Journal of Special Needs Education* 33(5): 692–706.
- Sinaga, Anna Christina, and Sofi Mardiah. 2014. "An Integrated Law Enforcement Approach: Targeting the Proceeds of Forest Crime in Indonesia." In *Following the Proceeds of Environmental Crime*, Routledge, 159–72.
- Sirait, Ramosta Setiawan et al. 2023. "Role Of The National Narcotics Board Of The Republic Of Indonesia (BNN RI) In The Process Of Investigation In Narcotics Criminal Actions." *INTERNATIONAL JOURNAL OF SOCIAL, POLICY AND LAW* 4(2): 56–62.
- Subhayano, Takihimi et al. 2021. "Ecological Citizenship Camat and Village Head in Maintaining Peace and Order at Pangkalan Kerinci Sub District Pelalawan Regency." In *2nd International Conference on Social Sciences Education (ICSSE 2020)*, Atlantis Press, 256–61.
- Vartanian, Thomas P. 2010. *Secondary Data Analysis*. Oxford University Press.
- Viano, Emilio C. 2018. *Global Organized Crime and International Security*. Routledge.