

CRIMINAL LIABILITY FOR PEOPLE ACTING AS ONLINE NARCOTICS COURIERS UNDER LAW NUMBER 35 OF 2009 CONCERNING NARCOTICS

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Abstract

The development of the modus operandi for criminal acts of narcotics trafficking is now increasingly sophisticated and supported by a wide organizational network. One of the modus operandi that illegal narcotics traffickers are starting to use is by using delivery courier services after packaging the narcotics in other forms that can reduce suspicion. Therefore, it is very interesting and important to study further regarding criminal liability for people who act as online couriers who deliver narcotics according to customer orders based on Law Number 35 of 2009 concerning Narcotics? and efforts made to anticipate misuse of online couriers who are used as narcotics couriers? To answer these problems, normative juridical legal research methods are used with statutory and conceptual regulatory approaches. Data obtained from primary, secondary and tertiary legal material sources were collected and then analyzed using qualitative data analysis techniques. From the research results, it was found that online transportation drivers who accidentally deliver narcotic goods can also be charged under Article 132 paragraph (1) jo. Article 114 of the Narcotics Law concerns attempts or malicious conspiracy to commit narcotics crimes. To anticipate misuse of online transportation as a narcotics courier, namely: the driver checks the goods delivered before delivery, refuses to deliver narcotics, reports to the authorities if he sees narcotics misuse.

Keywords: *Community Awareness, Management, Household Waste.*

Abstrak

The development of the modus operandi for criminal acts of narcotics trafficking is now increasingly sophisticated and supported by a wide organizational network. One of the modus operandi that illegal narcotics traffickers are starting to use is by using delivery courier services after packaging the narcotics in other forms that can reduce suspicion. Therefore, it is very interesting and important to study further regarding criminal liability for people who act as online couriers who deliver narcotics according to customer orders based on Law Number 35 of 2009 concerning Narcotics? and efforts made to anticipate misuse of online couriers who are used as narcotics couriers? To answer these problems, normative juridical legal research methods are used with statutory and conceptual regulatory approaches. Data obtained from primary, secondary and tertiary legal material sources were collected and then analyzed using qualitative data analysis techniques. From the research results, it was found that online transportation drivers who accidentally deliver narcotic goods can also be charged under Article 132 paragraph (1) jo. Article 114 of the Narcotics Law concerns attempts or malicious conspiracy to commit narcotics crimes. To anticipate misuse of online transportation as a narcotics courier, namely: the driver checks the goods delivered before delivery, refuses to deliver narcotics, reports to the authorities if he sees narcotics misuse.

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INTRODUCTION

Criminal acts that occur in society experience quite varied and innovative developments. The development of the modus operandi of a criminal act results in increasingly intensive efforts to eradicate it by law enforcers. Based on this, the perpetrators of criminal acts also seem to be at their wits' end when it comes to using certain methods that are thought to be able to avoid suspicion from law enforcement officials. One example of the development of the modus operandi of criminal acts can be found in the crime of narcotics trafficking. The creativity of the perpetrators of the crime of distributing narcotics can be seen from the methods used in distributing narcotics.

Based on reports circulating in the mass media, it can be seen that the methods used to distribute narcotics are now quite diverse, for example packaging narcotics into plastic capsules and then swallowing them (this method is usually used to smuggle or import narcotics from abroad into Indonesian territory), packaging narcotics like food such as candy and biscuits, using materials deliberately designed to hide narcotics (such as insulated bags, shoes with specially designed heels, special clothing, or other tools), hiding narcotics in different types certain foods or other methods.

Basically, fulfilling the need for narcotics in the medical world or in the development of science is an effort to realize people's welfare in the fields of health services and science. Considering these interests, the state is trying to establish legal rules as a basis for controlling and supervising the use of narcotics. In Indonesia, regulations regarding narcotics have been outlined in Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics. ¹Through this law, the state seeks to provide clear guidelines for the use of narcotics and efforts to eradicate the abuse and distribution of narcotics which are carried out without strict control and supervision, although in its implementation cases of narcotics abuse and distribution are still relatively easy to find.

Currently, supported by developments in science and technology, narcotics abuse is actually increasing. This abuse of narcotics is also aimed at obtaining maximum profits by irresponsible individuals without paying attention to the impacts resulting from the use of narcotics outside of clear control and supervision. ²The impact of excessive narcotics abuse can cause a state of dependence which, if stopped, causes the user to feel *withdrawal*. ³The emergence of a state of dependence results in narcotics users always wanting to use narcotics continuously. This is the reason why the circulation of narcotics seems endless.

As previously mentioned, the development of the modus operandi for criminal acts of narcotics trafficking is now increasingly sophisticated and supported by a wide organizational network. One of the modus operandi that illegal narcotics traffickers are starting to use is by using delivery courier services after packaging the narcotics in other forms that can reduce suspicion.

One case of the use of couriers in the crime of narcotics trafficking occurred in the Depok, Sleman, Special Region of Yogyakarta area. After reaching an agreement between the dealer and the buyer on social media regarding the price of 5 grams of marijuana, the dealer then packages the marijuana in such a way and puts it in a lunch box. The packaged marijuana is then sent via an *online application-based courier (Gosend)* to the address specified by the dealer. Not long after the goods were delivered, the marijuana buyer was arrested by police investigators who were at his boarding house in the Depok area, Sleman, DIY along with evidence of marijuana weighing 5 grams. The courier from the *online application* stated that he did not know that the goods he was delivering were narcotics.⁴

In practice, courier services aim to deliver goods from one place to another. It can also be said that a courier is a party that provides services for transporting and delivering goods from one place to another at the request of the service user. This means that the courier acts as an intermediary between the service user (sender of goods) and the recipient of the goods. The value of the service will then be appreciated by providing wages as determined or agreed upon by the courier and service user.

¹Indonesia, *Law of the Republic of Indonesia concerning Narcotics*, Law Number 35 of 2009, State Gazette of the Republic of Indonesia of 2009 Number 143, Supplement to State Gazette of the Republic of Indonesia of 2009 Number 5062.

² Roni Gunawan Raja Gukguk, et al., "Narcotics Crime as Transnational Organized Crime", Indonesian Legal Development, Vol. 1 No. 3, 2019, p. 339.

³ Sumarlin Adam, "The Impact of Narcotics on Psychology and Public Health", Health and Sport, Vol. 5 No. 2, 2012, p. 2.

⁴Pradito Rida Perdana, "Using online motorcycle taxis to deliver marijuana orders, Sleman residents arrested by police", (30 October 2017), <https://bit.ly/2SCpHbW>. Accessed on September 3 2023, at 16.35 WIB.

The development of information technology in the form of the internet has changed people's interaction patterns. The Internet has made such a big contribution to society. The presence of the Internet has supported the effectiveness and operational efficiency of every human activity. ⁵The development of technology is not always used well. Many individuals who misuse technological advances are used as narcotics couriers. A narcotics courier is a person who acts as an intermediary between sellers and buyers of narcotics. Even though they do not consume them, they can still be subject to criminal sanctions because they are intermediaries between sellers and buyers of narcotics.

An *online courier* who deliberately sends narcotics from a seller to a narcotics buyer, the *online courier* knows that the goods being delivered are narcotics. If the transportation or delivery of narcotics is carried out intentionally by an *online courier*, then the *online courier* may be subject to Article 114 paragraph (1) of Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics which states that: "every person without rights or who has violated the law offers, sells", buying, receiving or being an intermediary or even exchanging and handing over class I narcotics will result in a life sentence or a minimum of 5 years and a maximum of 20 years."⁶

However, what if there is ignorance in sending goods in the form of narcotics, if the *online courier* does not know the contents of the goods he is carrying because of a real order from an application or other delivery service ordered directly by *the customer* concerned, because the application or *customer information* indicates that the goods sent are "food" "In this case, the goods brought by the *online courier* cannot be seen or opened because it can reduce *the customer's sense of ethics*. During the delivery, suddenly there was a raid on the road by officers and when the officers checked it unexpectedly it turned out that the items being carried were narcotics.

This can be detrimental to the *online courier*, the *online courier's* ignorance of the ordered goods ordered by *the customer* or *customer goods whose contents the online courier* does not know turns out to be narcotics. In fact, it will increase the burden on *online couriers*, if the *online courier* is caught carrying prohibited items by officers.

Based on this description, the author is interested in writing with the title "Criminal Liability for People Who Act as *Online* Narcotics Couriers Based on Law Number 35 of 2009 concerning Narcotics".

RESEARCH METHODS

This type of research is normative juridical legal research. In this research, several approaches were used, namely: Statutory Approach, Conceptual Approach and Historical Approach, *Case Approach*. Based on this type of research, library research, data collection is through research books, journals, and theses related to theses and discussing research objects. In this research, primary data sources and secondary data sources are used. The data collection technique used in this research is a type of library research, so that the sources obtained are written down, for books or references used by this author will be studied critically using the quotation method. Secondary data used in this research was obtained from legal material sources, namely Primary Legal Materials, Secondary Legal Materials and Tertiary legal materials. The data analysis technique used in this research is a qualitative method, namely by arranging them systematically, connecting them to each other in relation to the problems studied with applicable statutory provisions.

⁵ Paul Ricardo, " Efforts to Overcome Drug Abuse by the Police (Case Study of the Bekasi Metro Police Narcotics Unit)", 2010, p. 3.

⁶Indonesia, Law Number 35 of 2009 concerning Narcotics, Article 114 Paragraph (1).

RESULTS AND DISCUSSION

Criminal Liability for People Who Act as Online Couriers Delivering Narcotics on Customer Orders Based on Law Number 35 of 2009 concerning Narcotics Online motorcycle taxis are a means of transportation or land public transportation that can only be accessed via the internet. Different from regular motorbike taxis, this online motorbike taxi is application-based, you have to use an application connected to the internet if you want to order online motorbike taxi services. Online motorcycle taxis are a socially minded technology company that aims to improve the welfare of workers in various informal sectors in Indonesia. Around 200,000 experienced and trusted online motorcycle taxi drivers in Indonesia, to provide a variety of services, including transportation and ordering food or delivering goods. Online motorbike taxis, which are increasingly popular, have played a major role in transportation in the capital and regions today. The term online taxi is becoming more and more popular day by day.

Online motorbike taxis are currently popular in society because they are considered to make their activities easier. However, behind this phenomenon there are definitely positive and negative impacts on the existence of online motorcycle taxis in Indonesia. Such positive impacts are:⁷

- a. Make it easier for people to carry out activities by using online motorcycle taxis. Just by ordering a motorbike taxi via the application, the motorbike taxi will come to pick us up where we are and deliver us to our destination, so we don't need to be tired anymore looking for public transportation;
- b. Open job vacancies for the wider community. After the opening of online motorcycle taxis in Indonesia, many people were interested in working as online motorcycle taxis. Moreover, there are many bonuses offered by online motorcycle taxi companies whose income can even exceed that of employees in regular companies.

Narcotics are something that is no stranger to Indonesian society. Narcotics, psychotropics and other addictive substances (drugs) have become important ingredients and are needed for treatment in almost all countries in the world. Behind this need, narcotics have been widely misused and used as a form of black market exploitation to gain large profits without paying attention to the impact they have on humans. 2 Possessing narcotics for purposes other than science and medicine as prescribed by a doctor is against the law. which can be charged under Law Number 35 of 2009 concerning Narcotics (Narcotics Law). In order to deceive law officers, the activities of drug criminals are very secretive and only certain people can enter the drug ring. The development of the modus operandi of drug crimes in Indonesia is also experiencing interesting developments that we all need to pay attention to. Initially, the development of drug crimes was carried out using the traditional modus operandi, namely from seller to buyer like the transaction process for other merchandise. However, along with advances in time and technology, modus

⁷Ayusyifasfr, "Positive and Negative Impact of Online Motorbike Taxi", <https://ayusyifasfr.wordpress.com/2017/12/19/dampak-positif-dan-negatif-ojek>, accessed on January 20 2024 at 17.15 WIB.

operandi. This develops into a network with a disconnected communication system.⁸

With the development of this technology, the distribution of narcotics by online motorcycle taxi drivers has become a new modus operandi for narcotics due to fast delivery times and not being suspected by law enforcement officials.⁹ Online motorcycle taxi drivers who don't know this will become victims of sending narcotics, but there are also online motorcycle taxi drivers who deliberately want to be used as narcotics couriers. Narcotics couriers deliver narcotics from sellers to narcotics buyers and are paid wages.

The online driver's responsibility for his actions must be seen from the mistakes he made, whether his actions were intentional due to his negligence. Criminal responsibility is a person's responsibility for the crime he or she commits. Sudarto said that it is not enough to punish someone if that person has committed an act that violates the law, but it must be seen whether the person who committed the act was guilty or not.¹⁰

Criminal responsibility has the characteristic that it is personal or personal in nature, is only given to the person who is guilty (*culpability principle*) and must be adjusted to the characteristics and conditions of the perpetrator of the crime. Accountability in criminal law is responsibility according to criminal law. Every person is responsible for all his actions, only his behavior causes the judge to impose a punishment that is responsible for the perpetrator. This liability is criminal liability.¹¹

In this case, the principle of "no crime without error" applies. Guilt is the inner state of the perpetrator who created the action or the perpetrator's intention (*mens rea*). The mind is seen from whether the soul is healthy or disabled (suffering from mental illness or disorder). A person who is mentally disabled cannot be punished in accordance with the provisions of Article 44 of the Criminal Code (KUHP). An intentional act is if someone intends the action and knows the consequences and purpose of the action, while an act of negligence is if someone, due to their actions, causes something whose consequences they do not want or are unintentional.¹²

The actions of an online motorcycle taxi that delivers narcotics from the seller to the buyer can be called a narcotics intermediary or courier. The act of online motorcycle taxis is an act of "transportation", namely any activity or series of activities of moving narcotics from one place to another by any method, mode or means of transportation (Article 1 Number 9 of the Narcotics Law). An online transportation driver who deliberately delivers narcotics from a seller to a narcotics buyer, the driver knows that the goods being delivered are narcotics and receives wages from the seller for delivering narcotics, can be charged under Article 114 of

⁸Zainab Ompu Jainah, "Drug Crime as a Phenomenon of Transnational Organized Crime", Legal Institutions Volume 8 No. 2 of 2013, p. 102.

⁹Indra Fikri, "I Didn't Expect Online Motorcycle Taxis to Become a New Mode of Drug Distribution Courier" URL: <https://www.motorplus-online.com/read/251719790/enggak-sangka-ojek-online-jadi-modus-baru-kurir-narkoba>, accessed on January 20 2024 at 18.16 WIB.

¹⁰Mahrus Ali, *Basics of Criminal Law*, (Jakarta: Sinar Graphics, 2015), p. 156.

¹¹Zainab Ompu Jainah, "Analysis of Criminal Liability for Perpetrators of Narcotics Courier Crimes" (Case Decision Study Number: 414/PID-Sus/2014/PN.KIa), Journal of Progressive Justice, Volume 7 No. 1 of 2016, p. 4.

¹²Mahrus Ali, *Op. Cit.*, p.157.

the Narcotics Law as an intermediary in buying and selling narcotics. If an online motorcycle taxi driver carries out the deliberate transportation of narcotics, the driver may be subject to Article 114 paragraph (1) of the Narcotics Law regarding every person who without the right offers for sale, sells, buys, receives, becomes an intermediary in buying and selling, exchanges or hands over narcotics. One.

An intermediary in buying and selling means being a liaison between the seller and the buyer and for his actions he gets services/benefits. Someone connects the seller and the buyer and then the person gets goods in the form of narcotics and can be classified as an intermediary for buying and selling, therefore the services or profits here can be in the form of money or goods or even facilities. Service or profit is an important factor, without the service or profit obtained then it cannot be called an intermediary in buying and selling if someone has brought together a seller with a buyer, but cannot be clear about the service, then that person is not an intermediary in buying and selling. , however, as a liaison and the criminal offense imposed is at least in conjunction with article 132 of the Narcotics Law concerning attempts or criminal conspiracy whether in the context of buying or selling and so on.

Intermediaries are different from introducers, because introducers act on orders, whereas intermediaries act alone in order to bring together sellers and buyers and intermediaries have independent responsibilities. The elements contained in this act are intent, knowledge that the goods were narcotics, and payment to the driver.¹³

Online transportation drivers who accidentally deliver narcotics goods can also be charged under Article 132 paragraph (1) jo. Article 114 of the Narcotics Law concerns attempts or malicious conspiracy to commit narcotics crimes. Whether or not this intentional act will be punished depends on the decision of the judge who decided the case, because the transport driver was a person who was ordered by the narcotics seller but without the driver's knowledge that the goods being promised were narcotics, but this must first be proven by valid evidence. in court.

In a narcotics case trial, the judge can hand down a verdict according to the severity of the offense as stipulated in Law no. 35 of 2009 concerning Narcotics. Even though crimes in the field of narcotics are a special type of crime, the principle of presumption of innocence must still be upheld considering that defendants are also human beings who have human rights.¹⁴

Valid evidence is regulated in Article 184 of the Criminal Procedure Code which consists of evidence from witness statements, expert statements, letters, indicative evidence and defendant statements. Apart from this evidence, there is also valid evidence in trials due to technological developments, namely electronic evidence as regulated in Article 5 of Law no. 11 of 2008 concerning Information and Electronic Transactions that electronic information and/or electronic documents and/or printouts are valid legal evidence.¹⁵The determination of Narcotics evidence

¹³Harifin A. Tumpa, *Comments and Discussion on Law Number 35 of 2009 concerning Narcotics* , (Jakarta: Sinar Grafa, 2011), p. 257.

¹⁴Haidan Angga Kusumah, "Policy for Implementing Legal Sanctions Against Perpetrators of Narcotics Crimes Based on Law no. 35 of 2009 concerning Narcotics", *ADHUM Journal of Research and Development in Administrative Sciences and Humanities* Volume 6 No. 3 of 2016, p. 162.

¹⁵Nur Laili Isma and Arima Koyimatun, "The Probative Power of Electronic Information Evidence in Electronic Documents and Printed Results in Proving Crimes", *Gajah Mada University Legal Research Journal*, Volume 1, Number 2, July 2014, p. 110.

in accordance with the provisions of Article 91 paragraph (6) of the Narcotics Law must be determined by the Head of the local Prosecutor's Office. Thus, if it turns out that the evidence in the determination letter does not match the evidence provided by the investigator, it could result in the prosecution process being hampered.¹⁶

An online motorcycle taxi driver can prove that he is innocent by showing evidence of online short messages or so-called chats. In the chat, if there is a conversation that can confirm that he did not know that the goods being delivered were narcotics and the orderer explains that the goods are different, then this can then be taken into consideration by the judge who is hearing the case.

According to the author, the actions of online drivers who deliver narcotics from sellers to buyers can be called narcotics intermediaries or couriers. This action is an act of transportation, namely any activity or series of activities to move goods from one place to another using transportation.¹⁷ Of course, this can be punished, but when the online motorcycle taxi driver does not know about the goods he is delivering, namely in the form of narcotics, even though the elements of the article are fulfilled, he cannot be punished.

In this case, the author is of the opinion that the actions carried out by the online motorcycle taxi driver were deliberate with the possibility of being aware of the possibility, because the actions were not accompanied by an image of certainty but rather imagined a possibility of the consequences, with the existence of a reason for criminal satisfaction, for example a justification, so that the action would lose its character. from breaking the law, so it is permissible in this case and his actions are based on his work so that he cannot be held responsible, however, if there is a reason to remove the penalty in the form of a forgiving reason, then an action he commits is still against the law but is forgiven and cannot be punished.

B. Efforts Made to Anticipate Abuse of Online Couriers Used as Narcotics Couriers

Drugs have a very broad negative impact; both physically, psychologically, economically, socially, culturally, defense and security, and so on. If drug abuse is not properly anticipated, this nation and state will be damaged. Therefore, good cooperation is needed from all components of the nation to overcome drug abuse.¹⁸ There are various factors that cause someone to commit a narcotics crime, including economic conditions, in relation to narcotics, for people who belong to a difficult economy, they try to get out of this economic pressure by distributing the narcotics themselves with promised rewards.¹⁹ Economic factors or poverty are one of the reasons why some people do intermediary work. Poverty greatly influences

¹⁶Cardiana Harahap, et al., "The Role of the Prosecutor's Office in Prosecuting Narcotics Crime Cases", *USU Law Journal* Volume 4 No. 3 of 2016, p. 17.

¹⁷Indonesia, Law Number 35 of 2009 concerning Narcotics Article 1 number 9.

¹⁸Fransiska Novita Eleanora, "The Dangers of Drug Abuse and Efforts to Prevent and Overcome It (A Theoretical Review)", *Law Journal* Vol XXV, No. 1, April 2011, p. 440-441.

¹⁹Lysa Angrayni and Yusliati, *Effectiveness of Rehabilitation for Narcotics Addicts and Its Influence on Crime Rates in Indonesia*, (Ponorogo: Uwais Inspirasi Indonesia, 2018), p. 53.

the lives of those who ultimately carry out activities as drug intermediaries in international and national drug trafficking networks.²⁰

Social/environmental influences can also be a factor in people committing narcotics crimes, and a factor in the lack of supervision over narcotics so that the government plays an important role in limiting the chain of distribution, production and use of narcotics.²¹ With increasing cases of abuse of narcotics drivers who are used as narcotics couriers, online transportation drivers should be more careful. Preventing drug trafficking by protecting community members who have not been touched by drugs is a priority that must be carried out by the community without exception.²²

Efforts that can be made to anticipate the use of online drivers as narcotics are more preventative efforts. Preventive efforts are efforts to prevent problems involving the abuse and illicit trafficking of narcotics and narcotics. This effort is aimed at people who are healthy and have never used or used drugs at all, with the hope that people who are familiar with the surroundings of drugs will not be interested and will not want to touch and use them. By carrying out preventive efforts, the community will have the power to prevent drug abuse. Prevention is outreach and guidance activities to provide knowledge and awareness about the bad consequences/dangers of drug abuse, to increase the resilience of individuals, families or communities to the problem of drug abuse. This prevention effort is carried out through discussion activities, increasing technical capabilities, and social education.²³

Preventive measures that online transportation drivers can take regarding narcotics are:

1. The driver checks the goods being delivered first before delivering them to their destination to avoid goods that are prohibited by legal provisions, in this case narcotics.
2. If a driver is offered a large wage to deliver narcotics, the driver should refuse because if he is caught red-handed delivering narcotics, the wage he gets is not much compared to a prison sentence of many years. If you have been sentenced to prison, you will no longer be able to earn income and this will actually increase the burden on your family.
3. If you see narcotics abuse, you should report it to the authorities for further processing. In online motorbike taxi ordering transactions, of course there is evidence of electronic messages which can be used as evidence to make it easier for the police to carry out investigations. With the help of the police and the community in handling narcotics cases, it is hoped that narcotics cases can decrease and increase public legal awareness. It is hoped that the community's participation in assisting law enforcement officers to prevent and eradicate narcotics abuse will be very large, considering that the number

²⁰Muhammad Ikhwan Adabi, "Implementation of Criminal Sanctions Against Narcotics Couriers in the Review of Law Number 35 of 2009 concerning Narcotics (Study of the Decision of the Kebumen District Court Case Number 139/Pid.B/2010/Pn.Kbm)", *Journal of the University of North Sumatra* Volume 1 No. 02 of 2016, pp.5-6.

²¹ *Ibid.*, p. 54.

²²Joyo Nur S. Gono, "Drugs: Dangers of Abuse and Prevention", *Diponegoro University Journal*, Vol. 39 No. 2 of 2011, p. 83.

²³Abu Hanifah, and Nunung Unayah, "Preventing and Overcoming Drug Abuse Through Community Participation", *Sosio Informa* Volume 16 Number 1 of 2011, p. 38.

of officers is smaller than the number of the public. Helping law enforcement officials to prevent narcotics crimes is the obligation of every citizen.

4. The need for socialization regarding narcotics is not only for students but also the public, especially in this case online motorcycle taxi drivers. Online motorcycle taxi companies can collaborate with the Regional Police and/or the National Narcotics Agency (BNN) in provincial areas to provide knowledge related to narcotics to increase the insight of online motorcycle taxi drivers so that they are not misused as narcotics couriers.

All efforts made from outside parties such as the Police and the National Narcotics Agency must also be accompanied by self-awareness from online motorcycle taxi drivers to be careful about narcotics crimes. If you are fortified by good morals and have no intention of being involved in narcotics crimes, you will not be entangled.

When carrying out work, you must start with good intentions before going to work and in carrying out your work you must act carefully or alertly because there are many things that can ensnare or plunge us into problems in social life. And don't expect big results instantly or quickly because that is a temptation in life.

In anticipating abuse of online couriers who are used as narcotics couriers, the author believes that this can be done with *pre-emptive*, *preventive*, *repressive* and ongoing efforts.

1. *Pre-emptive* Countermeasures

Preemptive efforts are preventive efforts carried out early, including, among other things, implementing coordination, cadre formation and outreach activities with the aim of influencing the driving causes and opportunity factors for the crime, so that a condition of awareness, vigilance and deterrence will be created and fostering and creating conditions for behavior and living norms free from all threats of misuse of online couriers who are used as narcotics couriers.

2. *Preventive* Mitigation Efforts

Relevant law enforcers must also take *preventive measures*. *Preventive* efforts are preventive efforts by monitoring and controlling drug trafficking to prevent illicit trafficking and misuse of online couriers who are used as narcotics couriers which will ultimately prevent online couriers from being entangled in drug networks, especially as narcotics couriers.

3. *Repressive* Countermeasures

Efforts to tackle abuse of online couriers in a *repressive manner* are also efforts to tackle crime with criminal law which is essentially part of legal prevention efforts, therefore it is often said that politics and criminal law policies are also part of law enforcement. *Repressive* efforts for online courier abusers who are used as narcotics couriers are efforts to take action and enforce the law against factual threats with firm and consistent sanctions that can act as a deterrent to perpetrators of online courier abuse.

CONCLUSION

1. Online motorcycle taxis are a means of transportation or land public transportation that can only be accessed via the internet. Different from regular motorbike taxis, this online motorbike taxi is application-based, you have to use an application

connected to the internet if you want to order online motorbike taxi services. Online motorcycle taxis are a socially minded technology company that aims to improve the welfare of workers in various informal sectors in Indonesia. Online motorbike taxis are currently popular in society because they are considered to make their activities easier. However, behind this phenomenon there are definitely positive and negative impacts on the existence of online motorcycle taxis in Indonesia. The actions of an online motorcycle taxi that delivers narcotics from the seller to the buyer can be called a narcotics intermediary or courier. The act of online motorcycle taxis is an act of "transportation", namely any activity or series of activities of moving narcotics from one place to another using any method, capital or means of transportation (Article 1 Number 9 of the Narcotics Law). An online transportation driver who deliberately delivers narcotics from a seller to a narcotics buyer, the driver knows that the goods being delivered are narcotics and receives wages from the seller for delivering narcotics, can be charged under Article 114 of the Narcotics Law as an intermediary in buying and selling narcotics. Criminal liability for online transportation drivers who deliberately send narcotics from sellers to narcotics buyers can be subject to Article 114 of the Narcotics Law as an intermediary in buying and selling narcotics. Online transportation drivers who accidentally deliver narcotics goods can also be charged under Article 132 paragraph (1) jo. Article 114 of the Narcotics Law concerns attempts or malicious conspiracy to commit narcotics crimes. In delivering goods, the driver certainly gets wages or profits, but it needs to be seen again whether the driver is delivering the goods on his will or on purpose or because he was tricked. Whether or not this intentional act will be punished depends on the decision of the judge who decides the case, because the transport driver is a person who is ordered by a narcotics seller but without the driver's knowledge that the goods being promised are narcotics, but this must first be proven by valid evidence. in court.

2. Efforts that can be made to anticipate misuse of online transportation as a narcotics courier are: drivers checking the goods delivered before they are delivered, refusing to deliver narcotics, reporting to the authorities if they see narcotics abuse, as well as socializing about narcotics to increase the insight of online motorcycle taxi drivers so that they do not misused as narcotics couriers. Preventive measures that online transportation drivers can take regarding narcotics are: (1) The driver checks the goods being delivered first before delivering them to their destination to avoid goods that are prohibited by legal provisions, in this case narcotics. (2) If a driver is offered a large wage in order to deliver narcotics, the driver should refuse because if he is caught delivering narcotics, the wage he gets is not much compared to a prison sentence of many years.

SUGGESTION

1. Criminal sanctions are sanctions that are very painful, so that law enforcers can provide sanctions as fair as possible according to the actions committed. In cases of narcotics distribution by online motorcycle taxis, sanctions should be given not only to deter but also to restore the situation of the cause of the action, such as providing training for online motorcycle taxis.

2. Online motorcycle taxi drivers should know the legal consequences of working to deliver goods that are prohibited by law, such as narcotics, so they can know what to do if conditions like the ones above occur.

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