



## Reconstruction of National Legal Policy in Facing New Modus Operandi of Narcotics Distribution Through Expedition Courier Networks

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**Abstract:** The circulation of narcotics in Indonesia is increasingly complex with the emergence of a new modus operandi that utilizes courier networks as a means of distribution. This pattern exploits gaps in supervision and weak detection systems in the logistics chain, thus expanding the reach of distribution without direct interaction between perpetrators and buyers. This study aims to reconstruct national legal policy to comprehensively respond to this phenomenon. The method used is a normative juridical approach, by analyzing relevant laws and regulations, such as Law Number 35 of 2009 concerning Narcotics and its amendments and implementing regulations, Law Number 11 of 2008 concerning Information and Electronic Transactions as amended by Law Number 1 of 2024, and Law Number 7 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 into Law (regarding the strengthening of the Criminal Code). The results of the study indicate that existing regulations do not specifically anticipate the circulation of narcotics through courier services, particularly regarding oversight mechanisms, legal responsibilities of logistics service providers, and cross-sector coordination. Therefore, policy reconstruction is needed by adding specific norms to the Narcotics Law, strengthening technical regulations in the logistics sector, and increasing law enforcement capacity based on digital detection and intelligence technology. This research is expected to contribute to the development of policies that adapt to the dynamics of narcotics crime, while strengthening public protection from the increasingly covert threat of illicit trafficking.

**Keyword:** Reconstruction of Legal Policy, Narcotics, New Modus Operandi, Courier Expedition, Law Enforcement.

### INTRODUCTION

The increase in narcotics trafficking through courier networks indicates a significant shift in the distribution patterns of illicit goods (Renyaan, 2021). This mode takes advantage of the increasingly rapid development of the logistics industry, including express delivery services and digital tracking systems, to obscure the identities of senders and recipients

(Ristanti & Nirmala, 2025). Data from the National Narcotics Agency (BNN), the Indonesian National Police (Polri), and Customs and Excise show an increasing trend in narcotics cases sent via packages, where the disguise method often uses everyday items as camouflage (Harap & Simangunsong, 2025). Delivery systems that rely on goods declarations from the sender create significant opportunities for smuggling that are difficult to detect with the naked eye (Suprapto, 2021). This challenge demands a legal policy response capable of closing legal loopholes exploited by perpetrators.

Enforcement statistics reveal that narcotics distribution networks are increasingly creative in exploiting gaps in surveillance (Manalu & Simanjuntak, 2025). The increasing number of drug shipments via courier services indicates that the random inspection system and scanning technology are not yet optimally implemented at all distribution points (Nuryanta & Mahyani, 2022). Limited human resources and infrastructure are major obstacles, particularly for private courier companies focused on speed of service. The absence of legal obligations governing thorough inspections of shipments often hinders early detection efforts (Silviani & Prayuda, 2023). This situation demonstrates that existing legal regulations still do not address the ever-adapting modes of crime.

Regulatory vulnerabilities are evident in the lack of harmonization between the Narcotics Law, Law Number 38 of 2009 concerning Postal Services, and technical regulations for the supervision of shipments. The Narcotics Law stipulates strict sanctions for illicit traffickers but does not specifically address the responsibilities of courier service providers who neglect inspections (Putri, 2024). The Postal Law does prohibit the shipment of prohibited goods, but it does not provide binding technical guidelines on procedures for physical inspection of shipments. The derivative regulations issued by the Ministry of Transportation and the National Narcotics Agency (BNN) are primarily administrative in nature, resulting in inconsistent implementation across companies. This loophole allows criminals to exploit courier services as a relatively safe distribution channel.

The urgency of reconstructing national legal policy lies in the need to unify regulations scattered across various laws and regulations. Drug trafficking through courier channels is not simply a criminal issue but also concerns national security and public health (Hikmah & Rohmana, 2021). A partial policy approach has the potential to lead to ineffective law enforcement. Policy integration can ensure that all parties involved in the delivery chain have clear legal responsibilities. This can also encourage the creation of a more proactive prevention system.

Criminal law policy theory provides a conceptual basis for formulating strategies to combat drug crime (Hafid et al., 2025). According to Marc Ancel, criminal policy must balance repressive and preventive aspects (Zaidan, 2021). Barda Nawawi Arief emphasizes the importance of criminal law policies tailored to social dynamics and evolving crime modes (Ahmad, 2024). Applying this theory to drug trafficking cases through expeditions requires policymakers to review the effectiveness of existing regulations and anticipate new forms of crime. Adaptive policies will be better able to respond to evolving threats.

The relationship between criminal law policy and public protection from narcotics is reflected in the primary objective of criminal law itself, namely protecting the public interest from harmful acts (Setiawan et al., 2024). Drug crimes have a broad impact on health, public order, and the younger generation (Isvany et al., 2024). As the distribution mode shifts to expeditions, criminal law policy must address all potential points of contact that perpetrators can exploit. Protecting society is not enough just by punishing perpetrators after they are caught, but it must also include prevention mechanisms that prevent the circulation from the start. This approach requires the active involvement of all parties connected to the distribution system (Praptisi, 2024).

The concept of modus operandi in criminology helps understand the patterns and strategies of criminals (Pranasita, 2023). Modus operandi is not only the execution technique but also encompasses the perpetrator's adaptation to technological developments and social situations. In narcotics cases via expedition, perpetrators utilize a modern logistics system designed for efficiency and confidentiality of consumer data. It makes shipping a low-risk distribution method, making detection by authorities highly unlikely. Understanding this modus operandi is key to formulating effective countermeasures strategies (Lusiana & Yusuf, 2024).

Narcotics trafficking using courier services often utilizes fictitious identities and difficult-to-trace recipient addresses (Farid & Ardiansyah, 2023). Perpetrators also utilize multi-stage distribution channels to break the chain of investigation, making it difficult to determine the initial point of delivery. Digital payment systems and the use of third parties as intermediaries further complicate tracking. This strategy represents a concrete form of low-risk distribution that reduces the chances of the main perpetrator being apprehended (Samsurizal, et al., 2023). Combating this type of modus operandi requires policies that not only take action but also regulate strict identity verification procedures.

The legal framework for addressing this problem already exists, but its implementation still faces obstacles. Law No. 35 of 2009 concerning Narcotics prohibits the production, distribution, and possession of narcotics, which carries a severe penalty. Law No. 1 of 2023 concerning the Criminal Code strengthens the relevant aspects of involvement, attempt, and conspiracy to prosecute parties involved in the distribution chain. Law No. 38 of 2009 concerning Postal Services reaffirms the prohibition on sending prohibited goods, including narcotics, via courier services. Synchronization between these three laws is crucial to avoid overlapping or legal gaps (Salwa & Salji, 2024).

The Regulation of the Head of the National Narcotics Agency (BNN) and the Regulation of the Minister of Transportation complement the legal framework with technical provisions for the supervision of shipped goods. These regulations include the obligation for courier companies to report suspicious items and to cooperate with law enforcement. However, without adequate detection technology and trained human resources, the implementation of these regulations will be ineffective. Improving technical capacity and enforcing regulations in the field are crucial factors in successfully preventing drug trafficking through shipping channels. Legal policy reconstruction must ensure that existing regulations are not only normative but also applicable in the real world.

## METHOD

This study is a normative legal research method with a statute and a conceptual approach. The statutory regulatory approach is carried out by comprehensively examining the positive legal norms that regulate waste management, including the provisions in Law Number 32 of 2009 concerning Environmental Protection and Management, along with its relevant implementing regulations. This analysis includes the identification of legal obligations, enforcement mechanisms, and sanctions stipulated for violations related to waste management. Meanwhile, the conceptual approach is used to explore the principles, doctrines, and theories of environmental law that can explain in depth the urgency of implementing systematic waste management. It allows researchers to examine the relationship between the theory of sustainable environmental management and the reality of its implementation in the field, including structural barriers, policy weaknesses, and gaps in law enforcement. Research data was obtained from literature studies covering legislation, legal literature, previous research results, and other scientific publications. Furthermore, the analysis is conducted descriptively-analytically to describe, compare, and evaluate relevant legal norms and concepts, to provide recommendations for improvements that can strengthen

the effectiveness of waste management in Indonesia. This dual approach provides a comprehensive analytical framework, both from a formal legal perspective and from the conceptual aspects underlying the formation and implementation of environmental law.

## RESULTS AND DISCUSSION

### Regulation and Law Enforcement of Narcotics Distribution Methods Through Expeditions

Articles 111 to 114 of Law Number 35 of 2009 concerning Narcotics explicitly prohibit the production, distribution, and trafficking of narcotics, with penalties ranging from life imprisonment to the death penalty depending on the type and quantity of evidence. Articles 115 and 116 emphasize the prohibition of illicit trafficking involving means of transportation, including motor vehicles and logistics facilities. These provisions provide a legal basis for prosecuting perpetrators who use courier services as a means of distributing narcotics. Article 132, paragraph (1) regulates criminal conspiracy involving two or more people in the distribution of narcotics, which is relevant for taking action against syndicates that utilize courier expedition networks. The criminal sanctions in this law are cumulative, including imprisonment and large fines.

Law Number 38 of 2009 concerning Post in Article 23 paragraph (2) explicitly prohibits the sending of goods whose distribution is prohibited or restricted, including narcotics, psychotropics, and hazardous materials. This article provides the legal basis for postal and courier service providers to reject, inspect, and report shipments suspected of violating the law. Article 24 requires postal operators to ensure the security and integrity of shipments, meaning they have a legal obligation to prevent the circulation of prohibited goods through their networks. Violations of these provisions may be subject to administrative or criminal sanctions in accordance with Article 46 of the Postal Law. This provision is important because it emphasizes the corporate responsibility of delivery service providers.

The new Criminal Code (KUHP), Law No. 1 of 2023, provides strengthened sanctions for parties indirectly involved. Articles 21 to 24 regulate involvement in criminal acts, which include those who assist, encourage, or facilitate criminal acts, which are relevant for ensnaring expedition parties who are negligent or even actively involved. Article 15 regulates attempted criminal acts, so that evidence that has not yet circulated but has been sent can form the basis for prosecution. Article 19, concerning complicity in criminal acts, allows law enforcement to expand the scope of the law to include parties playing only a small role in the distribution chain.

The National Narcotics Agency (BNN) plays a key role in regulating and enforcing the distribution of narcotics through courier services. The BNN has the authority to investigate, investigate, and coordinate between agencies as regulated in Articles 70 to 76 of the Narcotics Law. This authority includes covert operations, undercover operations, and tracing financial transactions related to narcotics. The BNN can also collaborate with shipping companies to conduct joint monitoring and training in detecting prohibited goods. The BNN's national capacity allows for cross-regional operations without jurisdictional barriers.

The Indonesian National Police (Polri) is authorized to investigate narcotics crimes under Article 75 of the Narcotics Law. The police also have a preventive function through cyber patrols and monitoring of information technology-based logistics distribution channels. The use of controlled delivery methods, where goods detected as containing narcotics are left in transit to arrest the recipients, is an effective enforcement strategy. The police are often the first to receive reports from the public or courier companies regarding suspicious shipments. The police often play a coordinating role with the BNN and Customs.

The Directorate General of Customs and Excise has supervisory authority over the entry and exit of goods, including international shipments. Article 102 of Law Number 17 of 2006 concerning Customs regulates sanctions for the smuggling of prohibited goods, which also applies to narcotics. Customs and Excise have X-ray facilities and sniffer dogs (K9) used to inspect shipments at sorting centers or airports. Shipments detected as containing narcotics will be handed over to investigators from the National Narcotics Agency (BNN) or the Indonesian National Police (Polri) for further legal proceedings. Cooperation between Customs and Excise and private shipping services is increasingly crucial in preventing narcotics distribution.

The Ministry of Transportation has a regulatory and supervisory role over postal and expedition services, as mandated by the Postal Law. Issued technical regulations, such as the Minister of Transportation Regulation on Postal Services, mandate verification of the identity of senders and recipients. The ministry can also impose administrative sanctions, up to and including the revocation of operating licenses, for expedition companies that violate security provisions. The Ministry of Transportation's involvement places it as a key factor in establishing operational standards for shipment inspections. The implementation of oversight in this sector directly impacts the effectiveness of prevention.

The investigation procedure for drug trafficking through courier services typically begins with the detection of suspicious goods during the sorting process. These goods are then identified and further examined using rapid laboratory testing methods. After a positive drug test is confirmed, a controlled delivery is conducted to apprehend the recipient and trace the network behind the shipment. Shipment data, phone numbers, and payment information are analyzed to map the perpetrators' networks. This method requires close coordination between the expedition, BNN, Polri, and Customs.

The difficulty in detecting illicit goods in courier packages is due to advances in disguise techniques and the use of packaging materials that hinder X-ray detection. Many goods are shipped in small quantities and hidden inside legitimate products such as food or household appliances. Random inspection systems are only able to examine a small portion of total daily shipments, so the chance of illicit goods slipping through remains high. Detection technology available at many courier companies remains limited, especially at the regional branch level. This creates security gaps that perpetrators exploit.

Limited coordination between agencies is also a significant obstacle. Not all shipping companies have a mechanism for reporting directly to the authorities when they find suspicious goods. Differences in inspection standards between companies make prevention efforts inconsistent. The lack of information system integration between law enforcement agencies and shipping companies hampers rapid investigations. This problem becomes more complex when shipping involves inter-provincial or inter-country shipments. Improved coordination is essential for more effective drug eradication efforts through shipping channels.

### **Analysis of Weaknesses and Urgency of National Legal Policy Reconstruction**

The lack of a legal framework regarding the legal responsibility of shipping companies negligently handling suspicious shipments is a fundamental problem. Existing regulations only emphasize the prohibition on sending prohibited goods, but do not provide specific sanctions for shipping service providers who do not carry out adequate inspections or supervision. The absence of regulations that place expedition parties as subjects of criminal law or at least administrative sanctions leaves them in a risk-free position, even though their negligence opens up opportunities for narcotics circulation. This creates a low incentive for shipping companies to invest in detection technology or employee training. This weakens the overall security chain of goods distribution.

Administrative and technical oversight of shipments tends to be a formality and does not address substantive aspects of crime prevention. Administrative checks only inspect the completeness of shipping documents without assessing the truth or validity of the sender's identity. On the technical side, only a small number of shipping companies implement serious random checks on package contents. Weak inspection standards increase the chances of prohibited goods slipping through the cracks. Reliance on manual reports from field staff without technological support exacerbates this situation. Without consistent oversight, criminal networks will continue to exploit these loopholes. The absence of a legal obligation to conduct random physical inspections of packages provides significant advantages for criminals. Provisions governing shipment inspections are often optional and left to internal company policy. In an industry heavily focused on speed of service, random physical inspections are perceived as disruptive to operational efficiency. As a result, prevention is prioritized over customer satisfaction. This mindset ultimately weakens legal protection for society and provides ample space for the circulation of narcotics without significant obstacles.

The shift in modus operandi from direct sea or land routes to courier logistics is influenced by the strategic advantages offered by modern distribution systems. Expedited couriers provide a vast, organized network that is relatively secure from strict inspection. Shipping goods through this system allows perpetrators to easily disguise drug packages as legitimate goods. The use of inter-city and inter-provincial facilities in a short time adds another layer of difficulty for law enforcement officials to identify and stop shipments before they reach their destination. This distribution pattern demonstrates the rapid adaptation of drug networks to developments in the logistics industry.

Distribution costs through courier services are significantly lower than traditional smuggling routes, thus serving as a strong incentive for perpetrators. Shipping companies offer low rates for long-distance shipping, and this benefits drug syndicates who want to maximize profits with minimal risk. The lack of requirement for rigorously validated shipping documents also reduces costs and disguises efforts. In many cases, the identities of senders and recipients can easily be falsified using fictitious data or the identities of uninvolved individuals. This creates a system that benefits criminals while making it difficult for authorities to monitor.

The low risk is another attraction for drug traffickers using courier services. A delivery system that physically separates the sender and recipient reduces the chances of getting caught red-handed. If a shipment is successful, substantial profits can be earned; if it fails, the syndicate's material losses are relatively small because the quantity of goods in each package is usually divided into small volumes. This strategy minimizes operational impact and makes it difficult for law enforcement to uncover large networks from a single arrest. This pattern indicates that countermeasures must be designed to break the distribution chain, not just catch lower-level perpetrators.

Strict verification of the identities of senders and recipients needs to be part of the preventive aspect of legal policy. Implementing the mandatory use of official identities verified through a national system can reduce the potential for the use of fictitious data. Data integration with population information and criminal records will facilitate the identification of individuals repeatedly involved in suspicious transactions. Barcode technology integrated with the National Narcotics Agency (BNN) system can provide automatic notifications if any shipments are indicated as high-risk. This system not only strengthens oversight but also expedites law enforcement response.

Imposing criminal sanctions on shipping companies found negligent is an important repressive measure. Negligence in conducting inspections, identity verification, or reporting can be treated as a criminal offense if proven to have led to drug trafficking. Establishing this

criminal responsibility will encourage shipping companies to strengthen their internal oversight procedures. In addition to imprisonment, large fines commensurate with the value of drug transactions can be imposed to increase deterrence. This mechanism can force the shipping industry to prioritize security.

Harmonization of laws and regulations between the Narcotics Law, the Postal Law, and technical regulations for shipping goods is essential for the policy's success. Synchronization of regulations will eliminate overlapping authority and minimize legal loopholes that perpetrators can exploit. Harmonization will also ensure that all parties, from shipping operators to law enforcement officials, operate with the same standards and protocols. Standardizing inspection and reporting procedures across the logistics industry can expedite the prevention and enforcement process. This integration will also strengthen the legal position of authorities in taking swift action in the field.

Reconstruction of national legal policy must be directed at building a monitoring and law enforcement system that is adaptive to changing crime modes. The resulting policies must be based on risk analysis, utilize technology, and establish shared responsibility between the government and the shipping industry. This approach allows for more effective early detection, stronger evidence collection, and the imposition of targeted sanctions. The success of reconstruction will be evident when the goods distribution system is no longer a safe route for drug trafficking. This will restore the logistics industry's function as a safe and reliable supporter of the economy.

## CONCLUSION

The new modus operandi of narcotics distribution through courier networks has posed a serious challenge to Indonesia's legal and enforcement systems. The shift from conventional distribution channels to modern logistics channels offers criminals strategic advantages, particularly in terms of speed, reach, and reduced risk of arrest. Regulatory loopholes that do not clearly define legal responsibilities for couriers, weak administrative and technical oversight, and the absence of mandatory random physical inspections have created a distribution ecosystem vulnerable to exploitation by drug syndicates. This condition confirms that the reconstruction of national legal policy is not merely a matter of updating norms, but also a comprehensive adjustment to technological developments and crime patterns. Adaptive integration of regulations, technology, and law enforcement is key to disrupting the chain of narcotics distribution through logistics channels.

Suggestions include strategic measures that are both preventative and repressive. The creation of derivative regulations from the Narcotics Law and the Postal Law that explicitly require verification of the identity of senders and recipients using a national database will narrow the room for perpetrators to maneuver. Training and certification of shipping officers related to narcotics detection, including the use of screening and profiling technology for packages, needs to become a mandatory standard for the logistics industry. A national shipment database system linked to the National Narcotics Agency (BNN), the National Police, Customs and Excise, and the Ministry of Transportation will expedite the identification of high-risk shipments and enable rapid response by authorities. The combination of strong regulations, technical readiness, and synergy between agencies will create a double layer of protection that is difficult for narcotics distribution networks to penetrate.

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