



Law Enforcement in Criminal Acts of Narcotics Smuggling in Maritime Areas

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Abstract: Combating narcotics smuggling via maritime routes poses a considerable challenge for Indonesia due to its expansive territorial waters and the prevalence of small, unregulated ports that are often exploited by transnational criminal organizations. This research aims to evaluate the effectiveness of law enforcement in addressing maritime drug trafficking and to examine the roles of major enforcement bodies, including the Indonesian National Police, the Directorate General of Customs and Excise, and the National Narcotics Agency. Utilizing a normative juridical research approach, the study is grounded in legal theory and statutory analysis. The findings reveal that the majority of narcotics enter Indonesia through sea routes using increasingly advanced smuggling techniques. However, enforcement efforts are hampered by limitations in human resources, surveillance infrastructure, and inter-agency coordination. Existing legal and operational measures have proven inadequate in deterring or prosecuting maritime drug crimes. The study concludes that strengthening maritime surveillance systems, enhancing institutional cooperation, and fostering community involvement are essential to effectively combat narcotics trafficking in Indonesian waters. Furthermore, legal reforms are necessary to adapt law enforcement strategies to the complex and transnational dynamics of organized drug crime.

Keywords: Law Enforcement ; Smuggling ; Narcotics

1. Introduction

Drugs and illicit drugs are extraordinary crimes that can damage the order of family life, the community environment, and the school environment, and even directly or indirectly pose a threat to the continuity of development and the future of the nation and state. In recent years, Indonesia has become one of the countries used as the main market of an international network of narcotics trafficking syndicates for commercial purposes. For drug trafficking networks in Asian countries, Indonesia is considered the most commercially prospective market state for international syndicates operating in developing countries. The problem of drug abuse is not only a problem that needs attention from the Indonesian state but also from the international community (Novitasari & Rochaeti, 2021).

Narcotics smuggling is one of the transnational organized crimes. This crime affects international security, world politics, international trade, and human rights (Astari, 2017). In order to advance the nation's economy by relying on the vast maritime area in Indonesia, this could have been the main factor that led to the opening of the Malacca Strait as an international trade route. However, several factors contribute to the sustainability of drug trafficking through the Malacca Strait border.

Narcotics smuggling is not only done by land and air but now smuggling is done by sea. Drug smuggling is a very serious problem in Indonesia. This is because the archipelago's sea routes have become the main route for this illegal activity. The existence of large quantities of narcotics smuggling by sea not only damages public health but also threatens national security. Law No. 35/2009 on Narcotics (hereinafter referred to as the

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Narcotics Law) regulates sanctions for drug abuse and drug dealers based on the class, type, size, and quantity of narcotics.

Article 1 point 1 of the Narcotics Law states that: Narcotics are substances or drugs derived from plants, both synthetic and semisynthetic, which can cause a decrease or change in consciousness, loss of taste, and dependence, which are distinguished in groups as attached to the Law. Narcotics are used for medical purposes and are used as needed.

The nation's next generation. The provisions of the Narcotics Law have regulated the criminal sanctions that will be given to those who violate it. The circulation or smuggling of narcotics carried out by land, river, and sea routes requires special attention from state security, especially on waterways.

Indonesia's geographical characteristics as an archipelago significantly influence the country's strategies to combat drug smuggling activities at sea. As one of the largest archipelagos in the world, with over 17,000 islands, Indonesia presents operational challenges and strategic vulnerabilities for law enforcement regarding illicit drug trafficking. The country's unique geography provides easy access points for drug smugglers, making it a prime target for international drug trafficking networks. Extensive maritime boundaries and numerous islands facilitate the illegal movement of narcotics, compounded by limited surveillance and law enforcement capabilities across such vast aquatic areas. Indonesia's positioning in Southeast Asia further enhances its role as a significant conduit for narcotics, making it a critical battleground in the global war on drugs. This vulnerability is well-documented, with evaluations indicating that high levels of transnational crime, including drug trafficking, are exacerbated by its geographic conditions and economic challenges.

However, narcotics tend to have a negative impact if excessive and misused by the user. Narcotics can endanger people's lives, especially Along with the high mobility between countries in the waters of the Malacca Strait, this also has an impact on the increasing mode of crime, even to cross-country level crimes. In the waters of the Malacca Strait, this crime is committed through transactions by transferring one ship to another which is positioned side by side. Therefore, the role of law enforcers is needed, especially Ditpolair Polri, Customs and Excise in preventing and overcoming criminal acts of narcotics smuggling through sea routes. It is therefore an important contribution to the development of more effective strategies to tackle drug smuggling in Indonesia by sea.

A major concern in addressing drug-related challenges is the disparity between the urgency of national drug control agendas and the limited capacity of local institutions, particularly in the context of small and unofficial ports. This gap is evident in the way local enforcement responds to drug offenses, often revealing a disconnect between the scale of the drug problem and the capabilities available at the community level. Unlike national or federal agencies, local law enforcement bodies frequently operate without sufficient resources, training, or clear policy guidance, making it difficult for them to address drug threats effectively.

Customs and Excise activities are an unbroken chain starting from the arrival of the ship, submission of notification, document research, and inspection of goods to the release of goods. Likewise, if the officer finds a violation in the inspection of goods, it must be followed up with action or investigation. For example, if an officer finds narcotics in a passenger's luggage, he must immediately follow up with an action or investigation. Giving inspection authority to customs officials but not the authority to follow up, such as creating segmentation or eradication of tasks that will hinder the implementation of customs duties and functions. Although in the duties and functions of the Service Office, there is no explicit mention of the authority to prosecute and investigate, these two activities must still be carried out because they are a follow-up to the inspection of goods.(Yusnaedi achmad, 2019)

In principle, countermeasure policies are needed to tackle crime by using criminal law. Law enforcement is indeed needed to deal with the circulation of narcotics smuggling. Various drug smuggling cases in Indonesia prove that there are still many criminal offenders who smuggle drugs into Indonesia. The National Narcotics Agency of Maluku Province foiled three cases of methamphetamine and marijuana drug smuggling from June to July 2024. The smuggling of 153.43 grams of methamphetamine and 1,426.22 grams of marijuana was carried out by eight perpetrators. The evidence of that much marijuana and methamphetamine was from three different cases including the crime scene (TKP). The drug supply network comes to Maluku from Malaysia, Papua New Guinea, and Surabaya, respectively. The Malaysian network involved four people. From the results of the examination, the four perpetrators admitted that the 45.66 shabu was brought from Serawak-Malaysia, passing through Nunukan, Sidrap-Makassar, Bau-Bau, and the final destination of Ambon City. The modus operandi, two perpetrators smuggled the marijuana using ships, passing the Jayapura, Sorong, and Ambon routes. The total evidence seized from the suspects, was 153.43 grams of methamphetamine and 1,426.22 grams of marijuana with a state loss of Rp 1,012,000,000. This case was successfully revealed in collaboration with the Customs and Lantamal.

This is certainly a question for the community, how is law enforcement on drug smuggling in Indonesia Therefore, law enforcement must be carried out efficiently and effectively in providing legal certainty to tackle narcotics smuggling in sea areas which are always carried out by irresponsible people. Thus, the role of law enforcement officials in the law enforcement process is needed as part of the prevention of various criminal acts such as narcotics smuggling in sea areas and the obstacles faced by law enforcement provide legal uncertainty in handling narcotics smuggling.

2. Materials and Methods

The research methods used include the type of research, problem approach, sources of legal materials, techniques for collecting legal materials, and analysis of legal materials. The type of research used is normative legal or juridical normative research. This research is library-based, conducted by examining sources of legal materials. The problem approach is a research effort to connect the object being studied with the methods used to understand the problem systematically. The problem approach in this research includes the statute approach, the conceptual approach, and the case approach. The statute approach is used as the legal basis for analyzing the problem, while the conceptual approach is carried out by referring to the views and doctrines that have developed in legal science. The case approach aims to obtain legal arguments to address legal issues related to Law Enforcement in Criminal Acts of Narcotics Smuggling in Maritime Areas.

The legal sources used include primary legal sources, secondary legal sources, and tertiary legal sources. Primary legal sources are binding legal sources. The primary legal sources used in this study are: Law No. 35 of 2009 on Narcotics and Minister of Health Regulation No. 30 of 2023 on the Classification of Narcotics. Secondary legal materials include various sources that support legal analysis, such as official documents, books, research results, journals, articles—both in print and electronic form—as well as expert opinions (doctrine) relevant to the issues being studied. Legal material analysis uses qualitative analysis methods. In this method, the collected legal materials are analyzed and organized in a descriptive, systematic, and logical manner to produce clear and structured conclusions.

3. Results and Discussion

3.1 The Crime of Narcotics Smuggling

A criminal offense / “Strafbaar feit” is an action/deed that is punishable by law, contrary to the law (onrechtmatig) committed with fault (*schuld*) By someone who is

capable of taking responsibility (Wahyuni, 2017). Furthermore, according to Kanter and Sianturi, the definition of a criminal offense is as follows (Hanafi, 2017): A criminal offense is an act at a certain place, time and condition, which is prohibited (or required) and threatened with punishment by law, is against the law, and is wrongfully committed by someone (capable of being responsible).

International narcotics smuggling networks, in addition to being agile in carrying out their operations, are very concerned about market developments, with an increasing variety of products being marketed. In addition, local officials should be more thorough in checking suspected passengers. The airport or port management should also have sniffer dogs that can detect the presence of the drug. This smuggling attempt violates the provisions in Article 102 letter e, Law Number 10 of 1995 concerning Customs as amended by Law Number 17 of 2006, and Law Number 11 of 1995 concerning Excise as amended by Law Number 39 of 2007, Article 111 to Article 113 paragraph of the Narcotics Law (Hanafi, 2017).

The crime of narcotics smuggling is a familiar case (Dimas rudi)⁷. The crime of smuggling is a violation of export or import and causes losses to the state. According to Adam Smith, a smuggler is someone who violates the law of a country, even though he is legally blind and undoubtedly a good citizen, who has never been convicted of a crime and does not intend to do so (Junef, 2020). Smuggling Crime is importing, exporting, or delivering goods by not fulfilling the applicable laws and regulations, or not fulfilling the customs formalities stipulated by law. Sasangka explained that another definition from the United States customs and excise bureau, that narcotics are opium, marijuana, cocaine, substances whose raw materials are taken from these objects, namely morphine, heroin, codeine, hashish, cocaine and also includes synthetic narcotics that produce substances, drugs classified as Hallucinogens, Depressants, and Stimulants (Novita Eleanora, 2011). In addition, transnational narcotics crimes are committed using sophisticated modus operandi and technology, including the security of the results of narcotics crimes. Meanwhile, from the development of the quality of narcotics crime, it has become a very serious threat to the life of mankind. Thus, the Narcotics Law is expected to be more effective in preventing and eradicating the abuse and illicit trafficking of narcotics in the territory of the Republic of Indonesia.

3.2 Narcotic smuggling at sea

Indonesia, in terms of area, has around 250 official seaports, but the security is not optimal, opening up opportunities for international syndicates to enter Indonesia through ports, both official and unofficial. Narcotics trafficking is an activity that includes the entry, manufacture, cultivation, circulation, and/or sale of illegal drugs. In this hierarchical system, narcotics move from smugglers, farmers, or producers to wholesalers who pass the products through the distribution chain to retailers and finally to consumers or drug users (Prayuda et al., 2020). Various attempts have been made to develop a typology of top-level drug trafficking networks based on roles, position in the market, tasks performed, or organizational structure (Dwi, 2023a).

Indonesia's geographical condition as an archipelago has caused the country to have more entrances at land borders, sea and water ports and airports than other countries.

This has led to a higher vulnerability in the illicit trafficking and smuggling of narcotics across borders. Of the three possible routes, the sea route is one of the most widely used entry points by international narcotics trafficking syndicates into Indonesia. Based on data from the National Narcotics Agency, 80% of drug smuggling into Indonesia occurs by sea (Ahmad Yusup, 2022).

Illicit trafficking of narcotics by sea in Indonesia is based on several modus operandi. Narcotics can also enter through official channels by disguising their contents through various small ports or illegal ports that are transported using ships. The disguise is done by being disguised in a suitcase or travel bag by the carrier or wrapped in packaging provided by the sending service or in the form of food or beverage packaging. It can also utilize the human body, for example, a person swallows narcotics or is inserted into the anus (Novitasari & Rochaeti, 2021).

The number of narcotics smuggling into Indonesia proves that law enforcers have not been able to cope with and carry out maximum law enforcement against drug trafficking crimes. This condition can also endanger the integrity of the nation and state. The main problem in drug smuggling crimes in Indonesia is the transnational nature of drug smuggling crimes. Drugs that enter Indonesia basically come from various countries. This is because Indonesia has many illegal entry points for international networks, especially in Indonesian waters.

Drug trafficking is an international dimension crime that is organized, has a large financial support, and its distribution and smuggling utilize highly sophisticated technology. International drug trafficking and smuggling always involves foreign nationals and often affects the territories of two or more countries. The modus operandi of this drug smuggling crime is divided into three areas of operation, namely departure countries, transit countries, and marketing destination countries (Dwi, 2023a).

Drug smuggling and trafficking activities can be said to contain the characteristics and nature of transnational and organized crime. Most of the drugs that enter Indonesian territory enter through Indonesian sea waters (Adolph, 2016). BNN said that 90 percent of drugs enter through Indonesian sea waters. The rest is smuggled through air and land routes. The vast sea area and the many islands are Indonesia's weaknesses that are exploited by syndicates of drug dealers and smugglers. Therefore, prevention efforts need to be made so that every step taken by drug syndicates can be overcome or thwarted. Smuggling of illegal goods is regulated by criminal laws in various countries. In Indonesia, many rules have regulated the smuggling of illegal goods as a criminal threat in Article 102 of Law Number 17 of 2006 concerning Amendments to Law Number 10 of 1995 concerning Customs.

3.3 The Role of Law Enforcement Officials in the Crime of Narcotics Smuggling in the Sea Area

The problem of narcotics smuggling has now become a global problem that affects all regions and countries around the world. In Indonesia itself, drug smuggling has reached a very worrying stage. Drug trafficking often occurs through international cooperation, so it is categorized as a transnational crime. This happens because of the lack of security at every border door in Indonesia, making it easier for narcotics trafficking to

enter easily. This is also because it is accompanied by the role of law enforcement officials who have the authority to suppress smuggling in the sea area. Therefore, it can be seen that law enforcement officials who have duties in law enforcement in sea areas in suppressing narcotics smuggling crimes in sea areas, namely:

a. Police

The police is a law enforcement tool that can provide protection, protection, and prevent crime in people's lives (Sobseh & Talla, 2025a; Yasral, 2025a). Police is one of the functions of state government in the field of maintaining security and public order (Dita Rizqita Sari et al., 2023). Law Number 2 of 2002 concerning the Police regulates the duties and authorities of the police as one of them is law enforcement.

In relation to handling narcotics smuggling cases, the Police always work hard in an effort to tackle both smuggling and the rate of narcotics circulation in the community. In order to increase public awareness of the dangers of drugs for life and also conduct surveillance in places suspected of being a place of illegal circulation of narcotics.

In addition, the Directorate of Drugs does not run alone in terms of dealing with drugs, the National Narcotics Agency participates in this case because these two agencies are state institutions that have the authority in terms of eradicating criminal acts of drug abuse.

b. Bea and Cukai

Based on the provisions in Law Number 17 of 2006 concerning Customs, it is stated that everything related to the supervision of the traffic of goods entering or leaving the customs area and the collection of import and export duties has become the duty of Customs and Excise because as an agency that specifically handles the entry and exit of goods must strengthen performance at the port, because narcotics smuggling cases often occur, and criminal offenses or acts that can be categorized as criminal acts of smuggling have been regulated as regulated in the provisions of Article 102, Article 102a, Article 102B of Law Number 17 of 2006.

Narcotics smuggling, which has been rampant in recent years, is often obtained through sea routes (Sobseh & Talla, 2025b; Yasral, 2025b) This is because the supervision aspect of the sea route is not optimal because there are many small ports that make it easy for the smugglers to easily carry out their actions. The obstacles faced by Customs and Excise officers are; lack of Customs and Excise personnel so that it is difficult for the Customs and Excise itself to carry out its duties in the intelligence unit because there are so many areas to be monitored and lack of detection equipment, in several areas that have been passed by the perpetrators in carrying out their actions to smuggle narcotics.

Narcotics smuggling after seeing some of the obstacles faced by Customs and Excise in combating narcotics smuggling from lack of personnel to lack of facilities in some areas Customs and Excise a solution to cooperation from other agencies, such agencies as the National Narcotics Agency (BNN), the police, in order to facilitate the performance of Customs due to lack of personnel and facilities from Customs and Excise in combating narcotics smuggling (Madeira Martins & Espirito Santo Duarte, 2020; Mubarok, n.d.; Rahman et al., n.d.)

c. Badan Narkotika Nasional (BNN)

To carry out the prevention and eradication of the abuse and illicit trafficking of narcotics which has a very negative impact on the life of society, nation, and state, an institution was formed, namely BNN. BNN has representatives in provincial areas and BNN districts or cities as vertical agencies. In carrying out the task of eradicating the abuse and illicit trafficking of narcotics and narcotics precursors, the National Narcotics Agency is authorized to investigate the abuse and illicit trafficking of narcotics and narcotics precursors.

The importance of strengthening defenses at the border of the archipelago's territorial waters in preventing criminal acts of narcotics smuggling through the archipelago's sea routes cannot be ignored. The archipelago's territorial waters are one of the main routes used by international narcotics syndicates to smuggle drugs. Therefore, strengthening defenses in this area is key to deterring and detecting drug smuggling attempts.

Law enforcement carried out by law enforcers requires a special approach that is built in order to create efforts to prevent drug smuggling in the Indonesian sea area. Effective handling is needed for law enforcement in the fields of prevention, community empowerment, eradication, and rehabilitation. Thus, law enforcement against narcotics smuggling is one of the efforts made by the government and law enforcement agencies such as the Police and the Narcotics Board to be able to reduce the number of narcotics smuggling which has recently increased from year to year. Strategies that must be carried out by law enforcers, especially for narcotics smuggling in sea areas by conducting regular surveillance and patrols in sea areas in order to suppress various transaction activities at sea that are disguised (Budilaksono, 2020; Islamia & Prasetyo, 2022; Sitorus & Saputro, n.d.).

3.4 Obstacles in Law Enforcement of Smuggling Crimes in the sea area

Drug smuggling is driven by non-state parties such as international crime organizations. Drug smuggling still tends to be carried out and various methods are used. This is related to prevention methods and community empowerment that have not yet innovated more effective methods. Drug smuggling has caused negative impacts on social aspects, namely changes in social behavior that tend to harm themselves and their environment. Drug smuggling has brought economic impacts, especially the amount of money that has been spent to buy illegal drugs and the rehabilitation process for addicts that requires large funds but there is no certainty of recovery. In law enforcement, of course, there are several influencing factors as stated by Soerjono Soekamto, and associated with the criminal act of narcotics smuggling through sea areas, namely:

a. Legal factors

Regulations governing the prohibition of drug smuggling, namely Article 113 and Article 115 of Law Number 35 of 2009 concerning Narcotics (Narcotics Law) which states that every person is prohibited from producing, importing, exporting, or distributing Class I narcotics without rights. Also, every person is prohibited from carrying, sending, transporting, or transiting narcotics Group I without rights.

b. Law enforcement factors

Law enforcement officials are required to be able to interpret the values and norms contained in law in accordance with the feelings and legal awareness of the community concerned. Law enforcement of drug smuggling in sea waters is currently carried out by the Navy, Police, Customs, and the Ministry of Transportation. Law enforcement efforts are carried out by law enforcers by patrolling all waters in Indonesia (Sitorus & Saputro, n.d.). However, due to the vast area of Indonesian waters, supervision cannot be carried out optimally. Lack of personnel or facilities is a problem for law enforcers.

c. Facilities and infrastructure factors

Drug smuggling into Indonesia usually uses sophisticated or traditional technology or sea vehicles (Dwi, 2023b; Fauzan Riyadi Universitas Maritim Raja Ali Haji Azhari Setiawan Universitas Maritim Raja Ali Haji et al., 2024) However, the technology owned by law enforcers is often less sophisticated than the technology used by drug syndicates, or the technology cannot operate optimally. Therefore, the implementation of law enforcement is often not maximized by law enforcers.

d. Community factors

Low public knowledge of the dangers of drugs for society. This is exacerbated by the fact that people are still ignorant of drug trafficking crimes. People often do not report criminal acts of drug trafficking or abuse. This then makes it difficult to tackle the existence of drugs in Indonesia.

e. Cultural factors

Cultural factors are one of the important factors in enforcing drug smuggling laws. The culture of obeying all the rules of law is one of the cultures that need to be applied in the lives of people in Indonesia. Legal order to stay away from drugs and make countermeasures, both in the home or community environment can be a characteristic for people who have a culture of obeying the law.

Thus, the obstacles in enforcing the law on narcotics smuggling are one of the things that can hinder the handling of narcotics smuggling in the sea area. Therefore, obstacles like this must be overcome so that future law enforcement can run optimally in handling various narcotics smuggling in the sea area.

4. Conclusions

Law enforcement of drug smuggling crimes is currently not effective enough. Although it has been threatened with severe criminal threats and handled by many parties, drug smuggling by sea continues to occur and is the highest case of drug smuggling into Indonesia. Law enforcement officers in enforcing the law have not provided good results and are still far from expectations. Law enforcement of drug smuggling crimes is currently still found to be constrained in terms of law, law enforcement, facilities, infrastructure, society, and culture. Thus, this constraint is one of the priorities in inhibiting the process of law enforcement against drug smuggling that is widely circulated in sea areas. For this reason, there needs to be more supervision in order to optimize the implementation of law enforcement and efforts to combat drug smuggling in Indonesia by the government. The implementation of supervision can be carried out

through cooperation in the law enforcement process and efforts to combat drug smuggling involving various parties such as the BNN, Polri, TNI, Bakamla, Ministry of Transportation, Ministry of Defense, Ministry of Fisheries as well as patrols of ships at sea to check various types of suspicious ships and tighten various ports to prevent narcotics smuggling which is very widespread.

The issue of fragmented authority among various agencies in Indonesia, such as the Police, the National Narcotics Agency (BNN), Customs, the Navy, and the Maritime Security Agency (Bakamla), presents significant challenges in addressing trans-border sea crime. This fragmentation can be attributed to overlapping responsibilities, lack of coordination, and inadequate legal clarity, all of which hamper effective law enforcement and governance in maritime contexts.

It is critical to acknowledge that the current legal framework governing maritime law enforcement in Indonesia is indeed disjointed. Multiple governmental agencies are tasked with overlapping responsibilities, complicating jurisdictional clarity and the execution of coherent enforcement strategies. For instance, Bakamla, the Navy, the police, and various customs and fisheries inspection entities all have roles in maritime governance, yet they often operate independently and without synchronization.

Enhancing coordination between national legal systems and ASEAN's regional collaboration is vital in tackling transnational drug syndicates that operate across maritime boundaries. Achieving this requires a comprehensive strategy that encompasses the alignment of legal frameworks, strengthened international partnerships, improved law enforcement capacities, and a strong focus on training and institutional development. A primary step is the alignment of legal systems among ASEAN member countries, which is essential for mounting an effective response to transnational drug crimes. Well-developed legal instruments and proactive measures form the basis for addressing such crimes. Variations in national legislation can create loopholes that criminal networks may exploit. Foundational legal collaboration is key, noting that ASEAN states have engaged in joint legal efforts to confront transnational crimes since the 1970s. This legal harmonization should not be limited to drug trafficking laws but should also incorporate regulations on border security and maritime governance to effectively address the distinct issues related to maritime operations.

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