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Legal Problems of Collusion Among Law Enforcement Officials in Protecting the Distribution of Narcotics in Government Environments

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Abstract: The collusion of law enforcement officers in protecting the circulation of narcotics within the government is a serious phenomenon that threatens the integrity of the legal system and state security. This study aims to analyze this problem from a criminological and legal perspective. A criminological approach employs to identify the causal factors, modus operandi patterns, and impacts of crimes committed by officers, with reference to the theories of White-Collar Crime, State Crime, and Organized Crime. The results of the analysis indicate that economic factors such as bribery and gratuities, weak structural oversight, and low moral integrity of officers are the main drivers of the conspiracy. The modes found include manipulation of evidence, protection of certain networks, and abuse of authority to facilitate the distribution of narcotics, including in correctional institutions. The legal approach explains the relevant legal framework, including Articles 112, 114, and 132 of Law Number 35 of 2009 concerning Narcotics; Articles 5, 6, 11, and 12 of Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption; and Articles 421, 422, 55, and 56 of the Criminal Code. The analysis reveals weak provisions for imposing increased sanctions on involved officers and ineffective external oversight mechanisms. The study's conclusions confirm a close relationship between regulatory weaknesses and the prevalence of collusion among officers, necessitating revisions to the Narcotics Law, strengthening independent oversight, protecting witnesses and whistleblowers, and fostering officer integrity. Implementing these recommendations is expected to break the chain of officer involvement in drug trafficking networks and restore public trust in law enforcement.

Keywords: Conspiracy, Law Enforcement Officers, Narcotics, White Collar Crime, Legal Analysis, Organized Crime

INTRODUCTION

The phenomenon of collusion between law enforcement officials involving police, prosecutors, judges, and correctional officers has become a serious problem in eradicating drug trafficking within government circles (Amalia, 2024). The involvement of law enforcement officials not only complicates law enforcement efforts but also provides protection, making drug networks increasingly difficult to uncover (Marwenny, 2024). The presence of those who should be enforcing the law but instead protecting criminals strengthens the syndicate's position and provides an undue sense of security to the perpetrators (Wulandari, 2025). This creates a disparity between legal ideals and actual practice, making justice difficult to achieve. In-depth studies are needed to understand the motives, patterns, and mechanisms of these conspiracies to find effective solutions.

The impact of law enforcement involvement on drug trafficking is significant in escalating the problem. Drug crimes supported by law enforcement are likely to grow rapidly and reach wider segments of society (Gukguk, 2019). Public trust in law enforcement agencies will decline drastically, weakening the state's legitimacy in the eyes of the public. The ripple effect of this loss of legal authority is an increase in other legal violations because the public feels the law no longer has just coercive power (Putra, 2024). This situation creates a vicious cycle between weak law enforcement and the flourishing of organized crime.

Criminological studies are crucial for exploring the factors causing collusion among law enforcement officials in protecting drug networks (Hulukati, 2020). These factors can include economic pressure, weak oversight, the influence of the work environment, and even the moral degradation of the officers themselves (Kurnia, 2023). Criminological analysis can map the root of the problem, from individual perpetrators to the structural networks involved. A deep understanding of the behavioral patterns and tendencies of the officers involved can form the basis for developing targeted prevention policies. Modern criminological theories provide a strong framework for analyzing this issue scientifically.

The White Collar Crime theory, introduced by Edwin Sutherland, explains that crime is not always committed by the poor or street criminals, but also by individuals holding respected positions in society (Nst, 2024). Law enforcement officers who abuse their authority to protect drug trafficking fall into this category. These crimes are covert and often difficult to detect because the perpetrators possess the knowledge and power to cover their tracks (Muhammad Hatta, 2022). The impact is not only materially detrimental but also destroys the integrity of legal institutions. Handling this type of crime requires a different strategy than conventional crime.

The theories of State Crime and Organized Crime broaden the understanding of state apparatus involvement in organized crime (Friskatati, 2024). State crimes occur when individuals in positions of power use that authority to commit violations of the law that harm the public (Manulang, 2025). Organized crime emphasizes the existence of structured and systematic networks operating to achieve illegal goals (Tabiu, 2023). When authorities are involved, these two forms of crime can reinforce each other, creating a dangerous combination for national security. Taking action against officers involved presents a significant challenge due to conflicts of interest and the potential for power interference.

Differential Association Theory suggests that criminal behavior can be learned through social interactions with other perpetrators (Lubis, 2022). Law enforcement officers in work environments with a permissive culture toward law violations are at higher risk of becoming involved (Rahmawaty, 2024). Work environments lacking strict oversight and consistent disciplinary enforcement provide fertile ground for collusion. The influence of previously involved colleagues and superiors can be a key motivating factor. This situation demonstrates that improving the internal morale and integrity of institutions is as important as external law enforcement.

Opportunity Theory emphasizes that crime occurs when perpetrators have sufficient opportunity and minimal obstacles (Simatupang, 2022). Law enforcement officers have access to information, authority, and resources that facilitate their violations (Lubis M.A., 2020). The lack of independent oversight mechanisms further increases these opportunities. Granting broad authority without effective oversight creates loopholes that can be exploited for personal or group gain. Crime prevention from this perspective requires efforts to reduce opportunities by limiting access and tightening controls.

The definition of conspiracy in the Criminal Code refers to the involvement of two or more individuals who agree to commit a crime (Darmawan, 2025). The Criminal Procedure Code regulates how to prove conspiracy through valid evidence. Article 132 of Law No. 35 of 2009 concerning Narcotics stipulates that conspiracy to commit a narcotics crime is punishable by the same severity as the main perpetrator (Anggalana, 2022). This regulation demonstrates that positive law has established conspiracy as a serious crime. Consistent implementation of this provision is key to prosecuting officers involved.

The primary legal framework governing narcotics eradication is Law No. 35 of 2009, which contains criminal provisions, increased penalties, and law enforcement procedures (Wijaya, 2024). Law No. 20 of 2001 concerning the Eradication of Corruption is relevant when the involvement of officials involves bribery or gratuities (Sutanto, 2024). Law No. 31 of 2014, in conjunction with Law No. 13 of 2006, provides protection for witnesses and victims, including whistleblowers who report official involvement. The Criminal Code, through Articles 421 and 422, regulates sanctions for abuse of power, while Articles 55 and 56 regulate the role of accomplices. Supreme Court regulations also strengthen guidelines for imposing sanctions on officials who violate the law.

Existing regulatory powers will be effective if implemented with strict oversight and a consistent commitment to law enforcement. The existence of strict regulations without strong implementation will only be a powerless legal text. Effective law enforcement requires the integrity of officials, the support of independent oversight bodies, and public participation in reporting violations. Adequate protection for witnesses and whistleblowers is crucial to breaking the chain of collusion. Legal reform and governance of law enforcement agencies are an inseparable part of efforts to eradicate collusion between officials in narcotics distribution.

METHOD

The research method used in this study is a normative legal research method with a statutory regulatory approach and a conceptual approach. The statutory regulatory approach is used to systematically examine the legal norms governing narcotics crimes, conspiracy, and the involvement of law enforcement officers, as regulated in Law Number 35 of 2009 concerning Narcotics, Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption, as well as provisions in the Criminal Code (KUHP) and the Criminal Procedure Code (KUHP). The analysis also includes derivative regulations, such as Supreme Court regulations that provide guidelines for sentencing law enforcement officers who abuse their authority. Meanwhile, the conceptual approach is used to examine criminological concepts such as White Collar Crime, State Crime, and Organized Crime, to understand the characteristics of apparatus collusion and its relationship to organized crime networks. Through this approach, the research not only explains the legal rules textually, but also links them to relevant legal theories and doctrines, so that it can provide a complete understanding of the phenomenon of collusion between law enforcement officers in narcotics distribution. Secondary data was obtained from primary legal materials in the form of laws and regulations, secondary legal materials in the form of literature and previous research results, and tertiary legal materials such as legal dictionaries and encyclopedias. The results

of the analysis of these two approaches are expected to identify regulatory weaknesses and formulate applicable recommendations for improvement to strengthen narcotics eradication efforts, especially if they involve law enforcement officers.

RESULT AND DISCUSSION

Criminological Analysis of Collusion Between Law Enforcement Officials in Drug Trafficking

Economic factors are one of the primary drivers of collusion between law enforcement officials and drug trafficking networks. Bribes and gratuities offered by drug syndicates are often substantial, far exceeding the official income of officers. The lure of material gain can override the integrity and commitment to the law, which should be upheld. Some officers even view such involvement as a profitable and low-risk business opportunity, as they perceive control over the legal process. This economic incentive is further strengthened when not balanced by a transparent and accountable financial oversight system for law enforcement officials.

Structural factors play a significant role in facilitating collusion between law enforcement officials and drug syndicates. A permissive organizational culture toward violations, weak internal controls, and unclear accountability mechanisms creates loopholes that are easily exploited. Officers who see similar violations committed by colleagues or superiors without consequences are encouraged to imitate them. The absence of effective independent oversight allows collusion to develop systematically. This situation makes law enforcement agencies vulnerable to infiltration by outside interests seeking to maintain the continuity of drug trafficking.

Psychological factors and the morality of officers also influence their level of involvement in drug networks. Officers experiencing declining moral integrity, weak ethical commitment, and a permissive attitude toward deviance are more easily tempted. Psychological pressure from a work environment contaminated by collusive practices can make individuals feel that such behavior is acceptable. A shift in value orientation from public service to personal gain is an indication of a moral crisis within law enforcement agencies. The inability to resist the temptation of material gain and power makes officers tend to ignore their oath of office.

A common *modus operandi* is to protect certain networks from legal proceedings. This protection can take the form of delaying investigations, dismissing cases without valid legal grounds, or influencing court proceedings to favor the perpetrators. This type of protection is usually granted to perpetrators with strategic positions within drug syndicates or those with extensive networks. The officers involved use their authority to interrupt legal channels that would otherwise ensnare the perpetrators. This practice creates a sense of security for the perpetrators to continue their illegal activities without fear of exposure.

Manipulation of evidence is another common tactic used to protect perpetrators. Officials can alter the quantity of evidence, replace genuine items with replicas, or even omit them entirely from case files. This manipulation weakens the evidence in court, allowing perpetrators to escape or receive light sentences. It also obscures the facts and hinders the disclosure of larger networks. The involvement of officials in this process makes drug crimes increasingly difficult to eradicate.

Abuse of authority to facilitate drug distribution, including in correctional institutions, is a particularly dangerous tactic. Officials tasked with oversight actually facilitate the circulation of illicit goods into and out of prisons. Using their positions to regulate the entry and exit of evidence or even to oversee distribution in certain areas constitutes direct collaboration with syndicates. These crimes often occur repeatedly due to the substantial profits officials receive from each shipment. This situation demonstrates the vulnerability of

official institutions to be used as vehicles for crime when their supervisors are actively involved.

One of the criminological impacts of this conspiracy is the erosion of public trust in the law. People who know or suspect official involvement will doubt the fairness and integrity of the legal system. This distrust can fuel apathy or even resistance to law enforcement policies. The loss of legal legitimacy in the eyes of the public will render the implementation of regulations ineffective. This situation creates a crisis of authority that has the potential to undermine social stability.

The strengthening of organized crime networks within the government is another serious impact. Collusion between officials and drug syndicates protects law enforcement and opens access to strategic resources. This support allows syndicates to expand their networks, increase distribution capacity, and strengthen control over their operational areas. Deep-rooted collusion is difficult to eradicate because it involves individuals with extensive power and influence. This situation places criminal networks in a position of equal or even greater power than the law enforcement agencies that are supposed to prosecute them.

The collusion between law enforcement officials in protecting drug trafficking is closely linked to the concept of state-protected organized crime. Organized crime protected by state authorities becomes virtually immune to eradication efforts. This protection can take the form of destroying evidence, regulating legal proceedings, or controlling information. Syndicates operating under this protection have a strategic advantage over ordinary criminal groups. This situation indicates a mutually beneficial symbiosis between the perpetrators and the authorities involved.

Threats to social and government stability are the ultimate consequences of this conspiracy. Structured and protected crime will continue to thrive unhindered. A society that loses trust in the law may be driven to take the law into its own hands or seek protection from non-state groups. A government plagued by such collusive practices is vulnerable to a crisis of legitimacy and international pressure. This damage impacts not only the legal system but also national security and the country's overall resilience.

Legal Analysis of the Collusion of Law Enforcement Officers in the Circulation of Narcotics

Article 112 paragraph (1) of Law No. 35 of 2009 concerning Narcotics stipulates a minimum prison sentence of 4 years and a maximum of 12 years for anyone who possesses, stores, controls, or supplies Class I narcotics other than plants without authorization. This article serves as the primary basis for taking action against officials who actively control narcotics, whether for distribution purposes or as part of protecting syndicates. Article 114 paragraph (1) expands the scope of sanctions for anyone who offers for sale, sells, buys, receives, acts as an intermediary in the sale, exchanges, or delivers Class I narcotics, with the threat of life imprisonment or a minimum prison sentence of 5 years and a maximum of 20 years. Article 132, paragraph (1), expressly regulates conspiracy, or attempted narcotics crimes, which carry the same penalty as the completed crime. This combination of provisions allows for the prosecution of officials involved from the planning stage to the execution of narcotics distribution.

Law No. 20 of 2001, amending Law No. 31 of 1999 concerning the Eradication of Corruption, added a corrupt dimension to collusion between officials. Article 5, paragraph (1) prohibits civil servants or state administrators from accepting gifts or promises related to their authority, which carries a minimum prison sentence of one year and a maximum of five years. Article 6, paragraph (1) imposes sanctions on civil servants or state administrators who coerce someone into giving something or promising something, with a minimum prison sentence of three years and a maximum of 15 years. Articles 11 and 12

increase the criminal penalties if the bribe is directly related to their authority in the legal process. The involvement of officials in protecting narcotics networks almost always involves elements of gratification or bribery, which can be prosecuted under these articles.

Article 421 of the Criminal Code stipulates sanctions for officials who abuse their power by forcing someone to do or not do something that violates the law, with a maximum prison sentence of two years and eight months. Article 422 of the Criminal Code imposes the same criminal penalties on officials who coerce someone into providing a confession or testimony contrary to the law. This abuse of power often occurs when officials pressure witnesses or suspects into providing information favorable to a drug syndicate. Article 55 of the Criminal Code stipulates that anyone who commits, orders, or participates in a crime can be punished as a perpetrator. Article 56 of the Criminal Code implicates those who assist or provide an opportunity for a crime, making it appropriate for officials who facilitate drug distribution without being directly involved.

The lack of specific penalties for officials involved in drug trafficking represents a serious gap in the legal system. Currently, involved officials are treated the same as civilian perpetrators, even though they possess the authority, knowledge, and access that can exacerbate the impact of the crime. This absence of norms reduces the deterrent effect and can even be seen as providing a safe haven for violations. In modern criminal law, increasing the punishment for perpetrators who have a duty to prevent crime has become common practice. This gap hinders the creation of firm legal standards against betrayal of public trust by officials.

Weak external oversight mechanisms also increase the opportunity for collusion. Internal oversight bodies often have limited independence, while external oversight does not have full access to internal law enforcement data and information. The lack of transparency in the investigation process against officers means that cases often end without punishment or with only light administrative sanctions. Public accountability mechanisms for law enforcement agencies have not been effectively integrated with the criminal justice system. Without strengthened external oversight, existing legal provisions struggle to provide a deterrent effect.

Studies of court decisions show that sentences for officers involved in narcotics trafficking are often lighter than those for civilian perpetrators. Some cases even result in sentences disproportionate to the role played by officers. This phenomenon can be influenced by weak evidence or interference from certain parties. The absence of specific guidelines for judges in handing down sentences against officers makes disparities in sentencing commonplace. This situation reinforces the perception that the law still favors those in power.

Obstacles to proving collusion pose a significant challenge for law enforcement officers with integrity. Collusion typically occurs in secret, using closed-door communications, making direct evidence difficult to obtain. Witness testimony is often inadequate without strong physical evidence. The officers involved generally have the ability to erase or manipulate digital traces and documents. These obstacles require strengthening technology-based investigative techniques and protecting those who provide information.

Witness and whistleblower protection is crucial for uncovering collusion by officials. Law No. 31 of 2014, in conjunction with Law No. 13 of 2006, provides the foundation for the Witness and Victim Protection Agency (LPSK) to protect the physical, psychological, and legal safety of witnesses or whistleblowers. Fear of retaliation is often a reason for reluctance to report, especially if the perpetrator holds a high position. The implementation of this protection still needs to be expanded to include complete anonymity for whistleblowers. Effective protection can break down the web of silence that stifles disclosure of cases.

Regulations in the Philippines provide a strong example by imposing the death penalty or life imprisonment for officials involved in drug trafficking, as stipulated in the

Comprehensive Dangerous Drugs Act of 2002. Malaysia, through the Dangerous Drugs Act of 1952, also implements the mandatory death penalty for perpetrators found to be in possession of a certain amount of narcotics, with no exceptions for officials. The model of increased penalties for officials who abuse their position sends a strong message that such violations constitute treason. This comparison suggests that Indonesia could adopt increased penalties as a means of strengthening deterrence.

Models of increased penalties adopted from other countries can be integrated into the Narcotics Law or the Criminal Code. This increase could include an increase of one-third of the maximum sentence if the perpetrator is a law enforcement officer tasked with preventing and eradicating narcotics. The provision could also be combined with permanent administrative sanctions such as dishonorable discharge and revocation of political rights. Implementing this model would provide a stronger deterrent effect and close loopholes previously exploited by officials who betrayed their positions. Such regulatory adjustments also align with the principles of retributive and restorative justice.

CONCLUSION

The collusion of law enforcement officers in drug trafficking is fueled by a combination of economic and structural factors, as well as the degradation of individual morality. This crime has the characteristics of white collar crime, which disguises the act through abuse of authority and strategic position, making the narcotics distribution network increasingly difficult to eradicate. The legal analysis reveals that the existing legal framework is indeed capable of normatively ensnaring officers, but there are still significant weaknesses in the form of the absence of provisions for specific sanctions for perpetrators who have an obligation to prevent such crimes. This absence of norms, combined with weak external oversight mechanisms and obstacles to proof, contributes to the rise of collusion, which undermines the integrity of the judicial system and public trust in the state. This phenomenon creates a vicious cycle in which weak law enforcement fuels the strengthening of organized crime networks protected by the officers themselves.

Policy recommendations that need to be implemented immediately include revising Law No. 35 of 2009 concerning Narcotics by adding provisions to increase sanctions by at least one-third of the maximum criminal penalty for officers proven to be involved. Internal and external oversight systems must be strengthened by guaranteeing independence and full access to law enforcement data to prevent impunity and ensure transparency. Protection for witnesses and whistleblowers needs to be optimized through guarantees of total anonymity, safe relocation, and ongoing legal and psychological support. Officer integrity development programs should be designed as long-term efforts, combining ethics training, tiered supervision, and strict sanctions for disciplinary violations. Implementing these recommendations will close existing legal loopholes, strengthen the deterrent effect, and restore the authority of the law in the eyes of the public.

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