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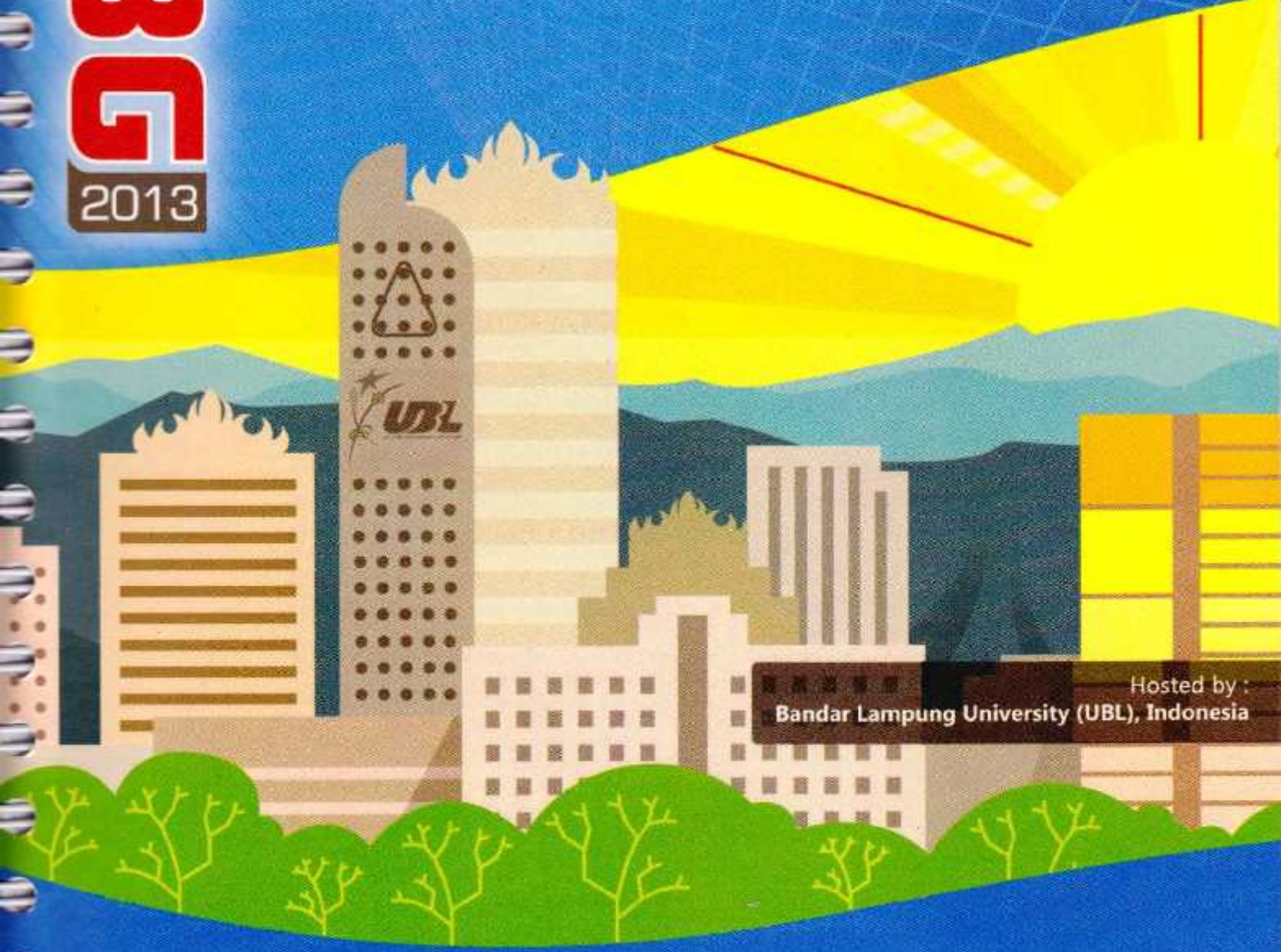
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THE FIRST
INTERNATIONAL CONFERENCE ON
**LAW, BUSINESS
& GOVERNANCE**

23-24

OCTOBER 2013
BANDAR LAMPUNG
UNIVERSITY (UBL),
INDONESIA

ICON-LBG
2013



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22, 23, 24 October 2013
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PREFACE

The Activities of the International Conference are in line and very appropriate with the vision and mission of Bandar Lampung University (UBL) to promote training and education as well as research in these areas.

On behalf of the First International Conference on Law, Business and Governance (Icon-LBG 2013) organizing committee, we are very pleased with the very good response especially from the keynote speaker and from the participants. It is noteworthy to point out that about 67 technical papers were received for this conference.

The participants of the conference come from many well known universities, among others : International Islamic University Malaysia, Utrech University, Maastricht University, Unika ATMA JAYA, Universitas Sebelas Maret, Universitas Negeri Surabaya, Universitas Jambi (UNJA), Diponegoro University, Semarang, Universitas 17 Agustus 1945 Jakarta, Universitas Bandar Lampung, Universitas Andalas Padang, University of Dian Nuswantoro, Semarang, Universitas Terbuka, Universitas Airlangga, Bangka Belitung University, President University, Tujuh Belas Agustus University Jakarta, International Business Management Ciputra University, Surabaya, University of Indonesia, Business School Pelita Harapan University, STIE EKUITAS, Bandung, STAN Indonesia Mandiri School of Economics Bandung, Lampung University.

I would like to express my deepest gratitude to the International Advisory Board members, sponsor and also to all keynote speakers and all participants. I am also gratefull to all organizing committee and all of the reviewers who contribute to the high standard of the conference. Also I would like to express my deepest gratitude to the Rector of Bandar Lampung University (UBL) who give us endless support to these activities, so that the conference can be administrated on time

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NARCOTICS CRIME AS A PHENOMENON OF TRANSNATIONAL ORGANIZED CRIME

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Abstract

Illicit drug trafficking undermines governance, institutions and societal cohesion. Drug traffickers typically seek the path where the rule of law is weak. In turn, drug-related crime deepens vulnerability to instability and poverty. In the period of the past two decades, Indonesia has become one of the countries that serve major markets from narcotics syndicate of international dimension for commercial purposes. For drug trafficking network in Asian countries, Indonesia is considered as the market (market-state) is the most prospective commercial for the International syndicates operating in developing countries

Keywords: Drugs, Illicit, Syndicate International, impoverishment, Government

1. BACKGROUND

Crime has always been rising since past time up to present. Unlimited access to infiltrate a certain country has been probably the most cause of the crime. Besides, the development of technology and information in this modern society also has something to do with the crime itself. This digital era has evoked the emerge of a phenomenon which is also called 'global village' (Mc Luhan) where everyone can connect to each other without any barrier of territory, economy, ideology, politic, social, culture and law. (Ilham Prisgunanto, 2012, : 17)

Indonesian President Susilo Bambang Yudhoyono considers the cooperation in Asia-Pacific and Middle-East area is very important in order to demolish the transnational crime. Moreover, along with the development of technology, transportation, and world economy, the transnational crime also develops rapidly and exceeds beyond expectation.

The transnational crime network arms itself with sophisticated technology and applies a kind of cell organization system which is difficult to trace. The existence of this network has proven that terrorist has a tight relationship with separatism especially in terms of narcotics crime.

This kind of phenomenon clearly threatens the future better-world living, peace, and prosperity. Indonesia is also faced toward a big challenge in an effort of law enforcement people protection from criminal chain. The government is also faced with the black market of narcotics, human trafficking, terrorism, corruption and also a planned crime which is control by individual not by a certain country (non state actors). The organized transnational crime brings immediate impact on the decrease of safety feeling in social life. This crime also deteriorates national security, jeopardizes national sovereignty, also threatens the stability of economic development. (Ilham Prisgunanto, 2012, : 21)

Indonesian Police Department is expecting for four kinds of transnational crime or transnational criminal act that will still occur in Indonesia within 2013. Those crimes are terrorism, narcotics distribution, human trafficking, illegal immigrant, and also weapon smuggling. Kapolri predicts that national and transnational crime will keep increasing day by day. This happening is in line with the society development in terms of international mobility so that it might evoke the transnational crime.

From the above explanation, transnational crime is a crime which involves international criminal organization that brings so many destructions. The government tries to solve the problem by cooperating with other countries and local police department. Thus, the bread and the butter of the problem is that how the phenomenon of narcotics crime as one of transnational organized crime in Indonesia?

2. DISCUSSION

THE DEVELOPMENT OF TRANSNATIONAL ORGANIZED CRIME

Organized crime phenomenon points out a secret organization like mafia which then will be famous as La Cosa Nostra, Yakuza, Triad, Kartel and sort of. FBI has defines criminal organization as follows: “ any group having some manner of formalized structure whose primary objective is to obtain money through illegal activities. Such groups maintain their position through the use of threat of violence, corrupt public affairs, graft or extortion and generally havea significant impact on the people in their locals or region or country as a whole. One mayor crime group epitoinizes this definitions-La Costa Nostra”.(Mardjono reksodiputro,2000,:23)

Modern criminal organizations have entered into various business areas such as legal industry, illegal activity, blackmailing, and decepring. (Petrus Reinhard Golose, 2000, ::56)

Indonesia is one of ASEAN countries which becomes the venue of this transnational crime. Based on the ASEAN’s perspective, there are some categories for the transnational crime such as: terrorism, narcotics, human trafficking, money laundry, piracy, weapon smuggling, online crime, and international economic crime. Narcotics crime has been the most problem in Indonesia as it has infected any age level in Indonesia.

Phenomenon of narcotics crime in Indonesia

The misuse and illegal distribution of narcotics, psychotropic, and other hazardous ingredients have been the most topics discussed either in national or international domain. In the reality the narcotics crime has been a part of transnational crime which is operated by criminal organization. The narcotics crime in Indonesia almost exceeds its edge, for the time being Indonesia is no longer the costumer of this evil drugs, but also play role as the producer of narcotics and other kinds of addicts. It is indicated by the fact of the increase in number of the reported case on narcotics distribution either as consumer or as user. The data issued by Badan narkotika Nasional (BNN) reveals that the distribution of methamphetamine has kept increasing since 2006, it is indicated by the case report which reaches the highest level in 2009 (10.742 cases and 10.183 suspects). So that also has happened to the number of confiscation by custom office year 2009 which shows a significant increase. A 2009 survey done by BNN concludes that the misuse of narcotics has been prevailing among students up to 4,7% or around 921.695 people. 61% of them are using analgesic narcotics and the rest 39% are using hashish, amphetamine, ecstasy, and glue. The result of verification of criminal act by BNN and Police until November 2011 reveals that:

The number of cases revealed is 26.560 cases, which specification as follows:

1. Narcotics : 17.383 cases
2. Psychotropic : 1.478 cases
3. Other hazardous ingredients : 7.639 cases

The number of arrested suspects is 32.763 people, with the detail 32.648 are of Indonesian nationality and the rest 115 are of foreign passport. The death-sentenced suspects are 58 people with 17 Indonesian and the rest 41 are foreigners.

Death Sentence for The Narcotics Subjects

The other evidence which clearly shows the increase of narcotics business in Indonesia is from the existence of many illegal laboratories which have been successfully revealed either by BNN or police department. This is obviously not something that can be proud of. The data divides the laboratory into two categories, big scale and small scale. The big scale is very close to the utilization of sophisticated devices in supporting its program while the small scale is the vice versa.

Regarding to the reveal of narcotics factory, there are some aspects that should be taken into account such as the factory with a high rate of production involves so many civilians and international criminal organization, some of them are:

1. The revealed drugs factory in one of apartments in Jakarta Utara is found in two locations, the finding of this home industry was done by Satgas narkoba Dit IV/TP Narkoba and KT Bareskrim Polri on January 14th, 2009 with one arrested suspect and other four wanted suspects.
2. Satuan Narkoba Polres Metro Jakarta Barat has found a drug home industry which no. 12, located in Perumahan Duri Kosambi Block E-4, district Duri Kosambi, Cengkareng, Jakarta Barat. From the investigation some equipments are found such as 4 tube heaters, 3 destilation tubes, and various chemical bottles, refrigerator, water purifier, heater, efidrin pirex tube, 30 Kg red fosfor, toren, 7 Kg Efidrin, bong, straw, clips, aluminum foil, and 2 handphones. Besides, there were also some separated rooms for different purposes. Among them are: the production room, mixing room, and toren as the

container. Next, the investigation is done towards AWO A.K.A AC. It was revealed that the production has lasted for more than 3 months. The suspects admitted that the drugs later will be distributed in Jakarta and other provinces. He could manage to produce 2 Kg drugs that is ready to be distributed every couple days, and in a month he will be able to produce 15 Kg. The price of each kilogram is IDR. 2.000.000. Then in a month the industry will probably earn 30 billion Rupiah.

3. Other finding is of *Kitchen Lab* in Red Top apartment in Pecenongan, central Jakarta. The organization is originally from China. The drugs is distributed in Indonesia by sending it from China through Hongkong and then to Indonesia. The finding was initiated when a woman was arrested in front of Husada Hospital and was suspected of holding 500 grams drugs. Since then the drugs factory was revealed with some evidence.
4. On March 19th, 2008, Satgas Polda Metro Jaya has successfully arrested psychotropic distributor on Jl. Camar Permai Raya no. 3 Rt.03/06 Kapuk Mura District Kec. Penjaringan Jakarta utara. The suspects: Zhang Chunwei (China), Huang Rulian (China). The evidence found in Zhang Chunwei's case is 600 g drugs, a white Suzuki Futura no. B 9824 PJ, and some documents. While from Huang Rulian is a Daihatsu car no. B 8013 ZO. Based on the investigation done through the GPS and evidence analysis it was revealed that 600 Kg drugs were smuggled from Guangdhong China by shipping through ship, and transferred to a speed boat in the middle of the trip, then shipped to Cengkareng Green Pantai Indah kapuk.
5. On 18th-19th September 2008 Satgas Narkoba Polda Metro Jaya arrested psychotropic distributor in front of Mustika Hotel, Jl. Gajah Mada, Taman Sari, Jakarta Pusat and on Jl. Kemenangan III No. 12 A Glodok, Taman Sari, Jakarta Pusat. The suspects are: Sarta, Mulyawati A.K.A Memey, Yunalisa A.K.A Lisa, Keng Ciong A.K.A Asiong, Mirke (Nigeria). The evidences are: 22.000 tbl XTC, 200 grams drugs. The distribution was operated by Asiong and Mirke.
6. On 30th November 2008 Satgas Narkoba Polda Kepri arrested 4 suspected distributors of XTC in Taman Puri Indah Block A No. 36 Batam. They are: Karun A.K.a Ahong, Chai Thiam A.K.A A Thiam, Edi A.K.A Aria, David Kurniawan. The evidences: 43.606 tbl XTC, 4 tbl Happy Five, 1 grams drugs, the book recapitulation of XTC, an account book and ATM, 2 calculators, 2 measurers, and 1 plastic presser. The suspect took the narcotics directly from Mr. Ong in Johor Malaysia every week for about 2000 pills by putting the XTC around his thigh, then entered Batam through International Osean Batam Centre, the payment was done in cash. Within the last 3 months Mr. Ong had cooperated with Karun. It is said that that the XTC had been made in Malaysia before shipped to Batam.
7. On 29th January 2013 it was found that 16 suspects of international narcotics distributors. Three of the suspects are foreigners. Two of them will be sent to a death sentence. Those three suspects are: Lee Che Hen (Malaysia), Adam Wilson (Nigeria), Tan Swe Kon (Singapore).

The chief of The Constitutional Court Mahfud MD states that Mafia may infiltrate the country through important people. They must need a big amount of money to operate their business and that will obviously involve everyone also important people. Narcotic brings more effect than terrorism as drugs makes its victims suffer from a lasting misery.

Besides foreigners and Indonesian civilians there are also some apparatus that get involved in this crime either directly involved or indirectly.

1. On Thursday 31st January, 2013 Bogor Police department arrested Brigadir satu AK who had got involved in distributing drugs. The evidence was 1,6 grams drugs.
2. Based on the data of Kompas.com it was revealed that in POLDA of North Sulawesi, some apparatus are suspected to be involved in drugs distribution. They are: AKP Aulia Nasution, Briptu Saddam, Brigadir Polisi Sudarmansya, Bripka Ir, AKP Aulia Nasution was arrested in his office by BNN of South Sulawesi's BNN. Briptu Saddam was terminated from his unit since he had been involved in narcotics distribution. Even he still managed to distribute the drugs during his detention. Brigadir Polisi Sudarmansya was arrested during his effort in distributing narcotics to prisoners' house by pretending as a visitor. While Brigadir Kepala Ir was arrested by his own superior while he was in a drug party in his house.
3. In January 28th, 2013 Polda Aceh arrested Iskandar Agung (32), a judge in Aceh high court. The evidence got was 24,1 grams drug.
4. Bekasi prosecution office is doing an investigation toward a public prosecutor, P Siallagan, sued by a suspect's attorney for asking money to the suspect's family for the purpose of lowering the charge towards the suspect.

5. The supreme judge Ahmad Yamani has to surrender his position regarding his effort in faking the court decision toward a big narcotics distributor Nyak Pha. The supreme judge calls off the death sentence of Nyak Pha.
6. The giving of amnesty by the President Susilo Bambang Yudhoyono towards two narcotics suspects Ola an Corby has once been a great issue. The amnesty which its number is 35/G/20122 is signed by the president on October 26th, 2011. Even though has already been given amnesty by the president, Ola still plays her role in narcotics distribution done by Nur in October 2012.
7. The data from the survey reveals that narcotics misuse in Indonesia has reached 42,8 billion Rupiah per annum.

Hugh D. Barlow explores that the organized narcotics crime has several characteristics. The first is that the aim of the narcotics distribution is all about the money. Second, the narcotics distributors attempt to provide the need of narcotics for the consumers. Third, this organization is suspected to be having a very close relationship with people in the governmental offices so it can easily makes ts own way in operating its business. Fourth, for sustaining their illegal action, people in this organization keep regenerating their distributors. That is why this illegal action is really hard to demolish.

The characteristic of narcotics crime in Indonesia is as follows:

- Hierarchical and sustainable organization
In the world of narcotics distribution there are several role of its people like producer, distributor, and seller. Each of those roles has arbitrary conection where every one of them doesn't know each other. Moreover, this crime does not only involve Indonesian citizen but also some expatriates. There also some mafia members who get involved in this crime. The worst is that this international organization has made Indonesia as a place of its production.
- Making money through act of crime.
The benefit gained from narcotics distribution is really promising. That is why in Ambon, even though the revelation of narcotics crime has always been done, it seems not to bring immediate impact toward the distribution. All of this is due to the benefit that the distributors may gain from their job. It is also said that the benefit gained from this job reaches some billion rupiah.
- Using violence and threat
The emergence of narcotics distributors has triggered competition among them. It is likely that the use of violence and threat will be the easy way in making their action moreover if it is related to their domain of distribution.
- Involving corruption for protection
All the narcotics grand distributors have the ability to persuade law apparatus so that they can bribe them whenever they need it.
- Serving the need of the society
Narcotics is not only consumed by particular people but also consumed by ordinary people from every age level.
- Exclusive membership
All the arrested suspects do not know who manage the distribution behind them. So it is difficult for police to identify who roles as the grand distributor.
- Specialized work division
All sponsorship, distributors, couriers, and narcotics producers are equipped with special ability in organizing operation as to the production of the narcotics and they also have complicated ideas about the distribution of the drugs so that it will be difficult for apparatus to handle them and track their illegal business.
- Having for keeping secret
In order to deceive the police, not all people can be involved in this secret organization. Only certain people can. Moreover the method that they use in distributing the drugs has varied along with situation. Even the buyers of the drugs do not have any idea of where they get the drugs from. This thing which makes the buyers do not meet the distributors.
- Well-planned organization
The distributors have already learnt any detail regarding the drugs distribution so that it will be very easy for them to escape the police who try to track them.

In terms of law enforcement towards narcotics crime, it must be taken into account that the law which rules it must be handled by trusted individuals. It will be very hard to stop drugs distribution if apparatus are also involved in distributing it. One of the most problems in Indonesia is that people awareness of the hazardous of narcotics is still low.

3. CONCLUSION

Narcotics crime is one of transnational crimes which is operated by either Indonesian people or foreigners in order to get benefits easily but do it against law. People of law enforcement have a very big role regarding to the narcotics crime. Many of the law enforcers have changed their orientation by becoming distributors of the drugs. Moreover, the existence of mafia in criminal case system makes the drugs distributors resistant towards law enforcement. In this case people of law have thing to do with the activity of narcotics crime organization. That is why it is not only government who has the responsibility to stop the narcotics crime but also all elements of our society must contribute in banishing this illegal activity.



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