



The role of the narcotics forensic laboratory test minutes as authentic evidence to proof narcotics elements in court

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Abstract

This study examines the problems in cases of narcotics abuse by TNI soldiers, especially related to proof with urine tests using test packs compared to forensic laboratory tests from the National Police or BNN. This research uses normative legal methods with statute, case, and conceptual approaches. The focus of the research is the analysis of positive legal provisions and primary and secondary legal materials. The results show that forensic laboratories are very effective in determining the type and class of narcotics and influencing evidence in court. However, there are obstacles in the examination process, including unclear requests and insufficient evidence. These findings highlight the importance of forensic test results in ensuring the accuracy of evidence and legal decisions.

Keywords: Narcotics abuse, urine test, forensic laboratory, normative law, prove

Introduction

The progress of human civilization and the development of technology today have changed the mindset and behavior of human beings where people tend to seek inner satisfaction and their thoughts in a way that violates the law, one of which is by abusing narcotics. The increasingly low awareness of the law in the community and the existence of law enforcement by providing sanctions or severe punishments to narcotics abusers does not seem to have a deterrent effect for narcotics abusers (Golose, 2022; E. W. Sirait & Rafiqi, 2018; Zai *et al.*, 2011) ^[5, 16, 20]. The circulation and abuse of narcotics not only involves the general public, but also includes government officials, law enforcement officials, and state defense apparatus, including the Indonesia National Army (TNI). Their involvement in narcotics abuse threatens the integrity of institutions that are supposed to maintain security and order in the country. Addressing this issue is crucial to ensure that those who are tasked with protecting the country do not undermine its stability through illegal activities. (BATUBARA, 2023; Minin, 2018; Yunanto *et al.*, 2015) ^[1, 9, 19].

In the current development of social media, many news stories are conveyed through online news channels that reveal the abuse and circulation of narcotics involving TNI members, there are even TNI members who are directly involved as narcotics dealers, narcotics dealers and generally as narcotics users (Rafiqi *et al.*, 2023; Rizqullah *et al.*, 2022) ^[12, 13]. The current phenomenon of rampant narcotics circulation in Indonesia has become a troubling problem for the public and the Government of Indonesia, especially the TNI institution as a tool of national defense whose soldiers are heavily involved in the abuse of narcotics. This should not happen, considering that TNI members function to maintain the integrity of the nation from all forms of threats both from within and outside the Unitary State of the Republic of Indonesia, including the threat of the dangers of narcotics and illegal drugs (B. Sirait & Sahari, 2014; E. W. Sirait & Rafiqi, 2018; Sitorus *et al.*, 2018) ^[15, 16, 17].

The circulation and development of narcotics abuse in Indonesia are influenced by the number of Indonesia's population, which according to data from the Central Statistics Agency 2022 reached 275.77 million people (Central Statistics Agency 2022. The number population by age group and gender, Indonesia.), technological developments and also the geographical location of Indonesia is very strategic so that this condition makes Indonesia a potential market share for the illicit circulation of narcotics which are generally supplied from neighboring countries Malaysia and Thailand through the Malacca Strait (Puslitdatin.bnn.go.id. (2022).

Center for Research, Data and Information of the National Narcotics Agency of Indonesia. Retrieved from <https://puslitdatin.bnn.go.id/>.

Indonesia was familiar with the use of narcotics during the Netherlands colonial era, most of the opium users were Chinese. The Netherlands government granted legal permission with the issuance of the law Narcotics Ordinance which came into force in 1927 (Faturachman, 2020) ^[4]. The Netherlands government allows certain places to smoke opium. The procurement of opium opium has been legalized by the law of the *Verdovende Middelen Ordonantie*.

The Netherlands' colonization ended, and then during the Japanese colonial period, the laws made by the Netherlands Colonial were abolished. The prohibition of the use of opium and the localization of the oppressors were ordered by the government of Japan. During the Independence of the Republic of Indonesia, the state prohibited the use of illegal substances/drugs by making laws and regulations that regulate the production, use, and distribution of dangerous drugs (Faturachman, 2020; Pratama, 2022; Siagian, 2023) ^[4, 10, 14].

To counter and prevent the circulation of narcotics in Indonesia, the Government of the Republic of Indonesia issued Law Number 9 of 1967 concerning Narcotics. With the existence of the Law, Narcotics are still difficult to contain so that the increase in the use of Narcotics continues to increase (Faturachman, 2020) ^[4].

There was a significant increase in the consumption of narcotics, including phencyclidine, fungi, marijuana, hypnotics/sedatives, and heroin. In the late 1990s, there was a rapid increase in heroin use, especially through syringes, which encouraged the rapid spread of HIV (Human Immunodeficiency Virus). Since it was first detected in Jakarta in 1998, the use of methamphetamine has increased rapidly (Purwaningsih & Widayatun, 2008; Sulastiana & SIP, 2021).

The 2022 National Survey by the National Narcotics Agency Indonesia (hereinafter abbreviated/referred to as BNN) there were 851 cases of Narcotics abuse which there was an increase of 11.1% compared to 2021 766 cases, with the number of Suspects of 1350 people in 2022 and this number also increased by 14.02% compared to 2021 as many as 1,184 Suspects (Puslitdatin.bnn.go.id. (2022). Center for Research, Data and Information of the National Narcotics Agency of Indonesia. Retrieved from <https://puslitdatin.bnn.go.id/>.

The Indonesian government is intensively eradicating the abuse and circulation of narcotics because it has penetrated various levels of society in Indonesia. Almost every day there is news in the media about narcotics crimes, so in response to it, the government categorizes these crimes as extraordinary crimes that require

special and ongoing handling. To prevent and combat the circulation and abuse of narcotics throughout Indonesia, law enforcement with reliable and integrity skills is needed. This is necessary because narcotics crimes are carried out by individuals or together with organized syndicates accompanied by a new *modus operandi*. Currently, the special law enforcement agency that was formed and is fully responsible to the government in handling the abuse and circulation of narcotics in Indonesia is the National Narcotics Agency (BNN). Facts disclosed by the Agency Drugs Nasional (BNN) said that the main users of narcotics are people of productive age and workers, the reason is that they have money and to consume these illegal goods requires costs (Christiani *et al.*, 2023) ^[3].

With the rapid development of information through social media today, it is often reported that TNI soldiers are involved in the abuse of narcotics, as can be seen from the many narcotics criminal cases that are tried in 21 (twenty-one) Military Courts and 3 (three) High Military Courts in Indonesia, the last one that has become public concern, especially in the North Sumatra region with the arrest of two TNI soldiers who were caught carrying forty thousand ecstasy pills and seventy-five kilograms of methamphetamine in Deli Serdang Regency, North Sumatra Province, this is the largest Narcotics Case since 2019 involving TNI Soldiers and by the Military Court I-02 Medan the two soldiers were sentenced to life imprisonment each (<https://www.tvonenews.com>> 126194-two-oknum to accessed May 30, 2023 <https://putusan3.mahkamahagung.go.id/search.html?q=%22Mempor%22&page=13&courtos=13>, accessed October 20, 2023).

By Law Number 34 of 2004 concerning the TNI article 7 paragraph (1), the main task of the TNI is to uphold state sovereignty, maintain the territorial integrity of the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia, as well as protect the entire nation and all of Indonesia's bloodshed from threats and disturbances to the integrity of the nation and state. In the TNI institution, problems are still often encountered that can hinder the implementation of official obligations. One of them is that there are still TNI soldiers who violate the law, both criminal acts and disciplinary violations. In the context of law enforcement against TNI Soldiers in the military environment in Indonesia, there are legal provisions that expressly regulate TNI Soldiers about what actions are violations, crimes, or prohibitions. The threat of criminal sanctions against violators is also regulated in the Military Criminal Law (Chandra, 2020; Hutapea, 2016, 2018). TNI soldiers are not only subject to military regulations but as citizens are also subject to the rules that apply to all Indonesian citizens in general. All cases of general crimes and military crimes committed by TNI soldiers are investigated by the Military Police and then delegated to the Military Inspectorate (for Suspects with the rank of Captain and below) and the High Military Inspectorate (for Suspects with the rank of Major and above) as the Public Prosecutor within the Military Court, then on case files that have met the formal and material requirements, The Military Prosecutor or the High Military Prosecutor makes an indictment and delegates the case to the Military Court or High Military Court, then the Military Court or High Military Court hears it in the procedure as stipulated in Law No. 31 of 1997 concerning Military Justice which is the Military Court Procedure Law.

To prevent the involvement of TNI Soldiers in the abuse of Narcotics, the TNI Commander has issued a Telegram Letter Number: ST/398/2009 addressed to all TNI Soldiers, regarding the provision of strict sanctions in the form of Dishonorable Dismissal (PDTH) or dismissal of TNI Soldiers who are proven to have abused Narcotics. Until now, the Military Court and the High Military Court in Indonesia also often try TNI soldiers as defendants in narcotics cases. Data from the Annual Report of the Supreme Court of the Republic of Indonesia shows that the number of narcotics cases completed by the Military Court in 2022 is 254 cases

(<https://putusan3.mahkamahagung.go.id/search.html?q=%22Mempor%22&page=13&courtos=13>, accessed October 20, 2023).

However, from several decisions regarding the case of narcotics crimes at the first level, the appeal level (*judex facti*), and the cassation level (*judex juris*) it was found that there was a difference in the consideration of the panel of judges in proving the narcotics element so that there was a disparity in the sentencing of TNI soldiers who were charged with violating Law Number 35 of 2009 concerning Narcotics.

Based on the background described above where there are several trials against TNI Soldiers who are charged with having committed the crime of Narcotics abuse whose proof is based on the results of the Urine test using a Test pack and not the results of forensic laboratory tests belonging to the National Police of the Republic of Indonesia or the National Police or laboratories owned by BNN, this refers to the Decree of the Minister of Health of the Republic of Indonesia Number 194/Menkes/SK/VI/2012 concerning appointment of Narcotics and Psychotropic Examination Laboratories where in the decree it is stated that Narcotics and Psychotropic Examinations in several provinces that do not have forensic laboratories belonging to the National Police of the Republic of Indonesia can be carried out at the Regional Technical Implementation Unit of the Health Laboratory Center, the Public Health Laboratory Center and the Food and Drug Control Center, which turns out that in several cases of alleged narcotics abuse that are tried in Military Tribunal, that the level of accuracy of the urine test could not be proven in the trial because it used a test pack. Then the act of Narcotics Abuse was found to be carried out by the unit commander with his members but was tried in different Military Courts and resulted in different and contradictory verdicts due to differences in views on the proof of narcotics elements on narcotics evidence that had been sold before the disclosure of the narcotics sales case or narcotics evidence could not be tested by laboratories owned by the National Police or BNN

Research methods

In research, This author uses a normative legal research type. In normative law research, it is intended to examine the provisions of positive law and the positive legal instruments that are studied normatively will be used as a source of legal material.

In this study, the problem approach is carried out in a (Kartanto *et al.*, 2020) ^[8]:

1. Statute approach, which is an approach taken by identifying and discussing applicable laws and regulations;
2. Case approach, with a thorough approach to several of the same cases;
3. Conconceptual approach, which is an approach to problems based on the opinions of scholars as a supporting foundation.

It should be noted that in the legal literature, the approach to problems is determined and limited by the scientific tradition that is developed. Normative legal research is carried out by researching various legal literature materials (commonly called secondary data). Approaches in normative (dogmatic) legal research include: the approach to laws and regulations (statute approach) or legislation-regulation approach), conceptual (conceptual approach), history (historical approach), and comparison (comparative approach) (Kartanto *et al.*, 2020) ^[8]. Through a legislative approach and a conceptual approach, an assessment of all applicable legal provisions is carried out to reflect and argue theoretically based on basic legal concepts. With a comparative approach to law, it is intended to obtain a comparative source that will support and support the discussion material.

Complementing the approach mentioned above can also be used for the study of non-legal sciences. Isn't it a scientific activity that seeks to explain the reality of the law (legal realities)? Non-juridical disciplines seem relevant to help explain the legal issues being researched in the sense that the use of the perspective of non-legal disciplines is only a means of supporting the development of analysis (Kartanto *et al.*, 2020) ^[8].

The sources of legal materials in this study are primary legal materials and secondary legal materials. The legal materials used are legal materials (legal materials) and are categorized as primary

legal materials and secondary legal materials. According to R.G. Logan, in his writing *Legal Literature and Law Libraries*: Includes primary legal materials (Primary materials) be Act of Parliament, subordinate legislation, and reported decisions of the courts and tribunals; while secondary legal materials (secondary materials) Include: All types of of of of of of legal literature which are not formal records of law, such as encyclopedias, digests of cases, textbooks, journals, dictionaries, indexes, and bibliographies. (Kartanto *et al.*, 2020)^[8]. So in this study, it is more appropriate to use the term legal material instead of data, because the term data connotes empirical-sociological legal research.

The collection of primary legal materials and secondary legal materials is carried out through an inventory procedure, and identification by using a card system that is divided into overview cards, citation cards, and analysis cards. In the overview card, various outlines of thought are summarized substantially. The legal materials used as contained in the thoughts that represent the opinion of the author (author) will be referred to authentically. The Overview Card contains the author's name, book title, publisher name, year of publication, and the page of the essay cited. The citation card contains a very careful record of the various legal materials used as well as the original content and form of the cited essay. The analysis card contains the research's response to the legal materials used in the research. Responses can be in the form of additions or explanations by criticizing or expressing views, drawing conclusions, suggestions, and comments (Kartanto *et al.*, 2020)^[8].

The legal materials that have been collected are systematically classified by the formulation of the problem and the purpose of the research. Classification is intended to sort out legal materials related to the subject matter.

Legal materials (legal materials) are obtained by categorizing as the first step in selectively classifying legal materials. All legal materials are grouped based on the criteria of suitability with the formulation of the problem and the research theme which is further analyzed.

The analysis of legal materials is carried out using descriptive-analytical assessment. This study does not intend to test hypotheses or theories, but rather to assess legal concepts that include legal definitions, legal norms, and legal systems that are carried out by explaining, studying, systematizing, interpreting, and evaluating positive law (Kartanto *et al.*, 2020)^[8].

Results and discussion

Proving a Criminal Offense in Trial

Evidence of a criminal act in a trial is regulated in Law Number 8 of 1981 concerning the Criminal Procedure Code Article 184 paragraph (1), namely expert testimony, letters, and instructions. Associated with the role of forensic laboratories, one of the objects of examination that is rampant and often carried out is related to narcotics. Narcotics have been in the public spotlight and are very troubling to the community. This is strengthened by the emergence of various cases related to narcotics abuse, including in the Aceh Province and North Sumatra Provinces. The development of narcotics cases in the TNI every year continues to increase.

To find and collect evidence in the investigation process, the investigator is given the authority as implied in Article 7 paragraph (1) letter h of the Criminal Procedure Code which states that bringing in the necessary experts in connection with the examination of the case and Article 120 paragraph (1) of the Criminal Procedure Code states that if the investigator considers it necessary, he can ask for the opinion of an expert or a person with special expertise. In bringing in experts / having special expertise, one of them can be fulfilled by the Forensic Laboratory, so that the Forensic Laboratory can play a role in every stage of the law enforcement process as follows:

- a. Research stage
- b. Stages of enforcement
- c. Inspection stage
- d. Stage of settlement and submission of case files.

- e. Prosecution stage
- f. Judicial stage the role of the forensic laboratory in resolving criminal cases in court is to assist law enforcement in finding and proving the elements charged against the perpetrator.

The Role of Forensics for Proving Narcotics Abuse Forensic science (commonly abbreviated as forensics) is the application of various sciences to answer questions that are important for a legal system that may be related to criminal acts. However, in addition to its relationship with the legal system, forensics generally includes something or methods that are scientific (scientific) and also rules formed from the facts of various events. The role of forensic laboratories in proving group I narcotics crimes is:

"Making Clarification on a Criminal Offense of Class I Narcotics Users. The role of the Forensic Laboratory in providing evidence for the crime of narcotics abuse is to shed light on a criminal act, especially the perpetrators of group I narcotics users, The role of the forensic laboratory is important in uncovering a crime case through the process of examining evidence, because the evidentiary system according to forensic science is the existence of triangular evidence at the crime scene, there is the chain between the victim, the evidence and the perpetrator. Therefore, not all crimes can be known and revealed through the statements of witnesses and suspects or defendants only, but evidence can also provide clues or information about a crime that has occurred because the results of the examination of evidence from the forensic laboratory three pieces of evidence can be fulfilled by the laboratory out of five valid evidence"

With the help of a forensic laboratory, it will provide an overview of the causal relationship between the victim and the perpetrator of the crime by knowing the report in the forensic examination.

Meanwhile, regarding the role of the Forensic Laboratory in the judicial stage, according to Article 184 paragraph 1 of the Criminal Procedure Code, there are 5 (five) valid evidence, namely:

1. Witness statements;
2. Expert testimony;
3. Letter;
4. Instructions; and
5. Defendant's statement.

Of the five pieces of evidence mentioned above, 3 of them, namely expert statements, letters, and clues can come from the products of the National Police Forensic Laboratory which is based on the examination of evidence in the laboratory. The role and function of the Forensic Laboratory based on Law Number 22 of 2002 concerning the National Police of the Republic of Indonesia, namely the police, Police Medicine, Forensic Laboratory, and Police Psychology for the sake of the task The existence of this Forensic Laboratory is urgently needed to examine the types of narcotics that are confiscated. In addition, the examination at the Forensic Laboratory was carried out to find out the type of narcotics according to the group to determine the article to be given to the suspect. In addition, the examination of evidence at the Forensic Laboratory is carried out to determine whether the case can be continued at a later stage. That is the process of examining narcotics evidence at the Forensic Laboratory has an examination level, because not all narcotics evidence can be identified only once.

For example, at level 1 the results of the narcotics examination cannot be determined, so proceed to level 2 or up to level 3 which is a more detailed examination process. This certainly adds up and takes more time.

The forensic laboratory assists law enforcement in finding and proving the elements charged against the perpetrator.

The role of the forensic laboratory in resolving criminal cases of narcotics abuse in court is to assist law enforcement Prosecutors or Military Inspectors in finding and proving the elements charged to the Defendant and assisting the judge in providing legal certainty through his decision given to the Defendant.

The public prosecutor can consult with an expert examiner from the Forensic Laboratory about the results of the Criminological Laboratory examination so that the criminal elements charged become more accurate. In addition, if the prosecutor/Military Inspector investigates a special criminal case, the prosecutor/Military Inspector as an investigator can send evidence to be examined by experts at the Forensic Laboratory.

The role and function of the Forensic Laboratory based on Law No. 22 of 2002 concerning the National Police of the Republic of Indonesia, namely Article 14 paragraph 1 letter H "Organizing police identification, Police Medicine, Forensic Laboratory and Police Psychology for the benefit of police duties." The formulation of the duties in the above Article is the basis for the implementation of the criministic/forensic technical functions of laboratory examinations which include chemistry, narcotics, toxicology, biology, physics, ballistic, metallurgy, and forensic documents and counterfeit money.

Court decision against TNI narcotics abusers

To prevent the involvement of TNI soldiers in the abuse and circulation of narcotics, the TNI leadership in its policy has issued a Telegram Letter of the TNI Commander Number STR/278/2016 dated August 12, 2016. The content of the telegram letter takes strict action against every TNI Soldier and Civil Servant who is proven guilty of abusing narcotics. Prevention efforts and high emphasis on discipline as well as dismissal sanctions for TNI Soldiers who violate, considering that TNI soldiers must be a good example for society.

In practice, within the Military Court, both at the first level, the Appeal level, and the Cassation level, there are several opinions and considerations of the Judges about the institution authorized to prove narcotics evidence so that there are several verdicts on narcotics abuse cases that are analyzed, where if it is proven that there is abuse of narcotics, the judges of the first level generally impose the main criminal sentence of imprisonment, criminal fines and/or additional penalties in the form of dismissal from military service. Furthermore, when a case is filed, the appeal legal remedy is often upheld by the appellate military court. In contrast, when cassation legal remedies were filed for the same case, it was found that several Narcotics cases had changed their verdicts due to differences of opinion about proving Narcotics evidence. Some of the decisions include 1 (one) First Level Decision at the Military Court.

Case analysis

In the first case, the Military Inspectorate used a letter from the UPTD Health Office of the Banda Aceh Health Laboratory as evidence of narcotics elements. However, the Panel of Judges of the I-01 Banda Aceh Military Court considered the evidence inadequate and decided that the defendant was acquitted of the charges. In the cassation legal effort, the Military Inspectorate still used the same evidence, but the Supreme Court upheld the decision of the Banda Aceh I-01 Military Court. The second case has similarities to the first case, although there is a cassation legal effort carried out by the Military Inspectorate, the Panel of Judges remains at the initial verdict that states that the defendant is free of charges.

In the third case, the Military Inspectorate did not use evidence from an official laboratory to prove narcotics elements. The Panel of Judges of the I-01 Banda Aceh Military Court still declared the defendant guilty and sentenced him to criminal punishment and dismissal from service. The defendant appealed, highlighting the lack of laboratory evidence, but the Panel of Judges of the Medan High Military Court I upheld the decision of the Banda Aceh Military Court I-01.

The fourth case, the First Instance Verdict: The High Military Prosecutor did not prove the narcotic element directly, and the evidence in the form of methamphetamine was replaced with money. The Medan High Military Court I ruled the defendant guilty. Appeal Decision: On appeal, the High Military Prosecutor pleaded for the acquittal of the defendant, but the panel of judges

of the Main Military Court experienced a dissent. Judge Member I believed that the value of the money was equivalent to the evidence of methamphetamine that could not be presented. The Presiding Judge and Judge Member II, agreeing with the expert, judged that without laboratory evidence, there was no sufficient legal force to prove the narcotic element, so the defendant was acquitted of the charges.

In all cases, there are differences in assessments related to the proof of narcotic elements, especially regarding the use of evidence from official laboratories regulated in the Decree of the Minister of Health of the Republic of Indonesia Number 194/Menkes/SK/VI/2012.

Basis for judge's consideration

In imposing a criminal sentence, the judge considers three main elements: legal certainty, utility, and justice. The legal process follows a strict procedure, from examination to verdict, with the facts of the trial as the main material for consideration. Judges must be careful, wise, and confident in deciding cases, maintaining a balance between legal and justice aspects. The judge's considerations include:

1. **Indictment:** Contains the identity of the defendant and a description of the crime with the time and place of the incident.
2. **Witness Statement:** The main evidence must be based on what is witnessed directly and submitted after being sworn in.
3. **Defendant's Statement:** The defendant's statement can also be used as evidence.
4. **Charged Articles and Evidence:** Explains the elements of a criminal act that must be met to prove the guilt of the defendant.
5. **Background of the Defendant:** Factors that affect the motivation of the defendant.
6. **Consequences of the Defendant's Actions:** Impact and losses of the crime committed.
7. **Defendant's Condition:** The physical and psychological state of the defendant when committing the crime.

This consideration must take into account evidence from the authorized institutions, as stipulated in the Decree of the Minister of Health Number 194/Menkes/SK/VI/2012 concerning narcotics and psychotropic examination laboratories.

Author's analysis

The author analyzes the four Military Court decisions that the author presents in this paper, namely against the first and second case decisions, where the two Defendants were acquitted by the Military Court I-01 Banda Aceh with the consideration that in the facts of the trial, there were no Witnesses who knew that the Defendant consumed methamphetamine and The urine analysis certificate from the UPTD Health Office, Banda Aceh Health Laboratory Center was not supported by other evidence explaining that the Defendant had consumed narcotics.

The author analyzed both cases, the panel of judges was not confident in the urine analysis certificate from the UPTD Health Office of the Banda Aceh Health Laboratory Center, the panel of judges was more confident in the testimony of the Defendant Sertu Mariono Rajar which was supported by the results of the examination of several types of hair that grew on the Defendant's body issued by the National Narcotics Agency laboratory.

In the third and fourth cases, the two cases are interrelated, but the third case is heard at the Military Court I-01 Banda Aceh while the fourth case is heard at the High Military Court-I Medan. In the first-level trial, the two cases, each court stated that the third and fourth cases were proven guilty of committing narcotics crimes even though in the trial process no narcotics evidence had been tested in the laboratory as stated in the Decree of the Minister of Health of the Republic of Indonesia Number 194/Menkes/SK/VI/2012 concerning the appointment of the Narcotics and Psychotropic Examination Laboratory. Upon the Court's decision, the Defendants filed a legal remedy

At the appellate court, the first and second cases were still found guilty and proven to have committed narcotics crimes while the third and fourth cases were declared not guilty of committing non-narcotics crimes considering the absence of evidence in the form of a certificate from the institution listed in the Decree of the Minister of Health of the Republic of Indonesia Number 194/Menkes/SK/VI/2012 concerning the appointment of the Narcotics and Psychotropic Examination Laboratory that had carried out narcotics testing on methamphetamine narcotics sold by the Defendant.

In the appellate trial process for the third and fourth cases, there was a difference of opinion among the panel of judges in terms of proving the narcotics element where the judge of one member thought that if the methamphetamine-type narcotics that had been sold out could not be tested in the authorized laboratory, then the money from the sale of the narcotics could be used as proof of the narcotics element, but the presiding judge and the second member judge agreed with the expert testimony that Explains that in the case of narcotics, there must be a certificate from the authorized laboratory and explain that it has conducted a test on an item which in conclusion explains what type of narcotics the item is and what type of narcotics it belongs to.

From several cases presented by the author in this article, the author sees that there are still several opinions or views from several judges about proving narcotics elements in narcotics crime cases and this is a weakness of law enforcement in providing legal certainty, justice, and the benefits of the law itself. The existence of a court decision that does not meet the sense of justice both for the perpetrator of the crime itself and for the unit of the defendant, raises a question mark for other soldiers who are unfamiliar with legal issues because in the military environment, every mistake has consequences that can affect the career path of soldiers.

Conclusion

The Forensic Laboratory is very effective in carrying out its role as a place to examine evidence in a criminal technical manner at the crime scene to investigate criminal acts, especially the crime of narcotics abuse. Not only that, the role of the Forensic Laboratory is very important in terms of determining the content of the type of Narcotics, where from the results of the Forensic Laboratory test it can be known and information about the Narcotics class and its contents can be obtained, and from the results of the examination the investigator can determine the article that will be suspected for the suspect or defendant in the crime of abuse of narcotics and psychotropics.

The examination of the evidence of narcotics abuse conducted by the Forensic Laboratory has a great influence in proving the elements of narcotics in the trial conducted by the Military Inspectorate in its letter of demand, thus providing confidence for the judge in deciding a criminal case of narcotics abuse.

The implementation of forensic examinations to prove the crime of abuse of narcotics class I has several stages, including Search for Evidence, Collection / Collection of Evidence, Security/Packaging of Evidence, and Delivery of Evidence. The Forensic Laboratory in carrying out its duties and functions is inseparable from obstacles, namely in the examination request letter is often unclear the purpose and purpose of the examination, the formal requirements in the form of completeness of administrative files, and material requirements in the form of insufficient amount of evidence to be examined, or the evidence is in a defective or damaged state so that it can slow down the laboratory examination process.

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