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The Role of the Public Prosecutor in Prosecuting Suspects of Drug Abuse Criminal Acts in Bone Regency

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Abstract. *Drug abuse is categorized as an Extra Ordinary Crime due to its serious threat to national security. This study aims to examine the role of Public Prosecutors in prosecuting drug crime suspects in Bone Regency. Using an empirical research approach, the study was conducted through field research at the Watampone District Attorney's Office, focusing on the prosecutors' responsibilities in handling narcotics cases. The findings reveal several key roles of public prosecutors: receiving and reviewing case files after police investigations to determine completeness (P-21); accepting the suspect and evidence during Stage II; and prosecuting the suspect in court. In the courtroom, the prosecutor prepares indictments based on evidence and facts from investigations and must convincingly prove the suspect's guilt under relevant provisions of the Narcotics Law. The study also identifies key obstacles faced by public prosecutors, including weak coordination between law enforcement institutions such as the Police, BNN, and Customs, which often hinders information sharing and evidence alignment. Additionally, the limited understanding of evolving technologies and methods used by drug syndicates presents further challenges in effectively prosecuting such cases. The study concludes that strengthening inter-agency cooperation and enhancing the technical knowledge of prosecutors are essential steps to improve the prosecution process in drug-related crimes.*

Keywords: *Narcotics, Criminal Acts, Public Prosecutor*

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INTRODUCTION

Nowadays, drug use has grown to an alarming degree, and practically everyone in the globe can readily obtain drugs, from dealers or distributors who sell them in nightclubs, brothels, workplaces, campuses, and educational settings (Rusdiyanto et al., 2024; Sulastiana & SIP, 2021). The influence of globalization, the advancement of science and technology, highly developed transportation flows, and changes in materialistic values that contribute to the ongoing rise in illegal drug trafficking make it difficult for the government to continue its efforts to eradicate drugs.

Rigoni et al. (2019) and Putra & Darwis (2022) said that, the widespread illicit use of numerous narcotics has put Indonesian society and even the global community in a very worrying predicament. This worry is heightened by the widespread illegal drug trafficking that has affected all facets of society, including the younger generation, which will have a significant impact on the future of the country and state. Many drug abusers originate among teenagers and spread to the child population, with the primary motivation of those who commit drug-related crimes being

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nothing other than the pursuit of enormous financial gain (Srivastava et al., 2024; Jassim & Abbas, 2024).

In addition to other duties mandated by law, the prosecutor's office, one of the government agencies that coordinates public services in terms of law enforcement in an endeavor to eradicate drugs, is tasked with conducting criminal prosecution and investigation of specific criminal actions. The public naturally expects the Prosecutor's Office to achieve justice because it is evident that the office's primary responsibility is the power of prosecution (Tonry, 2012). The position and role of the Attorney General's Office in carrying out law enforcement have been impacted by Law Number 16 of 2004 governing the Attorney General's Office of the Republic of Indonesia (Fahmi et al., 2021; Hermanto & Riyadi, 2020; Sufriadi, 2024; Lukito, 2019).

The Attorney General's Office of the Republic of Indonesia is a government agency that exercises state power in the area of prosecution, according to the terms of Article 2 paragraph (1) of Law Number 16 of 2004. Since then, the Attorney General's Office has been seen as an executive entity that performs the functions and powers of prosecution. In order to establish a drug-free Indonesia, the Attorney General's Office must be the cornerstone of any successful efforts to combat drugs.

METHODS

The research approach uses empirical research, namely research conducted through field research and is descriptive in nature, namely research that is intended to find out and describe cases of theft crimes in Bone Regency. Research type, using normative juridical research, namely research that uses library methods to produce secondary data as primary data and basic data, while primary data in conservative form and interviews as complementary data. The population used as samples in this study was taken based on the Purposive sampling method (deliberate selection). The number of respondents determined in this study was five samples (people), with details of 3 prosecutors who handled narcotics crime cases.

RESULTS AND DISCUSSION

The Role of the Public Prosecutor in Prosecuting Suspects of Narcotics Crimes

Initial Investigation and Examination

After the investigation is complete, the Public Prosecutor determines whether to charge the suspect with a Narcotics Crime in court; (1) Prosecution, by compiling an indictment based on existing evidence and applicable laws. The purpose of the prosecution is to prove the suspect's guilt and achieve justice; (2) Trial, as the Public Prosecutor representing the public in the trial presents evidence and arguments to the judge and jury to prove the guilt of the suspect of the Narcotics Crime. During the trial, the Public Prosecutor can also call witnesses and ask questions to strengthen their case; (3) Submission of the Charge, After the trial is over, the Public Prosecutor submits their charges to the judge. They submit a sentence in accordance with applicable law and the facts revealed in the trial. This charge aims to provide justice to the victim and the community; (4) Supervision of the Execution of the Verdict, If the suspect is found guilty, the Public Prosecutor can supervise the implementation of the verdict handed down by the court. They ensure that the sentence determined by the judge is carried out in accordance with the provisions of the law applicable to the suspect of the Narcotics Crime; (5) State Legal Defense, In addition to the task of prosecution, the Public Prosecutor is also responsible for protecting the legal interests of the state and the public in general by reviewing court decisions that are considered inadequate, filing appeals if necessary, and taking other legal actions related to the interests of the state.

The task of the public prosecutor in the trial is to prove his charges by accompanying evidence that supports the prosecution of the case (Harahap, 2020; Vári, 2023). The public prosecutor must be active, corrective and professional in the evidentiary process. So that the material truth and elements of the criminal acts in the articles imposed on the defendant can be proven. The role of the Public Prosecutor (JPU) in prosecuting suspects of narcotics crimes is regulated in Law No. 35 of 2009 concerning Narcotics and the Criminal Procedure Code (KUHAP) and ensuring that the legal process runs fairly and in accordance with applicable legal provisions. According to Rasyid (20220 as a Prosecutor, who once prosecuted a Narcotics Crime Suspect in Bone Regency (October 7, 2024), he said that some of the roles of the JPU in the prosecution include: (1) Receiving Case Files After the police investigation process is complete, the narcotics crime case files will be submitted to the Public Prosecutor. The Public Prosecutor must study the files to ensure whether the case is complete (P-21) or still requires additional evidence or information; (2) Receiving Suspects and Evidence (Stage II) After the files are declared complete, the investigator will send the Suspect and Evidence to the prosecutor's office (Stage II); (3) Prosecuting Suspects in Court the Public Prosecutor is responsible for preparing the indictment and submitting the case to the court.

In narcotics crimes, the public prosecutor will prepare an indictment based on sufficient evidence and facts obtained from the investigation (Green & Yaroshefsky, 2008). The public prosecutor must be able to prove that the suspect is guilty in accordance with the articles violated in the Narcotics Law; The prosecutor also said that in handling cases of narcotics abuse, the role of the Criminalistic Laboratory Examiner is very important for the prosecutor, namely for evidence in court and if this is not there, the prosecutor is not sure that the case can be won in court. After the trial examination is complete and the prosecutor feels that he has obtained sufficient evidence and witnesses, the most decisive task/role of the prosecutor in the prosecution process is to prepare a letter of indictment. The letter of indictment is a description of the results of the trial examination which contains the identity of the defendant, the indictment, statements from witnesses and letters including the Criminalistic Laboratory Examiner, statements from witnesses and the defendant, evidence, elements of the crime, and considerations of the prosecutor which include aggravating and mitigating factors and criminal charges. The indictment is submitted to the court hearing and then the final task/role of the public prosecutor is to carry out the judge's decision after the case has been decided by the judge and has been declared to have permanent legal force.

Obstacles Faced by Public Prosecutors in Prosecuting Suspects of Drug Abuse

The duties of the prosecutor as a public prosecutor include making criminal charges against a crime and then formulating it in a criminal indictment. Making criminal charges is a very important part of the prosecution process, namely to determine the type of crime and the severity of the crime that will be imposed on the defendant so as to be able to provide a sense of justice that is as fair as possible for the defendant, victim and the wider community (Kobu et al., 2025; Dilla et al., 2025). Regarding the obstacles that arise in the prosecution process, prosecutor Winarni Indah Prasetyo. SH said that the obstacles that arise include: First, the fulfillment of formal and material requirements in the Examination Report (BAP) made by the investigator. If there are deficiencies in the BAP regarding formal and material requirements, the public prosecutor will return the BAP to the investigator to be completed with detailed instructions. so it is possible that the BAP must go back and forth from the investigator to the public prosecutor, until the BAP truly meets the requirements to be submitted to the court. so in the first stage of pre-prosecution, the public prosecutor must be observant and thorough because it will affect the preparation of the indictment and the success of the evidence in court.

Second, new things emerge in court. For example, the claim regarding a case filed by the public prosecutor is included in the criminal case but in the process of proof in court, the case is also included in the civil case. Meanwhile, the witness at the time of the arrest only had knowledge of the time he made the arrest and found evidence in the form of narcotics, where this has an impact on the application or proof of the Article charged (Baskin & Sommers, 2010). Obstacles also faced if the suspect is a foreign citizen, then the trial will also be difficult because of the limited translators who become obstacles during the trial. That to dismantle the chain of cooperation in the sale and purchase of narcotics becomes difficult and is only based on the suspect's confession which is regulated in Article 114 of Law of the Republic of Indonesia Number

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35 of 2009 concerning Narcotics. According to Andi Sahriawan A.M. SH.MH as a Prosecutor who has ever prosecuted a Suspect of Narcotics Crime (October 8, 2024) said that:

> *"Lack of Strong Evidence In drug cases, proof often relies on evidence in the form of the drugs themselves, tools of use, or the suspect's confession. However, sometimes evidence is difficult to find or has been destroyed before the investigation. In addition, evidence from the suspect's confession is not always strong enough if not supported by other physical evidence, which can make it difficult for the prosecutor to compile a solid indictment."*

According to Indraswaty, SH. MH as a prosecutor who has prosecuted suspects of narcotics crimes (October 9, 2024) said that:

> *"Limitations of Credible Witnesses Witnesses in narcotics cases are often not easy to find, especially because narcotics cases often occur in secret or involve organized networks that avoid outside involvement. In addition, witnesses may be afraid to testify because of threats or intimidation from drug dealer networks or syndicates. - Changes in Suspect Statements Drug suspects often change their statements in court, either because of pressure, threats from outside parties, or defense strategies. These changes in statements can make it difficult for the public prosecutor to piece together the sequence of events and clearly prove the suspect's involvement in front of the judge. In addition, obstacles in several cases, handling narcotics cases There is intervention from certain interested parties, including attempts at bribery or political pressure, which can interfere with the independence of the public prosecutor in carrying out their duties. This is more likely to occur in cases involving large syndicates or dealers who have financial power. Handling narcotics cases involves many parties, including the Police, the National Narcotics Agency (BNN), and customs (for narcotics smuggling cases). Sometimes, the lack of coordination between these institutions can be an obstacle, especially in terms of information exchange and evidence synchronization. Narcotics syndicates also often utilize new technology and sophisticated methods to hide or trade narcotics, for example through the internet or digital transactions. If the Public Prosecutor does not understand these methods well, it will be difficult to collect and present digital evidence in court. In terms of the Problem of Rehabilitation of Suspected Users In some cases of drug abuse, the suspect is not a dealer, but a user who should receive rehabilitation.*

Weak Regulations and Applicable Laws Although Indonesia has Law Number 35 of 2009 concerning Narcotics, some aspects of the law may still have loopholes that can be exploited by defense attorneys. For example, the lack of specific provisions regarding new types of narcotics or psychoactive substances can make it difficult for prosecutors to prosecute effectively if the narcotics involved are new types. Suboptimal Legal Empowerment at the Regional Level In regions, there may be limited resources, including the number of prosecutors involved in handling narcotics cases. In addition, inadequate infrastructure, both in terms of technology and prosecutor training, can hinder effective prosecution. Drug users often also get a strong social stigma, which can affect the public's view of the case and the demands submitted by the prosecutor. An approach that focuses too much on prison sentences, without considering aspects of rehabilitation or social reintegration for drug users, can make it difficult to handle more comprehensively. Therefore, suspects may lie and not provide true information to save other friends or drug dealers who produce the illicit goods.

After the prosecutor's office receives a Letter of Notification of Commencement of Investigation (SPDP), the Head of the District Attorney's Office issues P-16, which is the Letter of Appointment of a Public Prosecutor, to oversee the progress of a criminal case investigated by police investigators. The prosecutor appointed by the Head of the District Attorney's Office is empowered to oversee the investigation process until the Investigation Report (BAP) is turned in to the Watampone District Attorney's Office. The prosecutor genuinely becomes a public prosecutor upon submission of the BAP, when the Head of the District Attorney's Office issues P-16A, the Letter of Appointment of a Public Prosecutor for the settlement of the criminal case. The public prosecutor is then empowered to carry out pre-prosecution and prosecution. The Public Prosecutor then reviews the Investigator's Investigation Report (BAP) in order to carry out pre-prosecution.

The public prosecutor must now exercise caution and thoroughness. According to Article 139 of the Criminal Procedure Code, the BAP must fulfill the conditions in order to be transferred to the court. Prihatini et al. (2025) and Siregar (2024) said that, the public prosecutor provides a P-18, which is a letter declaring that the investigation's findings are insufficient and requesting that the case files be returned with comprehensive instructions, if the BAP review reveals any shortcomings. The public prosecutor issues a P21, or Letter of Notification of Complete Investigation Results, if the BAP is finished (Hakim, 2024; Abdillah, 2025). For the public prosecutor who wants the prosecution to succeed, it should be mentioned that this pre-prosecution phase is crucial. The success of the evidence in court and the public prosecutor's ability to file an indictment will be significantly impacted by the prosecutor's pre-prosecution performance. Making an indictment is the first action the public prosecutor takes after the BAP is deemed complete and the suspect and evidence have been turned over (P-29).

When drafting the criminal offense and the provisions of the articles that can be imposed on the defendant, the public prosecutor must be alert and cautious because errors in the indictment, both in the criminal offense and the article provisions, can render the case void and lead to the defendant's acquittal. A P-31, or Letter of Transfer of Case for Ordinary Examination Procedures, is sent to the District Court for a trial following the public prosecutor's indictment. Making a Sentencing Request, the Public Prosecutor will file a demand against the defendant following the court examination procedure. The degree of the defendant's culpability, the gravity of the offense, and its effects on society all play a role in this demand (Brink, 2019). Depending on how serious the offense was, the punishment for drug offenses may include jail time, a fine, or rehabilitation; (1) Presenting Witnesses and Evidence at Trial: The Public Prosecutor is in charge of bringing in witnesses and evidence that are pertinent to the case at trial.

Police officers, forensic specialists, or even members of the public who are aware of the incident might serve as witnesses in drug trials; (2) Working together with the BNN, the National Narcotics Agency, The Public Prosecutor frequently collaborates with the BNN or other relevant organizations to investigate and oversee drug usage, particularly in situations involving big networks or drug sellers; (3) Making Legal Actions, The public prosecutor has the right to seek an appeal or cassation if the court finds the defendant not guilty and there is a belief that the decision is not consistent with the facts and evidence at hand. The public prosecutor must base a criminal charge on the facts of the trial, including information from the defendant's statement, witnesses, and other evidence that are connected to one another to provide compelling evidence that the crime was committed and that the defendant did in fact commit it. It should be mentioned that the goal of enforcing a sentence is not just to exact revenge but also to teach the offender how to be a decent person who benefits the country, the state, and society at large. As a public prosecutor, it is not impossible for the prosecutor to run against roadblocks or difficulties when pursuing a criminal case.

CONCLUSION

The Role of the Public Prosecutor in Prosecuting Suspects of Narcotics Crimes in Bone Regency, including Receiving Case Files After the police investigation process is complete, the narcotics crime case files will be submitted to the Public Prosecutor. The Public Prosecutor must study the files to ensure whether the case is complete (P-21) or still requires additional evidence or information. Receiving Suspects and Evidence (Stage II) After the files are declared complete, the investigator will send the Suspect and Evidence to the prosecutor's office (Stage II). Prosecuting Suspects in Court the Public Prosecutor is responsible for preparing the indictment and referring the case to the court. In narcotics crimes, the Public Prosecutor will prepare an indictment based on sufficient evidence and based on facts obtained from the investigation. The Public Prosecutor must be able to prove that the suspect is guilty in accordance with the articles violated in the Narcotics Law. Obstacles faced by Public Prosecutors in prosecuting Drug Abuse Suspects, including Lack of Cooperation Between Law Enforcement Agencies Handling narcotics cases involves many parties, including the Police, the National Narcotics Agency (BNN), and customs (for drug smuggling cases). Sometimes, the lack of coordination between these institutions can be an obstacle, especially in terms of information exchange and evidence synchronization. Limited Understanding of New Technology and Methods Drug syndicates often use new technology and sophisticated methods to hide or trade narcotics, for example through the internet or digital transactions. If the Public Prosecutor does not understand these methods well, it will be difficult to collect and present digital evidence in court.

SUGGESTION

Public Prosecutors need to be involved in investigations into narcotics crimes. With the direct involvement of Public Prosecutors, it will minimize the back and forth of case files in narcotics crimes. In order to provide a comprehensive solution, the Criminal Procedure Code needs to be improved. Specifically, public prosecutors are given a limit on how many times they can return files and the time and objects of additional examination must be extended so that the handling of criminal cases can be carried out optimally and comprehensively. It is recommended to coordinate between institutions in terms of exchanging information and synchronizing evidence so that the Limited Understanding of New Technology and Methods of Narcotics Syndicates can be presented.

REFERENCES

Abdillah, I. (2025). Request for Derivation of Investigation Report of Suspect by Legal Counsel during Investigation Stage. *Strata Law Review*, *3*(1), 15-22. https://doi.org/10.59631/slr.v3i1.276

Baskin, D., & Sommers, I. (2010). The influence of forensic evidence on the case outcomes of homicide incidents. *Journal of Criminal Justice*, *38*(6), 1141-1149. https://doi.org/10.1016/j.jcrimjus.2010.09.002

Brink, D. O. (2019). The nature and significance of culpability. *Criminal Law and Philosophy*, *13*(2), 347-373. https://doi.org/10.1007/s11572-018-9476-7

Dilla, V. R., Safitri, N. B., & Yulianto, I. (2025). Ratio Decidendi Putusan Hakim Nomor 454/Pid. B/2024/Pn. Sby Dan Putusan Nomor 1466 K/Pid/2024 Dalam Tindak Pidana Penganiyaan Yang Mengakibatkan Hilangnya Nyawa Seseorang. *Fenomena*, *19*(01), 38-50. https://doi.org/10.36841/fenomena.v19i01.6443

Fahmi, F., Zaidun, M., & Suheryadi, B. (2021). The Special Power of the State Attorney General in Preventing Governmental Product/Service Procurement-Related Crime in Indonesia. *Yuridika*, *36*(3), 591-622. https://doi.org/10.20473/ydk.v36i3.27796

Green, B. A., & Yaroshefsky, E. (2008). Prosecutorial discretion and post-conviction evidence of innocence. *Ohio St. J. Crim. L.*, *6*, 467.

Hakim, J. (2024). Challenging The Investigator's Investigation Termination Authority Without Public Prosecutor's Approval. *Arena Hukum*, *17*(1), 171-189. https://doi.org/10.21776/ub.arenahukum.2024.01701.10

Harahap, A. (2020). Use Of Instructional Evidence Tools By The Public Prosecutor In The Criminal Prosecution Process. *International Journal Reglement & Society (Ijrs)*, *1*(1), 1-6. https://doi.org/10.55357/ijrs.v1i1.3

Hermanto, A. B., & Riyadi, B. S. (2020). Constitutional Law on The Discretionary of Prosecutor's Power Against Abuse of Power Implications of Corruption Culture in The Prosecutor's Office Republic of Indonesia. *International Journal of Criminology and Sociology*, *9*, 763-772.

Jassim, M., & Abbas, E. E. D. M. (2024, October). Causes of Drug Use and Methods of Legal Treatment. In *ZAC Conference Series: Social Sciences and Humanities* (Vol. 1, No. 1, pp. 385-397). https://doi.org/10.70516/zaccsssh.v1i1.40

Kobu, D. K., Stomer, A. S., & Buturu, S. (2025). Analisis Keadilan Bagi Terdakwa Tindak Pidana Penganiayaan Dalam Putusan Pengadilan Negeri Labuha Nomor: 38/PID. B/2024/PN LBH. *Jurnal Ilmiah Wahana Pendidikan*, *11*(1. A), 33-40.

Lukito, A. S. (2019). Strengthening the role of lawyers and other professional advisers in addressing economic and financial crimes in Indonesia. *Journal of Financial Crime*, *26*(4), 1107-1116. https://doi.org/10.1108/JFC-11-2016-0072

Prihatini, C. T., Soekorini, N., & Taufik, M. (2025). Investigation process case fraud sell buy land and buildings (case study in the Directorate Investigation East Java Regional Police General Crimes). *Requisitoire Law Enforcement*, *16*(2), 93-106.

Putra, B. A., & Darwis, D. (2022). The Paradoxical Security Implications of Duterte's War on Drugs: Emergence of A Domestic Security Dilemma. *Journal of Humanities and Social Sciences Studies*, *4*(3), 1-7. https://doi.org/10.32996/jhsss.2022.4.3.1

Rasyid, M. (2022). Duties and Functions of the Bone Resort Police in Overcoming Narcotics Abuse as a Rescue Effort Bone's Young Generation. *Jurnal Serambi Ilmu*, *23*(1), 24-35. https://doi.org/10.32672/jsi.v23i1.949

Rigoni, R., Woods, S., & Breeksema, J. J. (2019). From opiates to methamphetamine: building new harm reduction responses in Jakarta, Indonesia. *Harm Reduction Journal*, *16*(1), 67. https://doi.org/10.1186/s12954-019-0341-3

Rusdiyanto, D., Siwi, D. R., Siratama, A. V., Renaldy, D., & Hasan, Z. (2024). Penyalahgunaan narkoba pada remaja. *Innovative: Journal Of Social Science Research*, *4*(1), 4245-4258. https://doi.org/10.31004/innovative.v4i1.7852

Siregar, M. I. (2024). Effectiveness of the Implementation of Investigations into Criminal Acts of Abuse by the Police of the Republic of Indonesia. *Ratio Legis Journal*, *3*(1), 1059-1082. http://dx.doi.org/10.30659/rlj.3.1.811-820

Srivastava, S., Agrawal, S., Nandy, A., Singh, A., & Kostova, I. (2024). Consumption of Drugs and Substances of Abuse among Adolescents: Risk and Reasons. In *Lifestyle Diseases in Adolescents: Addressing Physical, Emotional, and Behavioral Issues* (pp. 121-140). Bentham Science Publishers. https://doi.org/10.2174/97898152744001240101

Sufriadi, Y. (2024). The progress of Indonesian law enforcement reform after 25 years of the reform movement. *Asian Affairs: An American Review*, *51*(1), 28-54. https://doi.org/10.1080/00927678.2023.2268491

Sulastiana, K. P. D., & SIP, S. (2021). *Mengungkap Ekologi Kejahatan Narkotika*. Jakarta Timur: PT. Rayyana Komunikasindo.

Tonry, M. (2012). Prosecutors and politics in comparative perspective. *Crime and Justice*, *41*(1), 1-33.

Vári, V. (2023). The role of the public prosecutor in the investigation. *Magyar Rendészet*, *23*(1), 49-68. https://doi.org/10.32577/mr.2023.1.3

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