



Penal and Non-Penal Policies in Addressing Narcotics Abuse within the Jurisdiction of the Buleleng Resort Police

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Abstract: Narcotics abuse is an extraordinary crime that requires a dual approach for its mitigation: repressive penal policies utilizing criminal law mechanisms and preventive non-penal policies utilizing measures outside the criminal justice system. Since 2023, Buleleng Regency has been designated by the National Narcotics Agency (BNN) as a "red zone" for drug trafficking a situation necessitating the simultaneous strengthening of enforcement actions and prevention programs. This study aims to analyze the implementation of penal and non-penal policies in addressing narcotics abuse within the jurisdiction of the Buleleng Resort Police (Polres Buleleng) and to evaluate the level of integration between the two, employing an empirical-juridical method with a qualitative-descriptive approach. The findings indicate that penal policy is manifested through enforcement actions by the Buleleng Police Narcotics Investigation Unit, which uncovered 103 cases involving 140 suspects in 2024 a figure that decreased to 90 cases in 2025 while non-penal policy is implemented through the BNN Buleleng Regency's P4GN program (Prevention, Eradication, and Combating of Narcotics Abuse and Illicit Trafficking), comprising public awareness campaigns, counseling services, and rehabilitation. The study recommends strengthening rehabilitation referral mechanisms for users and enhancing formal coordination between the Buleleng Police and BNN Buleleng.

Keywords: Penal Policy, Non-Penal Policy, Narcotics, Buleleng District Police

INTRODUCTION

Narcotics pose a serious threat to the future of the nation's youth, as their impact not only harms the physical and mental health of users but also undermines the social, economic, and security fabric of the broader community (Mangku, 2026). The nature of narcotics-related offenses characterized by organized structures, cross-jurisdictional reach, and constant adaptation to law enforcement efforts classifies them as "extraordinary crimes." Consequently,

they require unconventional handling strategies encompassing both repressive and preventive measures (Yasa, 2021).

From a legal standpoint, the response to narcotics abuse in Indonesia is governed by Law Number 35 of 2009 concerning Narcotics (Riawan, 2021). This legislation not only prescribes criminal sanctions for traffickers as outlined in Articles 111 through 114 but also provides avenues for user rehabilitation, as stipulated in Articles 54, 103, and 127 (Yulianti, 2022). This legal framework demonstrates that, conceptually, Indonesia's approach to the narcotics issue is twofold: repressive on the one hand, and rehabilitative-preventive on the other. In the study of criminal law policy, this dual approach comprises "penal policy" crime control via repressive criminal law mechanisms and "non-penal policy" crime control via preventive measures outside the criminal law system (Karenina, 2026). As conceptualized by Barda Nawawi Arief, these constitute a unified criminal policy that should ideally be implemented in an integrated and complementary manner.

Buleleng Regency serves as a relevant setting for examining the implementation of these two policies. In 2023, the Buleleng Regency National Narcotics Agency (BNNK) designated the area a "red zone" for narcotics trafficking a status that prompted the Buleleng Resort Police to intensify their enforcement actions (Yulianti, 2026). Throughout 2024, the Buleleng Resort Police uncovered 103 narcotics cases involving 140 suspects comprising both users and dealers and seized over one kilogram of crystal methamphetamine and 423 ecstasy pills. The identified distribution networks originated outside Buleleng specifically in Surabaya and Denpasar and subsequently funneled the drugs down to various districts such as Banjar, Gerokgak, and Sukasada (Widiastuti, 2026). Interestingly, the figure dropped to 90 cases in 2025, a trend open to dual interpretation: it could signal the success of countermeasures or, conversely, indicate a decline in the intensity of field operations to uncover such cases. The tension between these two possible interpretations serves as a key starting point for this study (Santi, 2019).

On the non-penal front, the Buleleng Regency National Narcotics Agency (BNNK Buleleng) routinely implements programs for the Prevention, Eradication, and Combating of Narcotics Abuse and Illicit Trafficking (P4GN) (Dewi, 2023). These initiatives range from raising awareness and educating schools, the public, and government agencies about the dangers of narcotics, to providing outpatient counseling services via the BNNK Buleleng Primary Clinic and rehabilitation programs for inmates at the Singaraja Class II B Correctional Facility (Arta, 2026). The simultaneous operation of these two policy tracks firm enforcement on one hand and prevention-rehabilitation on the other raises important questions regarding the extent to which they have been integrated in their implementation and how effective their combination has been in curbing narcotics abuse within the Buleleng Police jurisdiction (Asphianto, A. (2024).

Previous studies on penal and non-penal narcotics policies have generally been normative-conceptual in nature or focused on other jurisdictions such as Gorontalo, Pohuwato, and Jambi whereas research specifically evaluating the simultaneous implementation of both policies within the jurisdiction of the Buleleng Resort Police (Polres Buleleng) while considering its "red zone" status and the observed downward trend in cases remains relatively limited. This gap underscores the urgency of the present study (Malik, 2019).

At the national level, the narcotics issue also presents an alarming trend. The National Narcotics Agency (BNN) of the Republic of Indonesia has recorded a year-on-year increase in enforcement actions against illicit narcotics trafficking syndicates, with large quantities of evidence seized during various nationwide operations; simultaneously, smuggling methods continue to evolve alongside technological advancements and new distribution routes. This situation indicates that the narcotics problem is not merely a local issue for Buleleng Regency but part of a broader trafficking chain; consequently, countermeasures at the regency level

must be understood as a single node within the larger national narcotics control network (Bewley-Taylor, D., & Jelsma, M. (2012).

Based on this context, the study addresses two primary research questions: first, how penal policies are implemented to combat narcotics abuse within the jurisdiction of the Buleleng Resort Police; and second, how non-penal policies are implemented to combat narcotics abuse in the same jurisdiction, and to what extent these two policies operate in an integrated manner. This study aims to analyze the implementation of penal and non-penal policies regarding narcotics abuse in the Buleleng Resort Police jurisdiction and to evaluate the level of integration between them. The findings are expected to contribute academically to the development of studies on narcotics criminal law policy while serving as a practical reference for the Buleleng Resort Police and the Buleleng Regency National Narcotics Agency (BNNK) in formulating more effective and integrated countermeasures.

METHODS

This study employs an empirical juridical method (socio-legal research) with a descriptive-qualitative approach, examining the application of legal norms within actual law enforcement and policy implementation (Pusparini, 2022). The research was conducted within the jurisdiction of the Buleleng Resort Police (Polres Buleleng), focusing on the Buleleng Police Narcotics Investigation Unit (Satresnarkoba) and the Buleleng Regency National Narcotics Agency (BNNK) institutions representing penal and non-penal policy pathways, respectively (Madhusodani, 2025). Primary data were obtained through structured interviews with the Head of the Buleleng Police Narcotics Unit and BNNK Buleleng officials, while secondary data were gathered from Buleleng Police year-end releases, BNNK Buleleng Government Agency Performance Reports (LAKIP), relevant legislation, and existing literature and journals (Dewi, 2021). Data collection involved document analysis and interviews, while data analysis was conducted qualitatively and descriptively by mapping the implementation of penal and non-penal policies based on field data, subsequently assessing their level of integration against the framework of integral criminal policy theory (Oktariawan, K. A, 2023).

Operationally, penal policy in this study is measured by indicators such as the number of cases handled, the number of suspects, the types and quantities of seized evidence, and case resolution status (referral to the public prosecutor's office versus ongoing investigation) (Hadiarti Johny, R., Hendriana, R., & Hapsari Retnaningrum, D. (2018). Non-penal policy is measured by indicators including the scope of outreach programs, the number of education participants, the number of counseling and rehabilitation clients, and the existence of formal referral mechanisms between law enforcement agencies and rehabilitation institutions. Meanwhile, the level of integration (integrality) between the two policies is assessed qualitatively based on the presence or absence of coordination forums, memoranda of understanding, and actual referral practices in the field involving the Buleleng Police and BNNK Buleleng.

RESULTS AND DISCUSSION

The Concept of Criminal Policy

Criminal policy represents a rational societal effort to address crime. According to Barda Nawawi Arief, this can be pursued through two primary avenues: the penal path which employs criminal law mechanisms, is repressive in nature, and focuses on enforcement after a crime has occurred and the non-penal path, which operates outside the criminal justice system, is preventive, and focuses on averting crime before it happens, encompassing social, educational, and rehabilitative measures (Eddy, N. B. (1957). Ideally, these two paths should be implemented in an integrated and complementary manner rather than in isolation; a purely

penal approach has proven insufficient to tackle crimes rooted in socio-economic factors, such as narcotics offenses (Fishbein, M. (1931). Mulyadi emphasizes that an integrated approach combining penal and non-penal policies is key to successfully addressing both violent crimes and addictive offenses like narcotics, as the two approaches operate at different intervention points within the crime cycle (Patabendige, C. L. C. M. (2023).

Law Number 35 of 2009 concerning Narcotics comprehensively addresses both repressive and rehabilitative aspects. The repressive dimension is reflected in Articles 111 through 148, which prescribe criminal sanctions for the illegal production, distribution, and possession of narcotics, with penalties ranging from imprisonment to the death penalty for certain categories of offenses. The rehabilitative dimension is reflected in Article 54, which mandates medical and social rehabilitation for addicts and victims of narcotics abuse, and in Article 127, which allows judges to order rehabilitation instead of imprisonment for users, provided the individual is proven to be a victim of abuse rather than a trafficker. This legal framework underscores that Indonesia's narcotics policy is not solely punitive but also accommodates a public health approach toward users (Noviarini, 2021).

Numerous prior studies have examined narcotics control from various perspectives. Abubakar, Ahmad, and Bunga examined law enforcement efforts regarding drug eradication by the Gorontalo City Police, focusing on repressive measures. Gula, Puluhalawa, and Apripari studied the eradication and control of narcotics-related crime by the Pohuwato Police Narcotics Investigation Unit, likewise emphasizing enforcement actions. Meanwhile, Iswanto examined the non-penal policies of the Jambi Provincial National Narcotics Agency (BNN) regarding narcotics abusers, focusing exclusively on prevention. These studies generally address one aspect of policy in isolation either penal or non-penal without evaluating the integration of both within the same jurisdiction. This study differs by simultaneously examining the penal policies of the Buleleng Police and the non-penal policies of the Buleleng Regency National Narcotics Agency (BNNK) in a location designated as a "red zone" for narcotics since 2023; it thus aims to provide a more comprehensive picture of the effectiveness of narcotics control at the regency level.

The evolution of non-penal policies for narcotics control in Indonesia is inseparable from the paradigm shift in how narcotics users are handled moving from a purely punitive approach toward a public health approach that prioritizes recovery. This shift was formally accommodated through Supreme Court Circular Letter Number 4 of 2010 concerning the placement of narcotics abusers, victims of abuse, and addicts into medical and social rehabilitation facilities; this letter serves as a guideline for law enforcement officials to distinguish between users and traffickers based on the quantity of evidence in their possession. This paradigm shift is further reinforced by Attorney General's Office Regulation Number 15 of 2020, Attorney General's Guideline Number 18 of 2021 concerning the resolution of narcotics abuse cases through rehabilitation using a restorative justice approach, and Indonesian National Police Regulation Number 8 of 2021; together, these instruments establish a non-penal policy framework integrated with the law enforcement process (Gosita, 2026).

Nevertheless, some academics note that rehabilitation within the Indonesian legal system still functions as part of a "double-track" sentencing system rather than a complete alternative to the penal process itself, given that the time spent in rehabilitation counts toward the overall sentence served. Critical observations also suggest that the use of the term "restorative justice" in the context of narcotics offenses requires careful conceptual scrutiny; since narcotics offenses are classified as "victimless crimes," a theoretically more appropriate approach is the rehabilitation theory based on the "medical model" which views the substance user as a patient requiring recovery rather than merely as a party in the process of restoring the relationship between offender and victim, as is typical of the restorative justice concept. This theoretical framework will serve as the basis for evaluating the extent to which the non-penal

policies of the Buleleng National Narcotics Agency (BNNK) specifically its rehabilitation program align with this recovery-oriented paradigm.

Implementation of Penal Policy by the Buleleng Resort Police

Penal policy within the jurisdiction of the Buleleng Resort Police is implemented through repressive enforcement actions by the Narcotics Investigation Unit. Throughout 2024, the Buleleng Police handled 103 narcotics cases involving 140 suspects comprising both users and dealers and seized evidence totaling 1,184.96 grams of crystal methamphetamine and 423 ecstasy pills; of these cases, 75 were referred to public prosecutors, while 28 remained under investigation at year-end. The mapped trafficking networks reveal a tiered distribution pattern: narcotics are supplied from outside Buleleng specifically Surabaya and Denpasar purchased collectively by district-level aggregators (identified in Sidatapa Village/Banjar District, Gerokgak District, and Sukasada District), and subsequently broken down and distributed via couriers to end-users.

Several specific cases illustrate this enforcement pattern. In late November 2024, a suspect identified by the initials JS was arrested in Bubunan Village, Seririt District, with 1.53 grams of crystal methamphetamine (Savitri, 2026). Days later, a suspect identified as KS was arrested in Kayuputih Village, Banjar District, with 6.05 grams of crystal methamphetamine. In mid-December 2024, a larger-scale operation targeted a suspect identified as VA in Munduk Village, Banjar District, resulting in the seizure of 19 ready-to-distribute packets of crystal methamphetamine weighing 41.64 grams and one ecstasy pill. Of the 19 suspects detained between November and December 2024, three were individuals previously listed as Wanted Persons (DPO) who were successfully apprehended, while five other wanted individuals remained at large at the time; all were charged under Article 112 paragraph (1) and Article 114 paragraph (1) of the Narcotics Law. This enforcement pattern demonstrates that the Buleleng Resort Police's penal strategy targets not only small-scale users but also key distribution points involving significant quantities of evidence; this indicates the authorities' serious commitment to severing the supply chain, rather than merely engaging in symbolic enforcement against end-users (Kusumawardhani, D. L., Adji Samekto, F. X., & Sularto, R. B. (2017).

In 2025, the number of cases handled by the Buleleng Resort Police dropped to 90, with 21 cases still under investigation by mid-year. This decline aligns with the general downward trend in crime in Buleleng during the same period, which also saw significant decreases in other offenses (Porter, R., & Teich, M. (Eds.) (1997), such as motor vehicle theft. Methodologically, this drop in narcotics cases can be interpreted through two opposing hypotheses: first, as an indication of the successful deterrent effect of the previous year's repressive enforcement, which suppressed trafficking activities; or second, as an indication of reduced detection intensity due to resource constraints, or a shift in perpetrators' methods toward more covert and harder-to-detect transaction patterns, such as those involving online networks (Musto, D. F. (1999).

Non-penal strategies are implemented through the Buleleng Regency National Narcotics Agency's (BNNK) program for the Prevention, Eradication, and Combating of Narcotics Abuse and Illicit Trafficking (P4GN), which rests on three main pillars. The first is the prevention pillar, comprising awareness campaigns and education on the dangers of drugs targeting schools, the general public, and government agencies with the aim of instilling risk awareness early on, particularly among vulnerable age groups. The second is the community empowerment pillar, which involves the active participation of local communities and figures in monitoring their respective areas, especially in villages identified as trafficking hubs, such as Sidatapa and Gerokgak. Third is the rehabilitation pillar, comprising outpatient counseling services provided by the BNNK Buleleng Primary Clinic and rehabilitation programs for inmates at the Singaraja Class II B Correctional Facility; this reflects a recovery-oriented

approach aligned with the spirit of Articles 54 and 127 of the Narcotics Law, which designate users as victims entitled to rehabilitation rather than merely as criminals subject to punishment.

The P4GN (Prevention, Eradication, Abuse, and Illicit Trafficking of Narcotics) program implemented by BNNK Buleleng is derived from the national framework established by BNN RI, which periodically releases data on narcotics abuse prevalence to serve as a basis for regional prevention planning. Within the context of rehabilitation-oriented law enforcement, BNNK Buleleng's non-penal policies also intersect directly with the authority of Buleleng Resort Police investigators. This is because, under Supreme Court Circular Letter (SEMA) Number 4 of 2010, the decision to direct a suspect toward rehabilitation or criminal prosecution hinges on the results of medical and legal assessments conducted by an integrated assessment team typically comprising representatives from the police, BNN, and healthcare professionals. It is precisely at this juncture that genuine collaboration between penal and non-penal policies should occur, rather than the two operating as separate processes.

Theoretical studies on criminal policy affirm that the effectiveness of combating narcotics-related crime depends heavily on the extent to which penal and non-penal policies operate in an integrated manner, rather than along separate tracks. Preliminary data indicate that the Buleleng Resort Police and BNNK Buleleng are implementing their respective programs in parallel; their primary point of convergence was the 2023 designation of "red zones," which served as a shared catalyst for both institutions to intensify their efforts. However, the formal mechanisms linking the two such as standardized procedures for referring users apprehended by the Narcotics Investigation Unit (Satresnarkoba) to BNNK rehabilitation services, or regular inter-agency coordination forums remain unclear.

Narcotics control efforts in Buleleng cannot be viewed in isolation from the broader regional context of Bali Province. As a province characterized by high mobility due to tourism, Bali faces unique challenges in monitoring narcotics trafficking; distribution routes originate not only from major cities in Java such as Surabaya, as identified in cases within Buleleng but also potentially exploit tourism corridors and ferry terminals. Buleleng's geographical position as a regency in North Bali featuring a seaport and sharing direct borders with inter-island distribution routes renders it vulnerable as both an entry point and a hub for onward distribution. A comparative analysis of data across Bali's jurisdictions, as released by the Bali Regional Police and the Bali Provincial National Narcotics Agency (BNN), will enrich the assessment of whether the patterns of narcotics trafficking in Buleleng are unique to the area or part of a broader regional trend.

CONCLUSIONS AND RECOMMENDATIONS

Conclusion

Addressing narcotics abuse within the jurisdiction of the Buleleng Resort Police cannot rely on a single approach alone. Penal measures serve as a deterrent and halt trafficking by dealers, whereas non-penal measures such as public awareness campaigns and rehabilitation address the root causes of abuse. Synergizing these two approaches is key to curbing the incidence of narcotics cases in Buleleng.

Recommendations

This study makes four recommendations. First, the Buleleng District Police should strengthen rehabilitation referral mechanisms for suspects identified solely as users in accordance with Article 127 of the Narcotics Law and Supreme Court Circular Letter (SEMA) No. 4 of 2010 to prevent the overcrowding of correctional facilities with individuals who should instead be undergoing medical recovery, while ensuring that firm enforcement actions remain prioritized against trafficking networks and dealers. Second, the Buleleng District National Narcotics Agency (BNNK) should expand the scope of public awareness and

community empowerment initiatives to villages identified as trafficking hubs, engaging local customary leaders, village heads, and youth leaders; this is because community-based approaches have proven more effective at fostering collective awareness than top-down, one-way approaches. Third, the Buleleng Regency Government should provide sustainable budget support for drug prevention and eradication programs (P4GN) and facilitate a formal coordination forum ideally established through a written memorandum of understanding between the District Police and BNNK Buleleng, including optimizing the role of the integrated assessment team in determining the legal status of suspects identified as users. Fourth, future researchers should supplement this study with detailed quantitative data on the outcomes of non-penal programs and conduct in-depth interviews with users who have completed rehabilitation to gain insights from the perspective of the individuals affected by drug abuse themselves.

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