

PROTECTION OF HUMAN RIGHTS IN LAW ENFORCEMENT OF CRIMINAL ACTS WITHOUT THE RIGHT TO SELL CLASS I NARCOTICS (STUDY OF DECISION NUMBER 2036/PID.SUS/2025/PN MDN)

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Abstract:

Based on the results of the study, it shows that the application of the principle of protection of Human Rights in the process of law enforcement against suspects of criminal acts without the right to sell narcotics class I based on Decision Number 2036 / Pid.Sus / 2025 / PN Mdn has been carried out well, demonstrating the commitment of the justice system in upholding human rights. However, although there have been sufficient efforts, there are still shortcomings that need to be considered. The law enforcement process based on aspects of protection of Human Rights during the investigation, prosecution, and trial stages in Decision Number 2036 / Pid.Sus / 2025 / PN Mdn has been running well and transparently despite shortcomings. However, there are still several shortcomings that need to be considered and corrected to ensure more optimal protection of human rights in the future.

Keywords: Protection, Human Rights, Law Enforcement, Criminal Acts, Class I Narcotics

1.Introduction

The development of criminal justice in Indonesia must always pay attention to the aspect of human rights protection as an integral part of the principles of justice and humanity. One of the main challenges in law enforcement of narcotics crimes is to ensure that the law enforcement does not violate the human rights of suspects or defendants, especially in the context of law enforcement against the circulation of class I narcotics which are included in the most dangerous category. In practice, law enforcement against narcotics crimes often faces a dynamic between efforts to eradicate crime and the protection of human rights. Harsh enforcement actions and procedures that do not meet human rights rules can potentially violate the basic rights of suspects or defendants, such as the right to justice, the right to a fair trial, and the right to humane treatment during the law enforcement process. The study of the decision No. 2036/Pid.Sus/2025/PN Mdn shows the importance of analyzing how aspects of human rights protection are maintained in the law enforcement process against criminal acts without the right to sell class I narcotics. The results of the study are expected to provide an overview of the application of the principle of human rights protection in the narcotics criminal justice system in Indonesia, as well as provide recommendations so that law enforcement remains firm but still respects human rights, for the sake of creating a fair and humane justice system.

2. Methodology

The type of research used in this study is normative legal research, which is research conducted by examining the applicable laws and regulations or applied to a certain legal problem. Normative legal research is often referred to as doctrinal research, which is research whose object of study is legal documents and literature materials. And the nature of this research is library research, which is research that is carried out by reviewing books and literature that are relevant to this research.

The research approach used in this study consists of 2 approaches, namely the statute approach and the case approach. The legislative approach is carried out by examining various

regulations related to the Protection of Human Rights in Law Enforcement of Crimes Without the Right to Sell Class I Narcotics, namely the Criminal Code, Law Number 39 of 1999 concerning Human Rights, Law Number 35 of 2009 concerning Narcotics. Meanwhile, the case approach is carried out through an in-depth analysis of the Medan District Court Decision Number 2036/Pid.Sus/2025/PN Mdn as the main object of the study.

The data sources used in this study are secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include relevant laws and regulations and court decisions. Secondary legal materials are books, scientific journals, and research results related to narcotics crimes. The tertiary legal materials are in the form of legal dictionaries and legal encyclopedias. The data collection technique is carried out through library research.

Data analysis is carried out qualitatively by interpreting legal norms and legal facts contained in court decisions. The results of the analysis are presented systematically to provide a complete picture of the Protection of Human Rights in Law Enforcement of Crimes Without the Right to Sell Class I Narcotics.

3. Results of Research and Discussion

The law enforcement process against suspects of criminal acts without the right to sell class I narcotics plays an important role in efforts to eradicate narcotics trafficking that damages the younger generation and society in general. Class I narcotics, which are included in the list of prohibited substances, have addictive and dangerous properties, so law enforcement must be carried out firmly and effectively. However, in the implementation of the process, there are various challenges and dynamics related to legal procedures, human rights protection, and the effectiveness of law enforcement itself. Such cases often raise questions about the balance between law enforcement and the protection of suspects' human rights, including the right to justice, humane treatment, and procedures in accordance with the provisions of the law. Therefore, it is important to thoroughly examine the law enforcement process against suspects of class I narcotics crimes so that law enforcement can run fairly, effectively, and not violate human rights.

Human Rights (HAM) is a universally inherent right and must be respected and protected in every law enforcement process, including in handling criminal acts without the right to sell narcotics. Class I narcotics, as a very dangerous substance and prohibited from use, must be dealt with strictly by law enforcement officials. However, in practice, law enforcement against narcotics suspects often raises concerns related to human rights violations, such as inhumane treatment, excessive detention, or lack of protection of suspects' rights during the investigation and prosecution process. The application of appropriate human rights protection principles in the law enforcement process is very important to ensure justice and maintain human dignity, without reducing the effectiveness of prosecution against narcotics crimes. Therefore, this study aims to examine how the application of the principle of human rights protection can be optimally integrated in the law enforcement process against suspects of class I narcotics crimes.

The discussion on the application of the principle of human rights protection in the law enforcement process against suspects of criminal acts without the right to sell narcotics is crucial for several reasons, namely that every individual involved in the legal process has the right to receive humane treatment in accordance with human rights. This discussion is important to ensure that the law enforcement process does not violate the basic rights of suspects, such as the right to non-discriminatory treatment, the right to justice, and the right to protection from torture or cruel treatment.

By paying attention to the principle of human rights protection, the law enforcement process can run more fairly and transparently. This is important to prevent abuse of power and ensure that legal processes are carried out according to the rules, thereby strengthening public

trust in the criminal justice system. This discussion helps identify and minimize potential human rights violations during the process of handling suspects, such as detention without a solid basis or abusive treatment. Thus, the risk of legal conflicts and lawsuits in international and national judicial bodies can be minimized.

The application of human rights principles is an integral part of the principle of the rule of law, where every law enforcement process must be carried out fairly, proportionately, and in accordance with the applicable legal provisions. This is an important foothold in realizing the rule of law and social justice. This discussion is important as part of efforts to reform the criminal justice system that is more humane and fair, as well as to ensure that efforts to eradicate narcotics are carried out without neglecting human rights, so as to create a more just and integrity law enforcement system.

Based on the above principles of human rights protection, the researcher will relate it to the law enforcement process against suspects of criminal acts without the right to sell class I narcotics based on Decision Number 2036/Pid.Sus/2025/PN Mdn, whether the principles mentioned above are still being implemented properly or otherwise.

Based on the results of an interview with Mr. Deny Syahputra, S.H., M.H. as a judge at the Medan District Court, it is explained that the application of the principle of human rights protection in the process of arresting defendants through the covert purchase method, that is, in general, I view that the application of the principle of human rights protection is very important in every law enforcement process, including the use of the covert purchase method. This method is indeed effective in uncovering criminal acts, especially narcotics, but it must be done by paying attention to the rights of the defendant so as not to violate the principles of justice and human rights. In the judgment I handled, I considered that the arrest process must meet strict procedures, including permission from the court, notification of the defendant's rights, and guarantee of the right to legal aid. In addition, evidence obtained through this method must be juridically accountable and not violate the defendant's right to be heard and receive fair treatment. I believe that the success of law enforcement should not come at the expense of human rights. Therefore, in each case, I always try to ensure that the process of arrest and detention is carried out in accordance with the provisions of the law and the principles of human rights protection, so as not to raise objections in the future and to maintain substantive justice.

According to the researcher's analysis, the judge's answer showed a deep understanding of the importance of applying the principle of human rights protection in the law enforcement process, including in the context of using the covert purchase method. The judge emphasized that the protection of human rights must remain a top priority, even though this method has proven effective in exposing narcotics crimes.

This statement reflects the awareness that the effectiveness of law enforcement should not come at the expense of the human rights of suspects or defendants. The judge realized that the covert purchase method is an important and effective tool, but it must be carried out in accordance with the provisions of the law and human rights principles so that the law enforcement process runs fairly and fairly.

A deeper analysis shows that this answer balances the operational success aspect in narcotics eradication with the principles of justice and human rights. This shows that judges uphold the standards of professionalism and integrity in carrying out their duties, and support the implementation of legitimate and humane procedures in law enforcement. However, this answer also opens up space for further discussion of the challenges of implementing these methods effectively without violating human rights, as well as the need for strict oversight and regulation to maintain that balance.

Based on the results of the research and discussion above, it can be concluded that the application of the principle of human rights protection in the law enforcement process against suspects of criminal acts without the right to sell class I narcotics based on Decision Number

2036/Pid.Sus/2025/PN Mdn has been carried out well, showing the commitment of the judicial system in upholding human rights. However, even though there have been adequate efforts, there are still shortcomings that need to be considered. These shortcomings may be related to implementation, supervision, or administrative aspects that need to be strengthened so that human rights protection can be carried out optimally and comprehensively in the entire law enforcement process. Therefore, improvements and improvements to the system must be continuously carried out to ensure that the principles of human rights protection are fully realized in practice.

The discussion of the law enforcement process based on aspects of human rights protection during the investigation, prosecution, and trial stages in Decision Number 2036/Pid.Sus/2025/PN Mdn aims to ensure the human rights of suspects and defendants, realize a fair and credible judicial system, prevent abuse of power and torture, improve the quality of court decisions, and uphold the principle of the rule of law.

This analysis ensures that the basic rights of suspects and defendants are protected during the legal process is essential to maintaining justice and human dignity. These rights include the right to humane treatment, the right to legal aid, the right to be heard, and the right to a fair trial. Without these protections, the law enforcement process has the potential to violate human rights and create injustice.

A law enforcement process that pays attention to human rights aspects will increase public trust in the judicial system. When the process runs in a transparent, fair manner, and respects human rights, the legal system will be considered credible and able to uphold justice objectively. The importance of human rights protection at every stage of the legal process is to prevent abuse of power by law enforcement officials, such as torture, cruel treatment, and discrimination. It also supports the creation of a legal process environment that is free from inhumane practices.

If the law enforcement process follows human rights principles, then the resulting decision will be fairer and more legitimate, because it is based on a legitimate process and respects the rights of all parties. This will strengthen the rule of law and substantive justice. The importance of this aspect is in order to uphold the principle of the rule of law which ensures that all legal processes are carried out humanely and in accordance with international norms and national provisions related to human rights. The importance of this part lies in ensuring that the law enforcement process not only focuses on results, but also respects and protects human rights. This is the main foundation for realizing a just, integrity, and dignified judicial system.

Based on the results of the interview with Mr. Deny Syahputra, S.H., M.H. as a judge at the Medan District Court, it is explained that in general, I view that the protection of human rights is a fundamental aspect that must always be maintained in every law enforcement process. In this case, we in court are trying to ensure that the rights of suspects and defendants are protected in accordance with the provisions of the law and human rights principles. This includes the right to humane treatment, the right to be accompanied by legal counsel, and the right to justice and equality before the law. We are committed to conducting a fair and transparent and human-based judicial process, as part of efforts to uphold the rule of law and civilized justice.

According to the researcher's analysis, the judge's answer showed a good understanding of the importance of human rights protection in the law enforcement process. The judge emphasized that the protection of human rights is a fundamental aspect that must always be a priority in every stage of the judiciary.

This statement reflects an awareness of the moral and professional responsibility of judges to ensure that the rights of suspects and defendants are not violated during the proceedings. The judge also said that in practice, they seek to ensure the protection of these rights in accordance

with the provisions of the law and human rights principles, which shows a commitment to substantive justice.

However, this answer is general and does not include details or concrete indicators regarding specific mechanisms or measures taken in practice to realize such human rights protection. The researcher can judge that although this answer shows awareness and good intentions, it would be more complete if it was accompanied by an explanation of the actual implementation, supervision, and evaluation carried out by the courts in safeguarding these rights in a practical way. Overall, these answers reflect a positive view and are in line with basic legal principles, but need to be supported by concrete data and processes to assess the effectiveness of human rights protection in practice on the ground.

Based on the results of the research and discussion above, it can be concluded that the law enforcement process based on aspects of human rights protection during the investigation, prosecution, and trial stages in Decision Number 2036/Pid.Sus/2025/PN Mdn has run well and transparently despite the shortcomings. However, there are still some shortcomings that need to be considered and corrected to ensure more optimal human rights protection in the future.

The discussion of the judge's considerations regarding the protection of the human rights of suspects, especially the right to defense and the right to life in Decision Number 2036/Pid.Sus/2025/PN Mdn, is very important because it guarantees the Protection of Suspects' Human Rights: The right to defense and the right to life are basic human rights that must be protected in the criminal justice process. This discussion ensures that these rights are considered and fulfilled in accordance with the provisions of the law and the principles of justice. By paying attention to judges' considerations that prioritize the rights of suspects, the law enforcement process is not only results-oriented, but also respects human rights, maintains substantive justice, and prevents abuse of power.

These discussions help ensure that the judge's decision-making process is based on fair and procedural considerations, thereby increasing public trust in the criminal justice system. This analysis can be a reference for improving court policies and practices in protecting the rights of suspects, especially the right to defense and the right to life, so that law enforcement runs in accordance with human rights principles. Thus, this discussion is very important to ensure that the judicial process is not only effective in handling criminal cases, but also respects and protects the human rights of suspects as a whole.

Based on the results of the above research and discussion, it can be concluded that the judge's consideration regarding the protection of the suspect's human rights, especially the right to defense and the right to life in Decision Number 2036/Pid.Sus/2025/PN Mdn has been done well, namely the judge has considered the suspect's right to a fair defense, so that the suspect has an equal opportunity to defend himself in the judicial process. The judge has considered the suspect's right to protect his right to life, so that no action can harm the suspect's life. The judge's consideration in this decision is consistent with applicable legal principles, namely the principles of justice, legal compliance, and the protection of human rights. This verdict is of high quality because the judge has considered all the relevant factors before making a decision.

4. Conclusion

The application of the principle of human rights protection in the law enforcement process against suspects of criminal acts without the right to sell class I narcotics based on Decision Number 2036/Pid.Sus/2025/PN Mdn has been carried out well, showing the commitment of the judicial system in upholding human rights. However, even though there have been adequate efforts, there are still shortcomings that need to be considered. These shortcomings may be related to implementation, supervision, or administrative aspects that need to be strengthened so that human rights protection can be carried out optimally and comprehensively in the entire law enforcement process. Therefore, improvements and improvements to the system must be

continuously carried out to ensure that the principles of human rights protection are fully realized in practice. The law enforcement process based on aspects of human rights protection during the investigation, prosecution, and trial stages in Decision Number 2036/Pid.Sus/2025/PN Mdn has run well and transparently despite the shortcomings. However, there are still some shortcomings that need to be considered and improved to ensure more optimal human rights protection in the future.

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