



## Foreigners and Narcotics Crimes: How Indonesian Laws Determine the Supervision Mechanism?

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### Abstract

*Oversight of foreigners becomes very important in line with the increase in international crime, one of which is a narcotics crime. Through technological developments, the spread of narcotics has reached almost all regions in Indonesia. The state does not want its territory to have people involved in narcotics crimes. The main objective of the supervision of foreigners is to protect the community and the sovereignty of the State. The aim of the study to analyze who has authorized to conduct surveillance of foreigners related to narcotic crimes. This research is a normative legal research using the legislation approach and concept approach. The results of the research are: The authority to supervise foreigners related to narcotics criminal acts based on the Immigration Act is carried out by the Minister by forming a team consisting of relevant government agencies or agencies both at the central and regional levels. The institution is the Immigration Agency and is also carried out by the National Narcotics Agency which coordinates with the Police. Furthermore, based on the Law on narcotics that is authorized to conduct surveillance of Narcotics crime as regulated under the provisions of Article 61 paragraph (1) is the Government. The government supervises all activities related to Narcotics.. Oversight of Foreigners related to narcotics crime, is not only done when they enter, but also while they are in the Territory of Indonesia, including their activities. Immigration Supervision covers the enforcement of immigration law, both administrative and Immigration.*

## I. Introduction

Narcotics are a type of substance, on the one hand, it is very useful because it is used to relieve feelings such as aches and pains, and on the other hand it can also cause changes in consciousness and even lead to narcotics addiction.<sup>1</sup> The impact of narcotics abuse causes disease and infection, susceptibility to HIV and weakened memory. Thus narcotics must be used appropriately but if used not following treatment standards can endanger human life and even deadly. The subsequent impact is that the rampant

<sup>1</sup> Syafii, A. (2009). Penyalahgunaan Narkoba dalam Perspektif Hukum Positif dan Hukum Islam, *HUNafa: Jurnal Studia Islamika*, 6(2), p. 221.

illegal narcotics circulation significantly affects the lifestyle of the nation<sup>2</sup> and state in the future as a result of the neglect of the nation's cultural values which has an impact on weakening national security. Meanwhile, the Criminal Investigation Directorate of the National Police Criminal Investigation, Eko Daniyanto explained, the disclosure of drug cases since 2016 the trend has increased. In 2016, 47,767 drug cases were revealed and in 2017 increased to 50,474 cases. While in 2018 there are currently 22,595 cases.<sup>3</sup> Associated with drug crimes in Indonesia, apparently many cases involving foreigners. In 2016 there were 133 people, then in 2017 there were 136 people and in 2018 there would be 60 people. Things like this cannot be tolerated and Indonesia as a sovereign country does not want the danger of narcotics abuse.

Narcotics crime is a transnational crime which in its activities uses information and communication technology. This narcotics crime is a serious threat to the security and prosperity of a country. The development of narcotics crime in Indonesia at this time has frightened people's lives because it has very detrimental consequences for individuals or communities, especially young people.<sup>4</sup> Likewise, children<sup>5</sup> who were initially unfamiliar with illicit goods have turned into addicts who are difficult to be released from dependence.

Previous research on narcotics crime has existed, but it has not been discussed about who has the authority to conduct surveillance of foreigners related to narcotic crimes and how the supervision of foreigners is related to narcotic crimes. Research conducted by Hartanto (2017)<sup>6</sup> discusses law enforcement against narcotics crimes in Indonesia according to Law Number 35 of 2009 concerning Narcotics, Jainah (2013)<sup>7</sup> discusses how the phenomenon of drug crime as one form of transnational organized crime in Indonesia, Pangestu (2015)<sup>8</sup> discussing the imposition of criminal sanctions and expulsion of foreign nationals who commit narcotics crime, Muhamad (2015)<sup>9</sup> discusses the issue of drug smuggling to Indonesia, especially from Malaysia.

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<sup>2</sup> Handoyo, P. & Atmosukarto, I.I. (2017). 40 Tahun "Perang Melawan Narkotika": Pengelolaan Narkotika oleh Negara, Perang Bukan Solusi, *Jurnal Peradilan Indonesia*, 5(1), p. 11-12.

<sup>3</sup> Widya Vicoria. 2018. Data Polri: Banyak Kasus Narkoba Melibatkan WNA. <https://hukum.rmol.id/read/2018/10/03/360300/data-polri-banyak-kasus-narkoba-melibatkan-wna>

<sup>4</sup> Eleanora, F.N. (2011). Bahaya Penyalahgunaan Narkoba serta Usaha Pencegahan dan Penanggulannya (Suatu Tinjauan Teoritis), *Jurnal hukum*, 25(1), p. 440-441.

<sup>5</sup> Hermanto, B. & Yusa, I.G. (2018). Children Rights and the Age Limit: The Ruling of the Indonesian Constitutional Court, *Kertha Patrika* 40(2), p. 62.

<sup>6</sup> Hartanto, W. (2017). Penegakan Hukum Terhadap Kejahatan Narkotika Dan Obat-Obat Terlarang Dalam Era Perdagangan Bebas Internasional Yang Berdampak Pada Keamanan Dan Kedaulatan Negara, *Jurnal Legislasi Indonesia*, 14(1), p. 1-16.

<sup>7</sup> Jainah, Z. O. (2013). Kejahatan Narkoba Sebagai Fenomena Dari Transnational Organized Crime, *Pranata Hukum*, 8(2). p. 96-103.

<sup>8</sup> Pangestu, D. Y. (2015). Pengusiran Terhadap Warga Negara Asing Pelaku Tindak Pidana Narkotika Setelah Menjalani Masa Pidana, *Lex Crimen*, 4(5), p. 46-55.

<sup>9</sup> Muhamad, S. V. (2015). Kejahatan Transnasional Penyelundupan Narkoba Dari Malaysia Ke Indonesia: Kasus Di Provinsi Kepulauan Riau Dan Kalimantan Barat, *Politica Journal*, 6(1), p. 42-62.

This research is important to do to help the government find solutions in the prevention of narcotics crime.<sup>10</sup> Narcotics crime is a criminal act of narcotics abuse without rights or against the law other than those determined by the Law as regulated under Article 1 number 6 of Law Number 35 Year 2009 concerning Narcotics.<sup>11</sup> Therefore, surveillance of foreigners<sup>12</sup> related to narcotics crime is very urgent because supervision is a preventive measure to enforce compliance.<sup>13</sup> In administrative law, supervision is a preventive measure from the administrative law enforcement authority. Law enforcement is an effort to guarantee public order because law enforcement is an effort so that the law is obeyed by the community. Through the supervision of foreigners, the activities of foreigners can be monitored early which is done when they enter,<sup>14</sup> as long as they are in the territory of Indonesia and the activities carried out while in Indonesia.

Through supervision it is hoped that prevention of narcotics crime can be carried out, this is in accordance with government policy in the field of immigration that adheres to the principle of "selective policy" which is a policy based on selective principles. Based on this principle, only foreigners can benefit the welfare of the people, nation and state of the Republic of Indonesia and do not endanger security and order and are not hostile to both the people and the Unitary State of the Republic of Indonesia based on the Pancasila and the Constitution of the Republic of Indonesia. 1945 allowed to enter or exit Indonesian territory. Through the agency authorized to conduct surveillance is expected to be selective in relation to foreign traffic entering or leaving Indonesian territory, monitoring of its presence in Indonesia and also regarding activities carried out in Indonesia. Thus the hope of this research is to be able to find legal solutions and formulations regarding the supervision of foreigners related to narcotics crime.

Based on this background, this study was conducted to find out who is authorized to conduct surveillance of foreigners related to narcotic crimes and what forms of supervision of foreigners related to narcotics crimes.

## **2. Research Method**

This research is normative legal research with a statute approach and a conceptual approach. The results achieved are prescription of what should be the legal issues raised.<sup>15</sup> This is in line with what was stated by Morris L. Cohen, Legal Research is the

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<sup>10</sup> Sulianto, H. (2018). Hak Narapidana Tindak Pidana Narkotika untuk Memperoleh Pembebasan Bersyarat, *Jurnal Rechtsens*, 7(1), p. 6-7.

<sup>11</sup> Laksana, A.W. (2015). Tinjauan Hukum Pidana terhadap Pelaku Penyalahguna Narkotika dengan Sistem Rehabilitasi, *Jurnal Pembaharuan Hukum*, 2(1), p. 74-75.

<sup>12</sup> Starke J. G., (2010), *Pengantar Hukum Internasional*, Jilid I, Judul Asli *Introduction to International Law*, translation of Bambang Iriana Djajaatmadja, Tenth Edition, Jakarta: Sinar Grafika, p. 15.

<sup>13</sup> Reksodiputro, M. (2017). Mengantisipasi Pemberantasan Perdagangan Ilegal Narkotika melalui Sistem Peradilan Pidana (Suatu Observasi untuk Diskusi), *Indonesian Judicial Journal*, 5(1), p. 54.

<sup>14</sup> Azmi, N. (2017). Pengaruh Globalisasi terhadap Peredaran Narkotika di Asia Tenggara Tahun 2011-2015, *Jurnal Online Mahasiswa Fakultas Ilmu Sosial dan Ilmu Politik Universitas Riau*, 4(1), 1-14, p. 3.

<sup>15</sup> Choudhury, N. (2017). Revisiting Critical Legal Pluralism: Normative Contestations in the Afghan Courtroom. *Asian Journal of Law and Society*, 4(1), p. 231.

process of finding the law that governs activities in human society.<sup>16</sup> The legal material used is the primary legal material and secondary legal material. The primary legal material referred to is the statutory provisions<sup>17</sup> relating to the supervision of foreigners related to narcotic crime. Secondary legal materials used in this study are legal science books, legal research results, scientific journals of legal science and legal scientific articles, in particular, relating to the supervision of foreigners related to narcotic crime. The legal material collection technique used in this study is through library research to obtain conceptual theories or doctrines, opinions or conceptual thoughts from previous studies relating to the study of this study. Analysis of legal material is done through a systematic logical reasoning process (legal reasoning). Legal reasoning also rests on the rules of thinking known in logic. However, the use of logic in jurisprudence contains special characteristics relating to the nature of law, the sources of law and the types of laws.

### **3. Results and Discussion**

#### **3.1. Supervisory Authority against Foreigners Regarding Narcotics Crimes**

One of the important joints in criminal law is a crime. Crime is an act that is formulated in the law as a prohibited act. The definition of a criminal offense is an act that is based on a form of nature that is contrary to the order or order desired by law. Crimes can be detrimental to the community, anti-social, and therefore not reasonable to do. Thus, a narcotics act or criminal act is an act that is detrimental to the community and contrary to what has been regulated in the provisions of the law regarding Narcotics.<sup>18</sup> Narcotics are substances or drugs originating from plants or non-plants, both synthesis and not semisynthesis, which can cause a decrease or change of consciousness, loss of taste, reduce to eliminate pain, and can cause dependence.

Narcotics crime based on Law No. 35 of 2009 concerning Narcotics regulates criminal provisions contained in 37 (thirty-seven) articles, namely from articles 111 to article 148. There are 3 (three) categories of narcotics offenders who can be subject to criminal sanctions based on the narcotics law namely as producers, users, and dealers.<sup>19</sup>

One that is included in the theory of the supervisory authority is legitimacy, oversight carried out by a recognized authority.

The authority (*bevoegdheid*) in constitutional law is described as legal power (*rechtmacht*).<sup>20</sup> This concept relates to the formation of decisions (*besluit*) by the government which is required based on authority. In administrative law, supervision is very closely related to authority, because in authority it is at the same time clung to the instrument of supervision. There are limits to the authority held by officials, whether it

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<sup>16</sup>Petroski, K. (2013). Legal Fictions and the Limits of Legal Language. *International Journal of Law in Context*, 9(4), p. 488.

<sup>17</sup>Sonata, D. L. (2014). Metode Penelitian Hukum Normatif dan Empiris : Karakteristik Khas dari Metode Meneliti Hukum. *Fiat Justitia Journal of Legal Studies*. 8(1), p. 24-25.

<sup>18</sup>Setiyono, (2016). Reorientasi Kebijakan Pemidanaan bagi Penyalahguna Narkotika, *Jurnal Cakrawala Hukum*, 7(1), p. 58-59.

<sup>19</sup>Zainal, A. (2013). Penegakan Hukum terhadap Kejahatan Narkotika ditinjau dari Aspek Kriminologi, *Al-'Adl*, 6(2), p. 48-49.

<sup>20</sup>Hadjon, P.M. (2011), *Hukum Administrasi dan Tindak Pidana Korupsi*, Yogyakarta: Gajah Mada University Press, p. 10.

is the authority of attribution, delegation or mandate and the use of that authority must always be accounted for. As a concept of public law, authority consists of three components, namely 1. Components of influence: the use of authority is intended to control the behavior of legal subjects; 2. Basic components of law: that authority must always be appointed by its legal basis; 3. Components of legal confirmation: the existence of a standard of authority both general and special nature.<sup>21</sup>

Public bodies in the form of government, institutions, departments, regional governments and other bodies, these bodies to be able to carry out their functions or duties they require the existence of authority. Authority must be based on an applicable legal provision so that the authority is valid.

Based on the legal provisions of Article 61 paragraph (1) of the Law of the Republic of Indonesia No. 35 of 2009 concerning Narcotics determines that for all activities related to narcotics, the authority to supervise is carried out by the Government.<sup>22</sup> The government in a modern state of law that prioritizes the interests of its people, a consequence that the government must actively participate in social relations so that social welfare is maintained.<sup>23</sup> The active involvement of the government in social livelihoods brings an *enorme uibouw van de sociale wetgeving* and *an enorme groei van het administratieve Recht*.<sup>24</sup>

There are differences in terms between the Government and the Governance because the two terms contain different meanings; the term government refers to an institution (organ) that performs tasks in the field of government, while the notion of governance refers to functional and operational aspects. In the sense of an institution, the term government can be either a government agency at the central or regional levels, such as ministries and non-departmental government institutions and other state ministries, or it can be a provincial, district or city government. Based on this, institutions that conduct narcotics control can be carried out by the Ministry and non-ministerial government agencies that have the scope of duties and responsibilities in the narcotics sector such as the Ministry of Health, Ministry of Finance in this case the Directorate General of Customs and Excise as well as the Drug and Food Supervisory Agency .

Furthermore, based on Immigration Law, Alien Control is regulated from Article 66 to Article 74. Immigration control is carried out by the Ministry of Law and Human Rights in the field of immigration and to supervise the activities of foreigners in the territory of Indonesia, the Minister forms a team consisting of relevant government agencies or agencies, both at the center and in the regions.

Based on the Presidential Regulation of the Republic of Indonesia No. 83 of 2007 concerning the National Narcotics Agency, the Provincial Narcotics Agency and the Regency / City Narcotics Agency, there are non-structural institutions that are also authorized to supervise the National Narcotics Agency (BNN) which is located below

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<sup>21</sup>Kartika, I. G. A. P., (2013). *Hubungan Kewenangan Antara Pemerintah Pusat dan Daerah dalam Bidang Perizinan Pertambangan Mineral dan Batubara*, Dissertation, UNAIR, Surabaya, p. 58.

<sup>22</sup>Jainah, Z.O. (2013). *Kejahatan Narkoba sebagai Fenomena dari Transnational Organized Crime*, *Pranata Hukum*, 8(2), p. 101-102.

<sup>23</sup>Rukmana, A.I. (2014). *Perdagangan Narkotika dalam Perspektif Hukum Pidana Internasional*, *Legal Opinion*, 2(1), p.4.

<sup>24</sup>Nugraha, S., et.al., (2007). *Hukum Administrasi Negara*, Jakarta: Center for Law and Good Governance Studies, Fakultas Hukum, Universitas Indonesia, p. 80.

and is directly responsible to President, Provincial Narcotics Agency and Regency / City Narcotics Agency.<sup>25</sup>

There are 2 (two) assign of BNN:<sup>26</sup> 1. coordinating with relevant government agencies to formulate policies and implement policies that are operational in terms of availability and prevention, eradication, abuse and circulation of Narcotics <sup>27</sup> (hereinafter abbreviated P4GN). 2. Implement P4GN by forming task forces with related agencies according to their duties, functions, and authorities. While the Provincial Narcotics Agency (BNP) is located under the province and reports directly to the Governor. The tasks of the BNP are coordination with regional apparatuses and government agencies in the Province related to BNN operational policies related to P4GN and forming task forces on regional apparatuses and provincial government agencies. Furthermore, the BNK / City will also coordinate to assist the Regent / Mayor with a task force by BNN operational policies consisting of elements of the regional apparatus and Regional / City Government agencies.

So the authority of the government to act to supervise is obtained through the Act and through this law the government action is legitimized. Legitimacy is the suitability of actions with applicable rules, both formal, ethical, and customary rules that apply in society.

### **3.2. Forms of Supervision of Foreigners Related to Narcotics Crimes**

Supervision is natural, which is needed in human life and the life of an organization. Control as a function and a right at the same time, so it is commonly called a control function, or control right, where control contains the urgency of supervision and control. <sup>28</sup> Supervision related to restrictions and control related to directives. Supervision also means an effort or activity to find out and make an evaluation of what is actually about the implementation of activities whether they are appropriate or not. Thus supervision is an activity carried out to monitor, control and observe whether it is by what has been determined and enforce compliance if there are irregularities.

Control is a surveillance activity that aims to detect whether an activity related to narcotics is legal or illegal. One way to find out the legality of an activity related to narcotics is to examine documents both in terms of licensing and other documents.

If foreigners who are in Indonesia carry out activities related to narcotics that have the potential and are reasonably suspected of committing criminal acts of narcotics, they can be prevented through supervision.<sup>29</sup> Oversight of foreigners in Indonesia is carried out by the Government through the Director-General of Immigration Law and Human

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<sup>25</sup>Hariyanto, B.P. (2018). Pencegahan dan Pemberantasan Peredaran Narkoba di Indonesia, *Jurnal Daulat Hukum*, 1(1), p. 205-207.

<sup>26</sup>Meliala, A. (2017). Badan Narkotika Nasional dan Jebakan Kelembagaan, *Jurnal Peradilan Indonesia*, 5, p. 3-5.

<sup>27</sup>Nadhira, (2010). Optimalisasi Fungsi Penyidikan oleh Badan Narkotika Nasional, *Indonesian Criminology Journal*, 6(3), p. 247-248.

<sup>28</sup>Ramdhani, A. & Ramdhani, M.A. (2017). Konsep Umum Pelaksanaan Kebijakan Publik, *Jurnal Publik*, 11(1), p. 8.

<sup>29</sup>Purba, K.W., Hamdan, Mulyadi, M. & Ihkhsan, E. (2016). Analisis Kebijakan Hukum Pidana terhadap Warga Negara Asing Pelaku Tindak Pidana Narkotika, *USU Law Journal*, 4(3), p. 114-115.

Rights. Immigration Supervision covers the enforcement of immigration law, both administrative and Immigration. Immigration is a special crime so the formal law and the material law are different from general criminal law, for example, the existence of a special minimum crime.

Immigration is a matter of the traffic of foreigners entering and leaving Indonesian territory as well as its supervision to maintain the upholding of the country's sovereignty. The function of immigration is part of the tasks in the field of services, community protection, law enforcement, and development facilitators.<sup>30</sup>

Broadly speaking there are 2 (two) matters of supervision of foreigners in Indonesia including<sup>31</sup> 1. Entry and exit of foreigners to and from Indonesian territory. 2. Related to the presence and activities of foreigners in Indonesia. In connection with this, there are several ways or forms of supervision conducted on foreigners including a. data collection and processing of foreigners who enter or outside the territory of Indonesia, b. register, c. Monitoring d. compilation of a list of unwanted foreigners entering or leaving Indonesia and e. related to its activities. For the sake of smooth and orderly supervision, the Government organizes the registration of foreigners residing in the territory of Indonesia. Monitoring is a surveillance activity that aims to find out any changes in the intensity of the activities of foreigners related to narcotics.

There are several activities related to narcotics that must be monitored by the government, namely: a. narcotics for health services and/or development of science and technology; b. Potential tools that can be misused to commit narcotics crimes; c. Evaluate product safety and quality before distribution; d. Production, import, export, distribution, labeling, information and research activities.<sup>32</sup>

Foreigners residing in Indonesia are obliged to:

1. Provide all necessary information, such as self and or family identity, changes in civil status and citizenship and change of address;
2. 2. In the context of supervision showing their travel documents or immigration documents when needed.
3. 3. If you are in Indonesia for more than 90 days, you must register and be subject to a fee.<sup>33</sup>

Foreigners who are in Indonesia carrying out dangerous activities or should be suspected of endangering or disobeying laws and regulations, the Government can carry out immigration actions in the form of restrictions, changes or cancellations of residence permits, prohibitions on being in Indonesian territory and expulsion or deportation or refusal to enter Indonesian territory.<sup>34</sup> If necessary, the foreign surveillance team can carry out joint operations, both specific and incidental. An

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<sup>30</sup> Parengkuan, R. (2015). Pemberlakuan Sanksi Pidana terhadap Pelaku Tindak Pidana Keimigrasian, *Lex Crimen*, 4(1), p. 72-73.

<sup>31</sup> Suhadi, (2017). Pengawasan Berbasis Komunitas: Sebuah Tawaran Menuju Efektivitas dan Sinergitas Pengawasan Lapangan terhadap Orang Asing, *Seminar Nasional Hukum Universitas Negeri Semarang*, 3(1), p. 188-190.

<sup>32</sup> Syahrin, M.A. (2018), Menakar Kedaulatan Negara dalam Perspektif Keimigrasian, *Jurnal Penelitian Hukum De Jure*, 18(1), p. 76-77.

<sup>33</sup> Supramono, G., (2012). *Hukum Orang Asing di Indonesia*, Jakarta: Sinar Grafika, p. 13-14.

<sup>34</sup> Pangestu, D.Y. (2015). Pengusiran terhadap Warga Negara Asing Pelaku Tindak Pidana Narkotika setelah Menjalani Masa Pidana, *Lex Crimen*, 4(5), p. 53-54.

effective surveillance system is expected to expose narcotics crimes committed by foreigners. To carry out careful monitoring of foreigners, it is necessary to know in their places of residence in Indonesia, what their number is, what their occupation and position is, and other information. The only way to obtain this information is to register them.

With the registration of foreigners, it can also be known whether they are in Indonesia legally or not, so that those who have entered our country through illegal means can take appropriate action. Many foreigners, even though legally residing in Indonesia, have lost their immigration papers in connection with upheavals in the past. At the time of registration, they can be given a new uniform in each type, which uniformity does not exist at this time due to the rules that changed each other since long ago.

To be able to carry out continuous supervision, in addition to holding a list of foreigners, the Minister of Justice was also assigned to maintain the list. Obligations of foreigners need to register themselves need to be held to achieve registration as complete as possible.

As Article 3 provides, there are also exceptions to registering with 3 classes of foreigners, namely:

- a. those who are in Indonesia for no more than 3 months, because their presence here is still a short visit (short-visit); if they get an extension so that there are more than 3 months here, then they must register.
- b. Parents or guardians of children under 2 years of age; for these children the obligation to register for the parents or guardian only arises as soon as the child reaches 2 years of age; before that the children are only recorded on the parent's or guardian's card.
- c. The people referred to in Article 7 of the Foreign Control Act, are generally foreign representative officials in Indonesia who enter here on a diplomatic or official visa and are members of an inter-State body that have the same status.

Supervision activities for foreigners must be carried out together in an integrated manner between the immigration Agency and also carried out by the National Narcotics Agency and also coordinating with the Police. Synergy, coordination and good cooperation from the team are needed for the effective supervision of foreigners. The supervisory authority is intended to control the lives of the people so that they comply with the applicable legal rules. So that the function is nothing but a prevention to not deviate from existing rules.

According to Terry, Coordination is the orderly synchronization of efforts to provide the proper amount, timing and directing of execution resulting in harmonious and unified actions to objectively staid.<sup>35</sup> Similarly, the opinion of Mooney, Coordination, therefore, is the orderly arrangement of group efforts to provide unity of action in the pursuit of a common purpose.<sup>36</sup> From these two opinions, it can be concluded that several things need to exist in coordination, namely in terms of regulation, synchronizing, the existence of common goals and common interests so that what is the nature and objectives of supervision are achieved. The current implementation of

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<sup>35</sup>Terry, G.R. (1964), *Principles of Management*, USA: Richard D. Irwin Inc., Homewood, Illinois, p. 102.

<sup>36</sup>Syafiie, I.K. (2005), *Pengantar Ilmu Pemerintahan*, Bandung: Refika Aditama, p. 44.



law in Indonesia for the case of foreign nationals who commit narcotics crime is carried out in accordance with legal procedures in force through the criminal justice system and if foreign nationals are proven in court trials to commit acts that meet the elements of narcotic crime, then criminal sanctions are in accordance with statutory regulations will be imposed on foreign nationals including the implementation of conviction and against foreign nationals who commit Narcotics and/or Narcotics Precursor crimes and have undergone criminal offenses carried out expulsions outside the territory of the Republic of Indonesia. Foreign nationals who have been expelled as prohibited from re-entering the territory of the Republic of Indonesia. Foreign citizens who have committed Narcotics crimes and/or Narcotics Precursor crimes abroad, are prohibited from entering the territory of the Republic of Indonesia.

As an example of a court case against foreigners involved in narcotics, the Cibinong District Court sentenced him to prison accompanied by deportation after Koutouan Jean Pierre finished serving 4 years in prison based on Decision Number: 239 / PID.SUS / 2013 / PN.CBN. The citizen of Ivory Coast, Africa, was jailed and expelled for being involved in an international narcotics network. This decision was struck this afternoon by the panel of judges Dr. Ronald Lumbuun as chairman of the panel with ST Iko Sujatmiko and M. Eri Justiansyah as member judges. The three of them unanimously sentenced him to 4 years in prison and a fine of Rp. 800 million. If you don't want to pay, then the man who is also called Ali Mustapha must pay a sentence of 3 months in prison. As for something new in the ruling, the panel of judges sentenced Ali Mustapha to leave Indonesia's jurisdiction immediately after serving his prison sentence. After that, Ali Mustapha was not allowed to set foot again in the entire territory of the Republic of Indonesia. This expulsion is in accordance with Article 146 of the Narcotics Law.<sup>37</sup>

#### **4. Conclusions**

The authority to control foreigners related to narcotics crime as regulated under Article 61 paragraph (1) of the Narcotics Act is the government. The government supervises all activities related to Narcotics, and based on the Immigration Act carried out by the Minister by forming a team whose members consist of relevant government agencies or agencies both at the Center and in the Regions. Also, there are non-structural institutions that have the authority to conduct supervision by Presidential Regulation of the Republic of Indonesia Number 83 of 2007, namely the National Narcotics Agency, the Provincial Narcotics Agency, and the Regional/City Narcotics Agency.

Forms of supervision of foreigners related to narcotics crime are processing and collecting data of foreigners entering and leaving Indonesian territory, registering, monitoring, compiling a list of foreigners who are unwanted to enter or leave Indonesia and activities carried out while in Indonesia. In this connection, the supervision of foreigners is carried out when they enter, while they are in Indonesia, and includes monitoring their activities.

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<sup>37</sup>Detik.com. (2014). Pertama di Indonesia, Hakim Usir WNA dari NKRI yang Tersangkut Narkoba, <https://news.detik.com/berita/2481935/pertama-di-indonesia-hakim-usir-wna-dari-nkri-yang-tersangkut-narkoba>.

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