



The Implementation of Legal Norm against Drugs Abuse of Double L Pills at Tanjung Perak Port Police Surabaya

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ABSTRACT

Legal norms are rules that regulate people's behavior based on good and bad values, and determine what is permissible, recommended, or mandatory in a social context to maintain order. Regarding drug abuse, such as Double L pills that are often used without a authorization, Indonesia's Health Law No. 17/2023 regulates sanctions for illegal pharmaceutical activities and violations of safety standards, with a maximum penalty of 12 years in prison and a fine of up to IDR 5 billion for serious cases. This research aims to understand and analyze the implementation of the law and criminal liability related to the abuse of dangerous drugs, especially double L pills, in the Tanjung Perak Port Police area of Surabaya. The research uses a normative juridical method with a statutory and case study approach. The legal materials used include primary, secondary, and tertiary materials, which are collected and analyzed in a qualitative method. The results are presented descriptively for the easy understanding of the readers. The Tanjung Perak Port Police Narcotics Unit enforces legal standards according to Indonesian Health Law No. 17/2023 and the Criminal Code, as seen in case No. 950/Pid.Sus/2024/PN Sby, where the defendant was charged under Article 436 and Article 145 of the same law. However, challenges such as limited personnel, inadequate facilities, low public awareness about drug laws, and the vast Surabaya area complicate efforts to control drug distribution networks effectively.

Keywords: Drug Abuse, Double L Pills, Legal Norms

INTRODUCTION

Norms in the Great Dictionary of Indonesian Language is defined as rules that bind some or all members of society and are considered as standard guidelines.¹ According to Gorddard et al, norms or rules are derived from good and bad values that are embodied in regulations.² These rules indicate to the public what is permissible, recommended or required to be done in a particular social context. Norms serve as an ethical basis that instructs on appropriate or inappropriate behavior in social life, thus helping to maintain order and balance in society.³

Legal norms are divided into three types based on their content. First, command norms that must be obeyed without exception. Second, prohibition norms that prevent certain behaviors and provide sanctions for violators. Third, permission norms that afford freedom to the parties provided they follow the agreement and do not violate the rules. Criminal law functions to enforce the law by sanctioning offenses, both those that violate orders and prohibitions, in order to maintain order and public safety. Criminal law contributes to supervision and prevention by punishing harmful behavior in a fair and effective manner. Despite criminal regulations and sanctions, drug abuse such as Double L Pills, which contain Trihexyphenidil HCl as an anti-Parkinson's drug, is still a common issue. The use of these drugs without a doctor's prescription or supervision can lead to addiction and even death.⁴

Regarding law, Indonesian Law No. 17/2023 on Health regulates drug abuse. This law stipulates criminal sanctions for anyone who, without a license and without the right to do pharmaceutical-related activities. This regulation is regulated in the following articles:

- a) Article 138
 - (2) No pharmaceutical product shall be manufactured, produced, stored, promoted, or distributed that does not provide safety, benefits, and quality standards.
 - (3) Producing, storing, promoting, distributing, or distributing medical devices that do not provide safety, benefits, and quality standards are prohibited.
- b) Article 145

¹ Esra Natasya Br Sitepu et al., "Analisis Peran Norma Hukum Dalam Mempertahankan Kestabilan Negara," *Jaksa: Jurnal Kajian Ilmu Hukum dan Politik* 2, no. 1 (2024): 154–162.

² Russell Gorddard et al., "Values, Rules and Knowledge: Adaptation as Change in the Decision Context," *Environmental Science & Policy* 57 (March 2016): 60–69, <https://linkinghub.elsevier.com/retrieve/pii/S1462901115301210>.

³ Fabian Mankat, "Cooperation, Norms, and Gene-Culture Coevolution," *Games and Economic Behavior* 147 (September 2024): 242–267, <https://linkinghub.elsevier.com/retrieve/pii/S0899825624001003>.

⁴ R.S. Vardanyan and V.J. Hruby, "Antiparkinsonian Drugs," in *Synthesis of Essential Drugs* (Elsevier, 2006), 135–141, <https://linkinghub.elsevier.com/retrieve/pii/B9780444521668500108>.

- (1) Pharmaceutical practice may only be performed by pharmacists in accordance with the law.
 - (2) Pharmaceutical practice includes production, quality control, procurement, storage, distribution, research, development, management, and pharmaceutical product services.
- c) Article 435
“Anyone who produces or distributes pharmaceutical products or medical devices that do not provide safety, benefits, and quality standards in accordance with Article 138 can be imprisoned for up to 12 years or fined up to IDR 5,000,000,000.”
- d) Article 436
- (1) Unauthorized persons who practice pharmacy can be fined up to IDR 200,000,000.
 - (2) If the practice involves hard drugs, the perpetrator can be imprisoned for up to 5 years or fined a maximum of IDR 500,000,000.

In the jurisdiction of the Tanjung Perak Port Police in Surabaya, the Drug Investigation Unit has once again uncovered 37 cases of drug abuse. Since the beginning of 2024, 42 suspects have been arrested. From these 37 cases, police confiscated 46.25 grams of crystal methamphetamine; 2,675 double L pills; 18 cellphones; IDR 2,100,000 in cash from drug sales; and 7 electric scales. The police are expected to always be on their guard to combat the drug and narcotics trafficking by cooperating with related parties and involving the community.

In the research of Winarno et al, it described that if a police officer is involved in a drug offense and evidence is present, they may face criminal penalties, including imprisonment and fines, based on the type of drug offense committed. Once a criminal sanction is issued by the general court and becomes final, the officer may also face disciplinary action for breaching the police code of ethics, potentially resulting in dismissal from the force (PTDH).⁵

Meanwhile, in the research of Faridah et al, it showed that when a child commits a crime within a certain age range, law enforcement is legally required to follow special procedures specific to handling juveniles, rather than general procedures. However, if the offense occurs beyond this age limit, authorities are permitted to use standard legal procedures.⁶ Therefore, this research is conducted to understand and analyze the implementation of the law and criminal liability related to the abuse of dangerous drugs, especially double L pills, in the Tanjung Perak Port Police area of Surabaya.

⁵ Hadi Winarno, Bahrul Amiq, and Wahyu Prawesthi, “Law Enforcement on Drug Abuse Perpetrators Committed by Indonesia Policemen,” *Journal Of Law Theory And Law Enforcement* (March 9, 2023): 16–29, <https://journal.jfpublisher.com/index.php/jlte/article/view/281>.

⁶ Idah Faridah and Kunarso, “The Jugde Considerations in Making Decision Against Narcotics in Children,” *YURIS: Journal of Court and Justice* 1, no. 4 (2022).

RESEARCH METHODOLOGY

This research uses a normative juridical approach to examine the existing problems. In general, juridical normative research is defined as legal research that focuses on the norms contained in laws and regulations. The normative juridical approach is an approach that is based on the applicable laws and regulations. Furthermore, normative legal research is one type of legal research methodology that bases its analysis on applicable laws and regulations that are relevant to the legal issues that are to be researched.⁷ In this research, the approach used is a statutory approach, which involves an in-depth analysis of the relevant laws, specifically the Criminal Code and Health Law No. 17/2023. This approach provides the researcher with the opportunity to determine how these rules apply to the current case being studied. In addition, this research also uses a case approach, through the study and analysis of court decisions, that is, decision Number 950/Pid.sus/2024/PN.Sby. The case approach allows the research to provide a real illustration of legal application, especially in relation to offenses regulated in the Criminal Code and the health law. This combination of normative juridical and case approaches aims to provide a comprehensive analysis of the application of law in a particular context.

RESULT AND DISCUSSION

Implementation of Legal Norms against Drugs Abuse of Double L Pills at Tanjung Perak Port Police Surabaya

According to the Great Dictionary of Indonesian Language, the implementation of law is the act or process of applying the law in a certain situation. Some scholars argue that the implementation of the law is not simply implementing the rules, but also involves the use of other theories, methods and approaches to achieve certain goals. This implementation is perceived as a more extensive process, which includes strategic and operational steps to fulfill the interests of certain groups, according to a predetermined plan.

Thus, the implementation of law is not just about complying with the law, but also about how the law is transformed into concrete actions using various strategies and approaches. This includes the use of theories and methods to ensure the objectives of the law are effectively achieved, whether in the social, political or economic sectors. The implementation of law, then, not only maintains order

⁷ Doris Rahmat, "Juridical Review of International and National Law Relationships," *East Asian Journal of Multidisciplinary Research* 2, no. 1 (February 1, 2023): 357–368, <https://journal.formosapublisher.org/index.php/eajmr/article/view/2872>.

and justice, but also helps achieve certain goals that are important to the parties concerned.⁸

J.F. Glastra Van Loon explained the function and implementation of law in society, which includes several important aspects, these are as follow:⁹

1. **Maintaining Social Order and Regulating Social Relations:** Laws maintain order by regulating how people interact, so that society can be harmonious without disruption.
2. **Conflict Resolution:** The law provides ways to resolve problems or disputes fairly through courts or mediation.
3. **Maintaining and Reinforcing the Rules:** Law is responsible for maintaining the existing rules, and enforcing them if they are disregarded, for the sake of society's rights and order.
4. **Regulation of the Use of Force:** Under certain conditions, the law allows the use of force as a last resort to maintain order or enforce rules.
5. **Adjusting the Rules to the Development of Society:** Laws can also change to better match the evolving needs of society.
6. **Achieving Justice and Legal Certainty:** The ultimate goal of law is to provide justice and legal certainty for all, so that all the functions above can be useful to the community.

These functions mean that the law has an important role in creating a society that is well-organized, justice-oriented and consistent with existing values.

Drug Abuse Cases at Tanjung Perak Port Police Surabaya

The implementation of the law involves many parties to ensure the law is implemented for the sake of justice and the welfare of the Indonesian people, both directly and indirectly. The impact of this implementation is crucial to maintain an orderly life in accordance with the nation's identity, although there are certain constraints in its implementation.

The cases of drug abuse in Surabaya's Tanjung Perak Port Police area is on the rise. According to online news about Perak, since the beginning of 2024, this police station has uncovered 37 cases and arrested 42 suspects of drug and dangerous drugs dealers. One of the cases on January 23, 2024 involved the distribution of double L pills in Cerme, Gresik, where police arrested 2 suspects and confiscated 1,664 LL pills, IDR 330,000 in cash, plastic clips, and mobile phones. Another case was recorded in Decision Number 950/Pid.Sus/2024/PN.Sby. These are the description of Decision Number 950/Pid.Sus/2024/PN.Sby as follow:

⁸ Andhika Trisno, Marlien Lopian, and Sofia Pangemanan, "Penerapan Prinsip-Prinsip Good Governance Dalam Pelayanan Publik Di Kecamatan Wanea Kota Manado," *Jurnal Eksekutif* 1, no. 1 (2017).

⁹ R. Treves and J. F. Glastra van Loon, *Norms and Actions: National Reports on Sociology of Law*, 1968.

1. The defendant Achmad Faridz Syamsuddin was convicted of committing narcotics crimes and violations in the health sector, violating Article 114 Paragraph (1) of Law No. 35/2009 on Narcotics and Article 435 jo. Article 138 Paragraphs (2) and (3) of Law No. 17/2023 on Health.
2. The defendant was sentenced to 9 years imprisonment, reduced by the period of detention already served, and a fine of IDR 1 billion. If he does not pay the fine, he will be sentenced to an additional 6 months in prison.
3. The defendant's actions violated Article 436 Paragraph (2) jo. Article 145(1) and (2) of Law No. 17/2023 on Health.
4. The defendant must still be arrested.

Narcotics Unit of Tanjung Perak Port Police in Implementing Legal Norms against Drugs Abuse

The challenges faced by Narcotics Unit of Tanjung Perak Port Police are divided into internal and external challenges. Internal challenges include the limited number of personnel and lack of facilities, such as the absence of a laboratory at the District Police office to check the types of drugs. Meanwhile, external challenges include low public understanding of the laws governing the distribution and abuse of double L pills. In addition, the expansive area of Surabaya makes the location of drug transactions often move, which makes it difficult for officers in the field. Lack of information is also an issue, because it requires adequate informants to uncover the distribution of double L pills. The following is a description of strategies to overcome the challenges through five main approaches:

1. Promotive Approach: This involves activities to improve public awareness about the importance of health and the dangers of drugs. Health promotion can be in the form of counseling or campaigns that focus on preventing drug abuse through community education. This strategy aims to change behavior and improve quality of life, in accordance with the promotive principle in health care which aims to improve the whole health process.¹⁰
2. Preventive Approach: Preventive measures are direct prevention of the risk of drug abuse. Examples include regular inspections and socialization of regulations to prevent drug trafficking. These efforts

¹⁰ Nelvitia Purba and Sri Sulistyawaty, "Sosialisasi Strategi Pencegahan Melalui Metode Promotif Terhadap Penyalahgunaan Narkotika Bagi Remaja," in *Prosiding Seminar Nasional Hasil Pengabdian*, 2019, 517–521.

aim to lower the risk of drug exposure by reducing factors that facilitate illegal drug trafficking.¹¹

3. Curative Approach: This approach involves direct treatment of individuals who have been exposed to or used drugs, such as medical rehabilitation programs. This focuses on restoring their health, by providing optimal care to reduce drug dependence and improve quality of life.
4. Rehabilitative Approach: In this context, rehabilitation includes measures to help drug abusers return to functioning in society. For example, recovery programs involve psychological and social support so that individuals can reintegrate without dependence. This approach is important to minimize the risk of relapse and help individuals achieve self-reliance.
5. Repressive Approach: This approach is more law enforcement in suppressing drug trafficking and abuse, including arrest operations for drug-related criminals. The repressive approach aims to provide a deterrent effect and maintain order through strict sanctions for drug-related lawbreakers.¹²

These approaches complement each other to form a holistic strategy in managing the drug problem in various ways, from prevention to rehabilitation and law enforcement.

The Analysis of Implementation of Legal Norms against Drugs Abuse of Double L Pills at Tanjung Perak Port Police Surabaya

Researchers categorize the crime of drug abuse that does not meet safety standards according to the regulations in the Health Law. This case is regulated in Article 138 which discusses the distribution of pharmaceuticals and medical devices. The regulation emphasizes the importance of meeting safety standards to protect the public from health risks.

In addition, the selling of substandard drugs is also governed by other regulations, which provide a broader legal basis to prevent the circulation of dangerous drugs and ensure that all products in circulation are subjected to strict control. In the Criminal Code (KUHP), there is Article 386 Paragraph (1) which states that selling or delivering drugs known to be counterfeit, without informing, is subject to a maximum prison sentence of four years. Furthermore, Law No. 17/2003 on Health, Article 145 stipulates that pharmaceutical practices must be

¹¹ Irwansyah Muhammad Jamal, "The Early Preventive Effort of Narcotic Abuse at Senior High School (SMA) in Aceh Besar Dan Sabang (A Study According to Islamic Law)," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 4, no. 1 (2020).

¹² Christoph Gutenbrunner, Boya Nugraha, and Thorsten Meyer, "Prevention Aiming at Functioning—Describing Prevention in the Context of Rehabilitation: A Discussion Paper," *International Journal of Environmental Research and Public Health* 20, no. 7 (April 4, 2023): 5399, <https://www.mdpi.com/1660-4601/20/7/5399>.

carried out by licensed personnel. Violation of this provision risks public harm because the use of drugs must be done with caution and special expertise. This provision aims to maintain public safety by ensuring that only trained personnel can handle the drugs. The Narcotics Unit of Tanjung Perak Port Police adheres to these laws in enforcing the law regarding the abuse of drugs such as double L pills.

Criminal Liability for Drugs Abuse of Double L Pills at Tanjung Perak Port Police Surabaya

The Judges' decision in this case was based on formal and material law. The laws used are legislative and executive products, which bind the perpetrators of criminal acts if they are proven to have violated the legal elements therein. In the case of the defendant Achmad Faridz Syamsuddin, the Panel of Judges referred to Article 138 Paragraphs (2) and (3), and Article 145 Paragraphs (1) and (2) of Law No. 17/2023 on Health. Article 138 prohibits the production, storage, promotion and distribution of pharmaceutical products and medical devices that do not meet safety and quality standards. Article 145 stipulates that pharmaceutical practices must be conducted by pharmacists who comply with the regulations, including in the production and distribution of pharmaceutical products. The judges considered three elements of violation in this case:

1. The element of “any person”: Refers to anyone who can be responsible for a criminal offense. Achmad Faridz is identified as the lawful perpetrator.
2. The element of "Intentionally Producing or Distributing": It was proven that the defendant knowingly distributed drugs, as evidenced by his communication with a colleague to buy and sell Double L drugs.
3. The element of “Not having a distribution license”: It is proven that the defendant distributed the drugs without an authorized license from the authorities.

After considering these elements, the judge decided on a sentence of 9 years in prison, minus the detention period, and a fine of IDR 1 billion or an additional sentence of 6 months if the fine is not paid.

CONCLUSION

The Narcotics Unit of Tanjung Perak Port Police has implemented legal norms in accordance with the guidelines of the Indonesian Health Law No. 17/2023 and the Criminal Code (KUHP). However, in case No. 950/Pid.Sus/2024/PN Sby, the defendant Achmad Faridz Syamsuddin was charged with Article 436 paragraph (2) Jo Article 145 Paragraph (1) and (2) of Indonesian Law No. 17/2023.

However, in its implementation, there are several obstacles. First, the limited human resources in the Narcotics Unit are a major challenge in dealing with the increasing number of drug abuse cases in Surabaya. Second, the lack of facilities, such as the absence of a drug testing laboratory at the Polres office, hampers the handling process. Thirdly, the lack of public understanding of the law on the distribution and abuse of double L pills also exacerbates the situation. In addition, the vast area of Surabaya and network constraints complicate the efforts of Satresnarkoba in reaching the drug supply network.

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