

Criminological Juridical Study on Narcotics Abuse

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ABSTRACT

The objective of the research is to identify the causal factors of drug abuse and the preventive effort done by the police. The research was done by analyzing the laws about drugs and by interviewing police officers in Magelang Police Resort. The result showed that in 2019, there was an increase of drug abuse in Magelang that was caused by individual, family, and environment factors. The efforts done by the police in preventing and overcoming narcotics abuse were including: 1) Establishing a narcotics-free village in Magelang City, in collaboration with the National Unity, Politics and Community Protection Agency (Kesbangpolimas) of Magelang City; 2) Counseling on the Prevention and Eradication of Narcotics Illegal Distribution (P4GN) which is conducted twice a month at the subdistrict level in Magelang; 3) Socializing the dangers of narcotics abuse in several government agencies and schools in Magelang; 4) Conducting urine test checks on bus drivers or at entertainment venues or boarding houses and hotels, which are often used for narcotics abuse and illegal trafficking in Magelang; 5) Rehabilitating the narcotics addicts in mental hospitals.

Keywords: *narcotics abuse, criminal law, drugs*

1. INTRODUCTION

Narcotics abuse is a very important phenomenon to be studied both in juridical and criminological ways. The research is conducted in Magelang because during 2018 in this city there were 33 cases of narcotics abuse that were transferred to the Prosecutor's Office. In 2019, from January to June there were 20 cases that were transferred to the Prosecutor's Office (The data are in the Magelang Prosecutor's Office).

Many previous researches have discussed about narcotics abuse, but there have not been many researches on narcotics abuse in Magelang, especially from juridical and criminological studies. Specific objective to be achieved from this research are to examine criminologically the factors causing narcotics abuse as well as the prevention and mitigation efforts by the police of Magelang, and examine juridically the narcotics abuse law enforcement based on Law Number 35 of 2009 concerning Narcotics.

2. RESEARCH METHOD

2.1. Type of Method

The type of this research is normative and empirical legal research (legal research) using relevant legal theories and studies of law to explain the law enforcement of narcotics abuse cases, factors that cause narcotics abuse and the efforts made by the police in the prevention and control of narcotics abuse.

2.2. Approach

The method of approach used in this research is using the Law approach namely law number 35 of 2009 concerning narcotics, and the case study method that is a case of narcotics abuse in Magelang.

2.3. Analysis Method

Data analysis is the process of simplifying data into a form that is easier to read. The data that has been collected is analyzed qualitatively by using the deductive method, which draws conclusions starting from general knowledge to a specific conclusion. In analyzing, the authors used a descriptive method that describes, analyzes and assesses the data related to causal factors, law enforcement and efforts to prevent and deal with narcotics abuse in Magelang.

3. RESULT AND DISCUSSION

3.1. Causal Factors of Narcotics Abuse in Magelang

Based on the result of research at the Magelang City Police, statistics data on narcotics abuse cases, from 2010 - June 2019 are as follows. The statistical data shows a tendency for an increase in narcotics abuse in Magelang. The causal factors need to be analyzed, and the Magelang city government must make efforts of prevention and mitigation. There are several main factors that cause narcotics abuse in Magelang, including:

- a. Individual Factors
There are several individual factors that can cause narcotics abuse: Weak Mental, stress and depression, want to know and try. Just try and finally get addicted. People who try to use narcotics usually have little knowledge about narcotics, the dangers posed, and the rule of law that prohibits drug abuse.
- b. Family Factors
Narcotics abuse can also be caused by family factors, such as: Broken home, the lack of parents' attention to children, spoiling children too much, strict education of children.
- c. Environmental Factors
Some environment factors that cause someone engaged in narcotics abuse are: Get along with the wrong crowd, just following, influence of friends. Influence of friends or community has significant role in narcotics abuse.
- d. Factors of Groups or Organization
Narcotics distribution groups or organizations are also a causal factor that will look for targets to distribute narcotics, and even persuade others to use narcotics. If someone has been addicted, then inevitably the person will use narcotics.
- e. Economic Factors
Poverty and financial problems, not to mention debt and so on, will be a factor that can cause someone to distribute narcotics or other criminal acts.
- f. Factors of Susceptible Population
Today's teens live in a big circle where some children are in an environment that is at high risk of narcotics abuse.

3.2. The efforts made by the police in preventing and mitigating narcotics abuse in Magelang

- a. Establishing 3 narcotics free neighborhoods in cooperation with KESBANGPOLIMAS Magelang:
 - 1) Kampung Kemiri Rejo
 - 2) Kampung Paten Gunung di RW IX
 - 3) Kampung Wates
- b. Giving counseling on prevention & eradication of narcotics abuse and illegal distribution. This is held twice a month in sub district level in Magelang.
- c. Becoming speaker in several government institutions and schools in Magelang on the dangers of narcotics abuse.
- d. Conducting urine test checks on bus drivers or at entertainment venues or boarding houses and hotels, which are often used for narcotics abuse and illegal trafficking in Magelang
- e. Rehabilitating the narcotics addicts in DR. Soerojo mental hospitals in Magelang

There are two forms of mitigation that can be taken to minimize narcotics abuse, namely preventive and repressive efforts

- a. Preventive Effort
Preventive effort is a preventing activity done by the police to minimize narcotics abuse. The research obtained detail explanation on the preventive efforts made by the police of Magelang to minimize narcotics abuse. Among them are:

- 1) Conducting counseling activity
Providing legal counseling to the community is an activity to increase public legal awareness in the form of presentation and explanation of legal regulations in an informal atmosphere to create attitudes and behaviors that are legal awareness.
- 2) Collaboration between the Police and the Community to Prevent Narcotics Abuse
Narcotics abuse is prevented by increasing capacity in the appropriate field, increasing the quality of the officers, and fostering awareness, concern and active roles of the whole community through religious institutions, social organizations, community leaders, students, and other related institutions in the community.
- 3) Giving Appeal through media
This can be done as an effort to prevent narcotics abuse in Magelang. The appeal can be in the form of audio, visual, and audio visual. Example: appeals through print media, web advertisements, radio, and can also through television media if needed.
- b. Repressive Efforts
Another effort made by the police is collaborating with governmental apparatus that assign some police officers in every village, which are called Babinkamtibmas (Community Order and Security Supervisory Agency). In dealing with cases of narcotics abuse, the police also collaborate with the community to report to the police if they see or know someone is using narcotics to be followed up by the police.

3.3. Law Enforcement of Narcotics Abusers

3.3.1. Analysis of Magelang State Court Decision No: 112 / Pid.sus / 2018PN.MG Analysis of Magelang State Court number: 112 / Pid.sus / 2018PN.MG

The Magelang State Court, which tried a criminal case with a regular hearing in the first instance, handed down a ruling Number: 112 / Pid.sus / 2018 / PN.MG, in the case of defendant Claudio Sebastian Santoso Bin Heri Santoso. Noting Article 127 paragraph (1) of the Republic of Indonesia Law on Narcotics jo Republic of Indonesia Minister of Health Regulation No. 2 of 2017 concerning Amendments to Narcotics Classification and Law No. 8 of 1981 concerning Criminal Procedure Law and other relevant laws and regulations.

3.3.2. Analysis of Magelang State Court Decision No: 13 / Pid.Sus2019 / PN Mgg

The Magelang District Court, which tried a criminal case with a regular examination in the first instance, handed down the decision No: 13 / Pid.Sus / 2019 / PN.Mgg Both decisions are a form of law enforcement efforts for narcotics

abuse offenders who violate Law Number 35 of 2009 concerning narcotics.

4. CONCLUSION

There are several main factors that cause narcotics abuse in Magelang, including: individual, family, environment, certain groups or organizations, the economy, susceptible population factors. Analysis of the decision of the Magelang State Court No: 112 / Pid.sus / 2018PN.MG and No: 13 / Pid.Sus2019 / PN.Mgg, which convicted the narcotics abuse offender based on Law No. 35 of 2009 concerning narcotics.

REFERENCES

- [1] Alya Nurmaya, (2016), Penyalahgunaan Narkotika di Kalangan Remaja, *Jurnal Psikologi Pendidikan dan Konseling*, Volume 2 No 1, Juni 2016, hal 26-32. p-ISSN : 2443-2202e-ISSN : 2477-2518)
- [2] Fransiska Novita Eleanora, (2011) Bahaya Penyalahgunaan Narkoba Sera Usaha Pencegahan Dan penanggulangannya (Suatu Tinjauan Teoritis), *Jurnal Fakultas Hukum Unissula*, Vol 25 No : 1
- [3] Maudy Pritha Amandai, Sahadi Humaedi, Meilanny Budiarti Santoso, (2017) Penyalahgunaan Narkoba di Kalangan Remaja (Adolescent Substance Abuse), *Jurnal Penelitian dan PPM*, ISSN : 2442-448x, Vol 4 No : 2 Hal : 129-389, Juli 2017,
- [4] Muhammad Indra Bangsawan, (2016), Penyalahgunaan Narkoba Sebagai Kejahatan Terhadap Hak asasi Manusia, *Jurnal Jurisprudence*, Vol 6 No. 2. September 2016
- [5] Undang-Undang No 35 Tahun 2009 tentang Narkotika