Efforts to Combat the Crime of Selling Abortion Products Through Social Media

Sishi Maudysari
Universitas Lampung, Indonesia
Sishimaudysari66@gmail.com

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Article’s Information

| keywords:               | Abstract                                                                 |
|------------------------|--------------------------------------------------------------------------|
| Countermeasures, Abortion, Social Media | Rapid technological advances are currently being misused by some people to sell abortion drugs, this mode of selling abortion drugs is a type of crime that is difficult to prosecute because of the limitations of the rules in the Criminal Code. The problems in writing this thesis are first, how are the police efforts in tackling the crime of selling abortion drugs through social media, secondly what are the inhibiting factors for the police in overcoming the sale of abortion products through social media. The method used in this research is using a normative juridical approach and an empirical juridical approach. Types of data consist of primary data and secondary data. the results of research and discussion obtained by the police's efforts in dealing with criminal acts The sale of abortion drugs through social media is the first through penal and non-penal efforts. The inhibiting factors for police efforts in overcoming the crime of selling abortion drugs through online media are the first, the lack of infrastructure facilities owned by the police IT, secondly, the human resources of the police in using the available facilities are not maximized, there is no legal awareness of the community and the indifferent attitude of the community. to the problem of selling abortion drugs through social media. |

A. Introduction

Technology is now a double-edged sword, because apart from contributing to the improvement of human welfare, progress and civilization, it is also a new means of fighting the law. Law is one aspect that covers aspects of human life, including in terms of fulfilling human needs, which are regulated in laws that regulate online commerce or e-commerce. E-Commerce is a process of buying and selling goods and services through a computer network, namely the
internet. Trading activities by utilizing internet media are known as electronic commerce or abbreviated as e-commerce.¹

Marketplace is a platform or container in the form of applications, internet sites or other internet-based service content that is used to interact and facilitate trade through electronic systems. Marketplace describes a product marketing platform in an electronic way that brings together many sellers and buyers to transact with each other virtually without having to meet in person. Many sellers and buyers use the marketplace, which makes it easier for sellers to do their business and also makes it easier for buyers to find the desired product. The use and development of marketplaces as online media in drug sales service facilities is very risky, because it has the potential to cause harm to consumers. For example, a business actor offers medicinal products that are sold at a lower price. Over time, many business actors make irregularities in the sale of drugs that are classified as hard drugs. This has an impact on people who can abuse these drugs.²

Presidential Regulation (Perpres) Number 74 of 2017 concerning the Road Map of the Electronic-Based National Trading System (Road Map of E-Commerce) is a manifestation of the government's commitment and support for e-commerce.³ This roadmap includes funding programs, taxation, consumer protection, education and human resources, communication infrastructure, logistics, cyber, and the establishment of management for implementing the 2017-2019 SPNBE roadmap.⁴ Increasing numbers of internet users also had a negative impact, which is the rise in the crime of cyber crime based on a report from the Directorate of Cyber Crime Police, in 2017 there were 1763 cases of cybercrime, which included crimes in electronic transactions, computer crimes, etc.⁵

There are several legal regulations that regulate electronic transactions, including the Criminal Code (Criminal Law Book), Criminal Code (Civil Law Book), Law Number 8 of 1998 concerning Consumer Protection, Law no. 11 of 2008 concerning Information and Electronic Transactions, Government Regulation of the Republic of Indonesia No. 82 of 2012 concerning the Implementation of Financial Systems and Transactions, Law no. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions, Law no. 7 of 2014 concerning Trade.⁶

Intentional abortion and spontaneous abortion are the meanings of abortion as reported by the Black's Law Dictionary. Abortion can be permitted or not. In the Big Indonesian Dictionary, abortion is prohibited by law, which is owned by all countries in general. However, it is not permanent. If it is done to help from the threat of death of a mother's life, it is an act of treatment and can be justified as abortion provocatus⁷. The ways that can be done in the abortion process,

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¹Ahmad M. Ramli, “Cyber Law dan HAKI Dalam Sistem Hukum Indonesia”, Jakarta: Refika Aditama, 2004. Hlm. 1
²Marditia, Putri PurbaSari Raharningtyas, and Putu Devi Kuaumawardani. "Marketplace Accountability Regulatory Model for the Online Distribution of Hard Drugs (Prescription Drugs)." SOEPRA Jurnal Hukum Kesehatan 8.No.1 (2022):107 doi: https://doi.org/10.24167/shk.v8i1.4760
³https://www.kominfo.go.id/content/detail/8356/siaran-pers-about-paket-policy-economy-xiv-peta-jalan-e-commerce/0/siaran_pers
⁴Article 2 Paragraph 2 Presidential Regulation No. 74 of 2017 concerning the SPNBE Roadmap.
⁵Abdul Chaer, http://berita7.com/dinamika-ancaman-cyber-crime-di-tahun-politik-2018-2019/ diakses pada 22 Juni 2021
⁶Solim Jevlin, Mazmus Septian Ramupea, Agung Wijaya, Bella Monica Manurung, Wendy Lionggodinata. 2019. Efforts to Overcome Fraudulent Crimes of Online Buying and Selling Sites in Indonesia. Medan: Ocean of Justice.
⁷Pandamdari, Endang, Gunawan Djajaputra, and Endyk M. Asror. "Tinjauan Yuridis Pertanggungjwawaban Pelaku di Indonesia Terkait Tindak Pidana Aborsi." Synotic Law: Jurnal Ilmu Hukum 1.No.1 (2022):5 doi: https://doi.org/10.56110/sl.v1i1.2
if the traditional way is usually by drinking herbal teas, doing special massages, inserting various forms of objects that should not be inserted into the uterus, and in other ways which in the end women choose the method. will receive very fatal consequences, one of which is willing to lose his life.8

One example of social media that is widely used today is Instagram, if used properly there are many benefits that can be taken in using Instagram. However, there are also many people who abuse Instagram, one of which is the sale of hard drugs that are traded freely. An example is the sale of abortion drugs.

Indonesia has regulated the prohibition of illegal distribution of drugs that do not meet the standards and/or requirements for safety, efficacy or benefits, and quality as stated in Article 98 Paragraphs (2) and (3) and Article 196 of Law Number 36 Year 2009 concerning Health that the distribution of drugs illegally can be imprisoned for a maximum of 10 (ten) years and a fine of a maximum of Rp. 1,000,000,000.00 (one billion rupiah).

One type of drug used in the crime of abortion is a drug containing the active substance misoprostol. Based on research conducted by Mooore et al 2020, there were 727 shops selling misoprostol drugs online from websites, marketplaces and other social media.9

The novelty of this research is about efforts to eradicate the crime of selling abortion products through social media. rampant marketing or transactions for hard drugs on social media, for example abortion drugs at low prices. Even though they already know the risks and consequences of selling and using this drug, they don't seem to care and continue to do it for the reason of big profits and to get rid of the shame caused by getting pregnant out of wedlock. Based on these legal facts, it becomes interesting to study so that the authors are interested in writing a legal research entitled Efforts to Combat the Crime of Selling Abortion Products Through Social Media abortion drugs through social media and also what are the inhibiting factors for investigators in tackling the crime of selling abortion drugs through social media.

The method used in this research is using a normative juridical approach, carried out by means of theoretical matters, legal and empirical juridical principles are carried out by examining based on facts in the field in the form of sources' opinions. Types of data consist of primary data and secondary data. The resource persons consisted of the Lampung Police Investigator in the Special Crimes section, the Head of the Palapa Health Center UPT, and a Criminal Section Lecturer at the Faculty of Law, University of Lampung.

B. Discussion

1. The Role of Investigators in Overcoming the Crime of Selling Abortion Products Through Social Media

Indonesia is an archipelagic country that has abundant natural resources. These natural resources are solely to improve the standard of living of the Indonesian people, as well as to create a just and prosperous society based on Pancasila and the 1945 Constitution. an Indonesian state government that protects the entire Indonesian nation and the entire homeland of Indonesia and to promote public welfare, educate the nation's life, and participate in carrying out world order based on independence, eternal peace, and social justice, the independence of the Indonesian nationality shall be formulated in a law. The Constitution of the State of Indonesia which is formed in a structure of the Republic of Indonesia which is sovereign by the

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8Farhana, Nurul. "ABORSI DALAM PERSPEKTIF HAK ASASI MANUSIA DAN HUKUM ISLAM." Journal Presumption of Law 4.No.2 (2022): 182 doi: https://doi.org/10.31949/jpl.v4i2.3431
9Ramdhani, Humaira, et al. "Penyalahgunaan Obat Misoprostol Sebagai Tindakan Aborsi pada Wanita Dewasa Muda: Systematic Review." 2-TRIK: TUNAS-TUNAS RISET KESEHATAN 12.1 (2022): 88 doi: http://dx.doi.org/10.33846/2trik12116
people based on the one and only God, just and civilized Humanity, Indonesian Unity and Democracy led by wisdom in deliberation/representation, and by realizing a social justice for all Indonesian people”.10

Indonesia is a country based on law (rechtstaat) not based on power alone (machtstaat), this statement is confirmed in the 1945 Constitution. In this case, Indonesia is a democratic legal state based on Pancasila and the 1945 Constitution.11 The guidelines highly uphold human rights and guarantee that all citizens have the same position before the law. Along with the times, the mindset of every human being in society changes drastically both in association and in terms of technology and information. The development of the era made inappropriate behavior in society more varied, as well as the scope of technology and information both directly and online.

The increasing population every time makes the socio-economic conditions in the community increase, especially in terms of employment opportunities that are increasingly inadequate in meeting the needs of life. This condition has led to unrest in the community so that not a few people justify any means to fulfill their economic needs by selling abortion drugs through social media. The sale of abortion drugs is a violation of Law Number 36 of 2009 concerning Health and is also categorized as a case of selling illegal drugs, where these actions are prohibited by laws and regulations and damage the morale of teenagers.

In order to achieve the goal of a prosperous and just and prosperous state, a conducive atmosphere is needed in all aspects, including the legal aspect in overcoming criminal acts. According to GP Hoefnagels, legal policy (law policy) is an integral part of social policy (social policy) or in other words, social policy includes legal policy, which in full is called law enforcement policy.12

An integral approach between penal policy and non-penal policy in overcoming criminal acts must be carried out, because the approach to the application of criminal law alone has various limitations. There are two sides to the limitations of this criminal law. First, from the point of view of not criminal nature. Criminal law will not be able to see in depth the root cause of this crime if it is not assisted by other disciplines. Second, the limitations of criminal law can be seen from the fact that it is only a temporary remedy as a mere symptom relief and not a complete resolution tool by eliminating the source of the cause.13

According to data from the Population and Family Planning Agency (BKKBN) until the end of 2018, Indonesia's population growth rate was at 1.39%, which means that every year there are 4.2 million to almost 4.8 million newborns in Indonesia, while the number of deaths 1.72 million people (Dina Manafe: 2019). According to Sudibyo Alimoesa, Deputy for Family Welfare and Family Empowerment (KSPK) of the BKKBN, the number of abortions in Indonesia is quite large, around 2.5 million per year, if it is calculated that almost half of the birth rate in Indonesia. WHO estimates that as many as 4.2 million abortions are carried out every year in Southeast Asia and around 750,000 to 1.5 million occur in Indonesia. Until now, it is believed that the abortion rate in Indonesia reaches 2 - 2.5 million per year (Putro Agus Harnowo: 2019). Based on WHO research, since early 2010 until now, it is estimated that in

10Buchari Said, Criminal Law, Faculty of Law, Pasundan University, 2009
11Hadi, Fikri. "NEGARA HUKUM DAN HAK ASASI MANUSIA DI INDONESIA." Wijaya Putra Law Review 1.2 (2022): 171 doi: https://doi.org/10.38156/wplr.v1i2.79
12GP Hoefnagels. The Other Side of Criminology, Holland, Deventer-Kluwer, 1978, p. 57. See in Barda Nawawi Arief, 1998. Op. cit.
13Barda Nawawi Arief. Several Aspects of Criminal Law Enforcement and Development Policies. Bandung. Image of Aditya Bakti, 1998. pp 44-45.
Indonesia there are about 20-60% cases of induced abortion (Suci M. Ayu and Tri Kurniawati: 2007).  

Cases of abortion according to Law no. 39 of 1999 concerning Human Rights regulates rights, namely the right to live, the right to have a family and continue offspring, the right to develop oneself, the right to obtain justice, the right to personal freedom, the right to security, the right to welfare, the right to participate in government, the right to women and children's rights.

Regarding the right to life, Article 9 paragraph (1) of Law Number 39 of 1999 concerning Human Rights, stipulates that everyone has the right to live and maintain life and improve their standard of living. This provision shows that the right to life is a basic right that is inherent or owned by a person as a gift from God. Furthermore, Article 53 paragraph (1) of the Human Rights Law regulates children's rights. In the article it is stated that every child in the womb has the right to live, maintain life and improve the standard of living. In this case, it can be seen that there are still many debates regarding the legality of abortion provocatus in the eyes of the law and society. In essence, the impact of the act of abortion is that the victim, in this case, the child in the womb, experiences the loss of the rights he should have as mentioned above.

If we open a search engine on Instagram and search for "abortion medication" or "gastrul" then many accounts will appear that sell abortion drugs and provide instructions on how to use the drug to function as an abortion drug. This proves that cases of selling abortion drugs through social media in Indonesia are common. Therefore, it is necessary to carry out countermeasures with penal (repressive) and non-penal (preventive) efforts.

Efforts to overcome criminal acts or known by various terms including penal policy, criminal policy, or strafrechtspolitiek is an effort to tackle crime through criminal law enforcement, which is rational, namely fulfilling a sense of justice and efficiency. In the context of tackling crimes against various means as a reaction that can be given to criminals, in the form of criminal and non-criminal means, which can be integrated with one another.

The influence of the environment and community instruments cannot be separated in anticipating crime. Reviewing these factors is important to determine whether or not the quality and quantity have developed in terms of the perpetrator, the victim, the time, the place and the modus operandi. The National Police can carry out countermeasures by holding routine activities and special operations. These routine activities are divided into three, namely repressive efforts which include a series of action activities aimed at disclosing all criminal cases that have occurred referred to as factual threats, preventive efforts which include a series of activities aimed at directly preventing the occurrence of criminal cases, as well as preemptive measures. Emtif which includes a series of activities aimed at counteracting or eliminating criminogen factors at the earliest possible stage, including efforts to eliminate criminogen factors that exist in society whose forms of activity vary greatly.

14Indah Setyowati, Siwi Ciwi Utrujah, “Proses Penyidikan Terhadap Pelaku Tindak Pidana Aborsi Yang Dilakukan Oleh Mahasiswa Diwilayah Hukum Porlestabes Semarang”
15Sinambela, Tanti Agustina, and Ninon Melatyugra. "ILEGITIMASI ABORSI OLEH KORBAN PERKOSAAN BERDASARKAN HAK UNTUK HIDUP JANIN." Jurnal Ilmu Hukum: ALETHEA 5.No.2 (2022): 112-113 doi: https://doi.org/10.24246/alethea.vol5.no2.p111-128
16I Ketut Nuasa, “Penguatan Implementasi Kebijakan Hukum Pidana Terhadap Legalitas Abortus Provocatus” Widya Kerta Jurnal Hukum Agama Hindu, 5 No.1 (2022):49 doi: https://doi.org/10.53977/wk.v5i01.538
17Briliantiny Hengkengbala Lamani, Wemple Kumendong, Felby S.Wewengkang “Penegakan Hukum Dalam Tindak Pidana Pencabulan Anak Dibawah Umur (Undang-undang Nomor 23 Tahun 2002),Journal Lex Crimen,11. No.6 (2022):9 https://ejournal.unsrat.ac.id/index.php/lexcrimen/article/view/44428
18Sunarto, Integration in Crime Prevention, Aura, Bandar Lampung, 2016, Pg. 45-46.
In accordance with the theory above, in this case the investigator in tackling crime with pre-emptive action in the form of providing facilities and infrastructure. This is the same as that stated by Catur Prasetyo. He is of the opinion that the perpetrators of criminal acts, especially the sale of abortion drugs, apply preventive measures first to prevent the occurrence of criminal acts, if preventative measures are not carried out until they commit a criminal act, then repressive penalties are applied first to prevent criminal acts, then repressive penalties are applied according to the laws and regulations. namely Law Number 36 of 2009 concerning Health and also Article 98 Paragraph (2) of Law 36/2009.\(^{19}\)

In Presidential Regulation Number 80 of 2017 concerning the Food and Drug Supervisory Agency, which states that the POM Agency carries out government duties in the field of drug and food supervision in accordance with laws and regulations, namely carrying out drug and food supervision from upstream to downstream, including online circulation. Based on this description, the author suggests that selling abortion drugs through social media is something that violates the law so that perpetrators of selling abortion drugs through social media must be punished according to laws and regulations. If no countermeasures are taken from selling abortion drugs through social media, it will become a habit and something that is not a problem in society, especially teenagers and will also damage the morale of the community itself.

Handling the sale of abortion drugs through social media is the authority and task of the police, especially the Directorate of Special Criminal Investigation. The function of the police is one of the functions of the state government in the field of maintaining security and public order, law enforcement, protection, and service to the community. Law enforcement officers (police) not only have the authority for law enforcement (penal) but also prevention (non-penal). The potential preventive effect of law enforcement officers is with patrol activities from the police that are carried out continuously or continuously including non-penal efforts from the police which have a preventive effect on criminals or lawbreakers. The duties and powers of the Police in dealing with crime are enshrined in Law No. 2 of 2002 concerning the Indonesian National Police and the Law on Defense and Security.

With the development of today's technology so that everyone can freely access anything from legal to illegal, resulting in rampant sales of drugs used for abortion are traded freely on the internet. The obstacle is because the drugs used for abortion are drugs that have been declared legal, because these drugs are used to treat stomach ulcers (ulcers). However, it still gets supervision from the BPOM because it is included in the type of hard drugs, and because the side effects of these drugs can be used for abortion. This is a difficulty for law enforcement authorities to eradicate drugs used for abortion because these drugs are not intended for abortion, but if a person does not have a distribution permit then he can be subject to criminal sanctions\(^{20}\). The repressive means carried out by the police in tackling the crime of selling abortion drugs through social media include the police providing advice to perpetrators selling abortion drugs through social media to repent and be brought to the right path so that the act of repeating their actions, The situational crime prevention approach suggests that crime can be prevented by conducting environmental assessments, which directly influence perceptions of potential criminals by increasing risk and reducing benefits\(^{21}\). the police provide legal application through the investigation process is then handed over to the authorities, the police

\(^{19}\)Results of an interview with Catur Prasetyo, Head of Sub-directorate I Indagsi Ditreskrimsus Lampung Police on January 24, 2022 at 12.00 WIB

\(^{20}\)Anggun, U., Adhayanto, O., & Syahputra, I. (2022). PENEGAKAN HUKUM PIDANA TERHADAP PENJUAL OBAT SECARA ONLINE. Student Online Journal (SOJ) UMRAH-Ilmu Sosial dan Ilmu Politik, 3(1), 888-889

\(^{21}\)Adhika Primanda, Dewa Gede Bayu Rastika, “Peredaran Ilegal Obat Melalui Media Sosial dan Upaya Penanggulangannya”Journal Of Food And Drug Safety, No.1 (2021):64 https://doi.org/10.54384/eruditio.v2i1.73
form a function unit to handle cases of selling abortion drugs through electronic or online media, namely the function unit goes undercover so that the perpetrators can be pursued and found, the police will teach and educate the perpetrators who are caught in religious knowledge to be able to return to society as a good citizen, and if the perpetrator still performs the act after being given a warning, punishment will be imposed according to the law applicable law.22

The police are authorized to deal with cases of selling abortion drugs through online media based on the provisions in the Criminal Procedure Code (KUHAP), namely by investigating crimes related to selling abortion drugs, investigations are carried out to determine whether cases of selling abortion drugs through social media can be investigated or not. Then an investigation was carried out, carried out to collect evidence related to the sale of abortion drugs through social media and to find the suspect in the case. Then is arrest, which is an investigator's action in the form of temporary restraint on the freedom of a suspect or defendant if there is sufficient evidence for the purposes of investigation or prosecution and/or trial in matters and according to the method regulated by law. Furthermore, detention is based on the provisions of Article 1 paragraph (21) of the Criminal Procedure Code that detention is the placement of a suspect/defendant in a certain place by investigators, or public prosecutors or judges with their stipulations, in terms of and according to the method regulated by law. An order for further detention or detention is carried out against a suspect or defendant who is strongly suspected of committing a crime based on sufficient evidence, in the event that there are circumstances that raise concerns that the suspect or defendant will escape, destroy or destroy evidence, and repeat the crime. Then search, related to the sale of abortion drugs through social media, investigators can conduct searches, either house searches or body searches of suspects for the sake of investigation in accordance with the method stipulated in the Criminal Procedure Code. Usually in the case of selling abortion drugs through social media, investigators conduct house searches or other places that are used as places for buying and selling drugs. The last is confiscation, which is a series of actions by investigators to take over or keep under their control movable or immovable objects, tangible or intangible for the benefit of evidence in investigation, prosecution and trial. Confiscation can only be carried out by investigators with a permit from the chairman of the local district court.

Crime prevention policies with non-penal means only cover the use of social facilities to improve certain social conditions, but indirectly affect efforts to prevent crime.23 Non-penal policies are more of a preventive measure for the occurrence of crime, so the main target is to address the factors conducive to the occurrence of crime.

Perpetrators of criminal acts of selling abortion products through online media reported by other parties will be immediately processed and sentenced in accordance with the applicable Articles and Laws to provide a deterrent effect on the perpetrators.24 The crime of selling an abortion drug is categorized as a violation of Law Number 36 of 2009 concerning health and is also categorized as a case of selling illegal drugs in accordance with Article 98 Paragraph (2) of Law 36/2009. Perpetrators can also be snared in Law no. 11 of 2008 concerning Information and Electronic Transactions in the State Gazette of the Republic of Indonesia of 2008 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 4843.

In the case of selling abortion drugs online, investigators have the right to confiscate the abortion drug packages which are usually sent via transportation services (expedition) such as

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22Results of an interview with Catur Prasetyo, Head of Sub-directorate I Indagsi Ditreskrimsus Lampung Police on January 24, 2022 at 12.00 WIB
23Badra Nawawi Arief. Interest Collection on Criminal Law Policy, (Bandung: PT. Citra Aditya Bakti, 2002), pp. 77-78
24Results of an interview with Catur Prasetyo, Head of Sub-Directorate of Indagsi Ditreskrimsus Lampung Police on January 24, 2022 at 12.00 WIB
JNE, JNT, Sicepat and others. Investigators can also confiscate items related to the crime of selling abortion drugs through social media. For example, the drug, cellphone, computer/laptop used by the suspect in marketing the drug for an abortion is in accordance with the provisions of the applicable law. In addition to the above efforts, according to Mrs. dr. Saradiah Mariana Natapradja as the Head of the Palapa Health Center UPT, the puskesmas will cooperate with the police in order to get closer to the community to provide information on criminal cases of selling abortion drugs through online media. In addition to these efforts, the police in collaboration with the puskesmas conducted socialization about the importance of avoiding promiscuity, as well as spreading good religious teachings, morals and legislation as well as the importance of instilling morals from an early age in schools. This, can provide basic knowledge to the public about social morality.25

The existence of law enforcement, the perpetrators of crimes will feel afraid to commit these crimes. Another effort made by the police is to look for sellers of abortion drugs on social media and then make fishing efforts so they can find out the position of the seller. After knowing the location of the seller of the abortion drug, the police will come to him and give a warning, but if the perpetrator does not heed the warning, the police will make an arrest. The police will also release news of the arrest so that the public will know the effects of selling the abortion drug.

If observed in this case, fair law enforcement must be supported by an ideal role for law enforcement officers in carrying out their duties. If law enforcement officers do not have the ideal role expected in the context of law enforcement, there will be legal imbalances and chaos in carrying out them. The role must also be based on good morality and mentality in order to prevent corrupt behaviors in law enforcement efforts.

2. Police Inhibiting Factors in Supervision of Sales of Abortion Products on Social Media

Law enforcement according to Soerjono Soekanto is an activity to harmonize the relationship of values that are outlined in the principles or views of a solid and manifest and act as a series of value elaborations at the final stage to create (social engineering) maintain and maintain (social control) peaceful social life.26 Satjipto Raharjo stated that law enforcement is an attempt to make the ideas of legal certainty, social benefits and justice a reality. The process of realizing these ideas is the essence of law enforcement.27

According to Soerjono Soekanto, there are several factors that influence law enforcement in efforts to combat crime, namely the legal factor itself, namely in terms of selling abortion products through online media, there is no law that specifically regulates, so that cases of selling abortion products are included in sales cases, illegal drugs or the Health Act. Furthermore, the factor of law enforcement officers, namely in cases of selling abortion drugs through online media cannot easily track and arrest because the police are difficult to get someone who wants to report these sellers of abortion drugs and the human resources in the police are still not optimal because the police do not understand exactly how to use the available equipment. Third, the factor of facilities and facilities that support law enforcement, namely in this case the police do not have adequate facilities and facilities in the process of tracking perpetrators who use social media. Fourth, the community factor, namely the taboo of the community in terms of abortion, makes people who want to report sellers of abortion drugs through online media feel

25 Results of an interview with dr. Saradiah Mariana Natapratja, Head of UPT Puskesmas Palapa on November 17, 2021. At 11.00 WIB
26 Soerjono Soekanto. 1983. Factors Affecting Law Enforcement, Jakarta. King Grafindo Persada. Page 5.
27 Satjipto Raharjo. 1996. Legal Studies. Bandung. Image of Aditya Bhakti. Pg 13.
ashamed to close themselves and pretend they don't know anything about this problem so that the police find it difficult to get this information. Fifth is the cultural factor.  

Based on the theory of crime prevention, it can be the basis for finding answers to the problems to be discussed. According to Marc Ancel, criminal policy is a rational effort from society in overcoming crime. Broadly speaking, this criminal policy can be pursued in two ways, namely the penal which is an effort to overcome crime that focuses more on efforts that are repressive (suppression / eradication / suppression) by using penal means (penal law), and non-penal which is a crime prevention effort that focuses more on preventive measures (prevention/deterrence/control before the crime occurs.

Efforts or policies to prevent and combat crime, including the field of criminal policy. This criminal policy is also inseparable from a broader policy, namely social policy which consists of policies or efforts for social welfare and efforts for community protection. Policies and crime prevention are carried out using penal facilities, so criminal law policies, especially at the judicial/applicative stage, must pay attention to and lead to the achievement of the objectives of the social policy, in the form of social welfare and policies for community protection. Crime prevention and control must support the goals, public welfare and community protection. However, a very important aspect is the aspect of community welfare/protection which is immaterial, especially the values of trust, truth, honesty, and justice.

According to Saradiah Mariana as the Head of the UPT Puskesmas Palapa, the inhibiting factor in overcoming the sale of abortion drugs through social media is the lack of public knowledge about the dangers of abortion without the supervision of an expert, especially using drugs that do not know what side effects will be caused, lack of education. sex among teenagers, and there are still many people who buy abortion drugs, so sellers of abortion drugs through social media continue to emerge.

According to Gunawan Jatmiko as a Lecturer at the Faculty of Law, University of Lampung, the community really expects the ability of the Police to prevent and deal with various crimes. Law enforcement should be carried out by people who are truly experts in their fields and have experience in the fields they handle. The Police are also expected to be able to protect and enforce the law in a firm and proportional manner. Recently, crimes have become more diverse, not only by using violence or by taking advantage of people's carelessness, now a new mode has emerged that utilizes social media, namely the sale of abortion drugs through social media.

The perpetrators of criminal acts, especially the sale of abortion drugs through social media, apply preventive measures first to prevent the occurrence of criminal acts of selling abortion drugs through social media. Health Law Article 98 Paragraph (2) 36/2009.

An effective law is a law that is able to protect and prevent the perpetrators from doing it again or the emergence of other actors. The provision of punishments must be able to deter perpetrators and make potential perpetrators not want to commit crimes because of harsh and

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28Soekanto, Influencing Factors, p.8.
29Guntari, Titiek. "Penal and Non Penal Efforts In Combating Environmental Crimes." Jurnal Advokatura Indonesia 1.No.1 (2022): 59
30Barda Nawawi Arief.2008.Op.cit.hlm.52
31Barda Nawawi Arief.2010.Op.cit.hlm.57
32Results of an interview with Saradiah Mariana, as the Head of UPT Puskesmas Palapa on November 17, 2021. At 11.00 WIB
33Results of an interview with Gunawan Jatmiko, a Faculty Lecturer Law University of Lampung on February 14, 2022 at 14.00 WIB
firm punishments. The novelty of this study is about the role of investigators in overcoming the crime of selling abortion products through social media. Law enforcement officers have an important role in overcoming abortion drugs but in their enforcement there are obstacles in monitoring the sale of abortion products on social media.

Law enforcement on the crime of selling illegal drugs is a must besides being the duty of the police which is implied in the general authority of the police as protectors, protectors and community services as well as enforcing the law. Law enforcement must be carried out firmly and still uphold human rights (Human Rights). This must be in accordance with Article 27 paragraph (1) which stipulates that all citizens have the same position under the law, so that the government through its law enforcement officers must be able to guarantee legal certainty, not only to the community in general but also to the community in particular, namely victims and suspects.

Law enforcement against this crime is experiencing obstacles in the form of legal substance, namely, there are no regulations that specifically regulate the crime of selling abortion drugs through social media. The community is very supportive of the police's efforts to enforce the law against this crime, especially for parents who are worried that their children will fall into the practice of abortion, which can be easily accessed even through social media.

C. Conclusion

Based on the results of research and discussion that the role of investigators in tackling the crime of selling abortion drugs through online media, namely Penally, the investigator's role can be done with repressive actions, namely the police will look for elements who sell abortion drugs through social media and then trap them to find out where is the exact location of the perpetrator. Furthermore, the police will take direct action against the perpetrators caught red-handed distributing their merchandise or take immediate action if there are reports from other parties. Non-penally, the investigator's role can be carried out with preventive measures, namely the police, health centers and other relevant state apparatus will conduct socialization and approach to the community in an effort to inculcate norms and religious values, and so that the public knows the deterrent effect of selling abortion drugs.

The inhibiting factors for investigators in overcoming the crime of selling abortion drugs through social media, namely cultural and community factors where there is no public awareness to report this crime and the indifferent nature of the community, as well as inadequate infrastructure at the Lampung Police or the lack of complete infrastructure for conducting social media investigations and the Human Resources (HR) factor, namely the less than optimal use of the tools owned by the investigators because of the HR who do not understand how these tools work. The more dominant factor in inhibiting the role of the police in efforts to overcome the sale of abortion drugs through social media is the factor of human resources and infrastructure.

The suggestion that the author gives in dealing with the problem of overcoming the sale of abortion drugs through social media is that the Police should further increase their role in the community and have direct contact with the community and provide education to the public to be more careful and smart in dealing with conditions like today. Adequate facilities are needed to maximize police performance in conducting investigations and create a sense of security for the community. There needs to be education for parents to pay more attention to the behavior and what activities their children do in social media. And it is necessary to educate teenagers about the bad influence of promiscuity, the importance of positive social media, as well as education about the dangers of the practice of abortion either with a doctor or doing it independently.
Bibliography

A. Book
Ahmad M. Ramli, “Cyber Law dan HAKI Dalam Sistem Hukum Indonesia”, Jakarta: Refika Aditama, 2004. Hlm. 1
G.P. Hoefnagels. The Other Side of Criminology. Holland, Deventer-Kluwer, 1978, Hlm 57. Lihat dalam Barda Nawawi Arief, 1998. Op. Cit.
Barda Nawawi Arief. Beberapa Aspek Kebijakan Penegakan dan Pengembangan Hukum Pidana. Bandung. Citra Aditya Bakti, 1998. Hlm 44-45.
Sunarto, Keterpaduan Dalam Penanggulangan Kejahatan, Aura, Bandar Lampung, 2016, Hlm. 45-46.
Bandra Nawawi Arief. Bunga Rampai Kebijakan Hukum Pidana, (Bandung: PT. Citra Aditya Bakti, 2002), Hlm 77-78
Soerjono Soekanto. 1983. Faktor-Faktor yang mempengaruhi Penegakan Hukum, Jakarta. Raja Grafindo Persada. Hlm 5.
Satjipto Raharjo. 1996. Ilmu Hukum. Bandung. Citra Aditya Bhakti. Hlm 13.
Soekanto, Faktor-Faktor Yang Mempengaruhi, hlm.8.
Barda Nawawi Arief.2010.Op.cit.hlm.57

Journal:
Adhika Primanda, Dewa Gede Bayu Rastika, “Peredaran Illegal Obat Melalui Media Sosial dan Upaya Penanggulangannya” Journal Of Food And Drug Safety, No.1 (2021):64 https://doi.org/10.54384/eruditio.v2i1.73
Anggun, U., Adhayanto, O., & Syahputra, I. (2022). PENEGAKAN HUKUM PIDANA TERHADAP PENJUAL OBAT SECARA ONLINE. Student Online Journal (SOJ) UMRAH-IImu Sosial dan Ilmu Politik, 3(1), 878-891
Briliantryn Hengkengbala Lamani, Wemple Kumendong, Felby S.Wewengkang “Penegakan Hukum Dalam Tindak Pidana Pencabulan Anak Disawab Umur (Undang-undang Nomor 23 Tahun 2002), Journal Lex Crimen, 11. No.6 (2022):9 https://ejournal.unsrat.ac.id/index.php/lexcrimen/article/view/44428
Farhana, Nurul. "ABORSI DALAM PERSPEKTIF HAK ASASI MANUSIA DAN HUKUM ISLAM." Journal Presumption of Law 4.No.2 (2022): 182 doi: https://doi.org/10.31949/jpl.v4i2.3431
Giovana, Bella Claudia Maria. “Pertanggungjawaban Hukum Terhadap Penjual Obar Aborsi Secara Online yang Tidak Memiliki Izin di Kota Balikpapan.” Jurnal Hukum Fakultas Hukum Universitas Balikpapan, Vol. 1 No. (2019)
Gunarti, Titiek. "Penal and Non Penal Efforts In Combating Environmental Crimes." Jurnal Advokat buds Indonesia 1.No.1 (2022): 59
Hadi, Fikri. "NEGARA HUKUM DAN HAK ASASI MANUSIA DI INDONESIA." Wijaya Putra Law Review 1.2 (2022): 171 doi: https://doi.org/10.38156/wplr.v1i2.79
I Ketut Nuasa, “Penguatan Implementasi Kebijakan Hukum Pidana Terhadap Legalitas Abortus Provocatus” Widya Kerta Jurnal Hukum Agama Hindu, 5 No.1 (2022):49 doi: https://doi.org/10.53977/wk.v5i01.538
Marditia, Putri Purbasari Raharningtyas, and Putu Devi Kuaumawardani. "Marketplace Accountability Regulatory Model for the Online Distribution of Hard Drugs (Prescription
Drugs)." SOEPRA Jurnal Hukum Kesehatan 8.No.1 (2022):107 doi: https://doi.org/10.24167/shk.v8i1.4760

Pandamadi, Endang, Gunawan Djajaputra, and Endyk M. Asror. "Tinjauan Yuridis Pertanggungjawaban Pelaku di Indonesia Terkait Tindak Pidana Aborsi." Synotic Law: Jurnal Ilmu Hukum 1.No.1 (2022):5 doi: https://doi.org/10.56110/sl.v1i1.2

Ramdhani, Humaira, et al. "Penyalahgunaan Obat Misoprostol Sebagai Tindakan Aborsi pada Wanita Dewasa Muda: Systematic Review." 2-TRIK: TUNAS-TUNAS RISET KESEHATAN 12.1 (2022): 88 doi: http://dx.doi.org/10.33846/2trik12116

Sinambela, Tanti Agustina, and Ninon Melatyugra. "ILEGITIMASI ABORSI OLEH KORBAN PERKOSAAN BERDASARKAN HAK UNTUK HIDUP JANIN." Jurnal Ilmu Hukum: ALETHEA 5.No.2 (2022): 112-113 doi: https://doi.org/10.24246/alethea.vol5.no2.p111-128

Solim Jevlin, Mazmus Septian Ramupea, Agung Wijaya, Bella Monica Manurung, Wendy Lionggodinata. Efforts to Overcome Fraudulent Crimes of Online Buying and Selling Sites in Indonesia. Medan: Ocean of Justice, (2019)

Udkila, Fida Nur., Eksistensi Undang-Undang Hukum Pidana dalam Penanggulangan Kasus Penjualan Obat Penggugur Kandungan Melalui Media Sosial. Skripsi Universitas Atmajaya Yogyakarta, (2019)

Regulations:
Article 2 Paragraph 2 Presidential Regulation No. 74 of 2017 concerning the SPNBE Roadmap.

Internet:
https://www.kominfo.go.id/content/detail/8356/siaran-pers-about-paket-policy-economy-xiv-peta-jalan-e-commerce/0/siaran_pers

Abdul Chaer, http://berita7.com/dinamika-ancaman-cyber-crime-di-tahun-politik-2018-2019/ diakses pada 22 Juni 2021