
Law Enforcement Against Narcotics Crime Recidivist

Rezkiansyah¹, Fenty U. Puluhulawa², Lusiana M. Tijow³

¹ Faculty of Law, Gorontalo State University, Indonesia. E-mail: Ekipaneo@gmail.com

² Faculty of Law, Gorontalo State University, Indonesia. E-mail: Fentyu@yahoo.com

³ Faculty of Law, Gorontalo State University, Indonesia. E-mail: Lusianatijow@gmail.com

ARTICLE INFO

Keywords :

Law Enforcement, Recidivists, Narcotics.

How To Cite :

Rezkiansyah, Puluhulawa, F.U., Tijow, L.M. (2020). Law Enforcement Against Narcotics Crime Recidivist Journal. Vol. 2 (1): 206-214

DOI :

ABSTRACT

This article aims to find out the effectiveness of law enforcement against narcotics crimes recidivists. Based on the title raised in this study, the researcher used empirical research methods. The process of collecting data from the object studied in this study was by using interview techniques, document studies, and observation techniques. As for law enforcement against narcotics crime recidivists by the Resort Police Gorontalo City, they have carried out their duties with procedures, especially in handling narcotics cases with the aim that the community, especially narcotics case recidivists, does not recur, but based on the results of research from the author, it is concluded that handling narcotics cases, especially for the recidivists were still not effective.

©2020 Rezkiansyah, Puluhulawa, F.U., Tijow, L.M.

Under the license CC BY-SA 4

1. Introduction

Narcotics abuse is listed in Law Number 35 of 2009 concerning Narcotics. With the existence of regulations in the state's efforts to minimize cases of narcotics abuse, which aims to create a healthy and clean society from chemical substances that harm the body, and can produce quality human resources, are healthy and far from narcotics, and optimize the circulation of drugs and chemicals substances are prohibited by the entitled party such as the world of health, as well as obey the rules so as not to create legal problems. In the criminal justice system, several law enforcement institutions take part in upholding and enforcing the law, including the prosecutor's office, police institutions, correctional facilities, and courts. The four institutions must work together and coordinate well with each other in achieving the goals of this system, namely overcoming crime or controlling the creation of crime so that it is within tolerance limits that can be accepted by society.¹

However, although they already have laws or regulations that regulate narcotics issues, in the reality of people's lives, narcotics cases cannot be avoided. This is because the easy access to sale and purchase of narcotics, which of course are sold behind closed doors, makes it easier for someone to get these goods, starting from the scope of schools, campuses and even in public places, negotiations on narcotics sales can occur. The government is also trying to provide education and information to the society about the dangers of abusing narcotics, with examples including socialization from the authorities in each school to banners in various public places and crossroads regarding the prohibition of narcotics use. However, from these many efforts, the illicit trafficking of narcotics was still ongoing. The government is also trying to make the people prosperous, so they don't fall into the narcotics business. We can understand that Indonesia is directed to become a welfare state. The welfare state or what is commonly referred to as the welfare state is an ideal idea of how a country is given great power to improve the welfare of its citizens.²

Many the adverse effects that cause dependence or addiction cause a person to continue to look for and use these dangerous drugs or chemicals substances to satisfy their desires and will harm the body, including excessive enthusiasm, excessive fear, insomnia, difficulty concentrating, damage nerves of the brain, shortness of breath, talking a lot, fast heart rate, cerebral hemorrhage, to shock in the heart blood vessels which can result

¹ Iriyanto Tiranda, Fenty Puluhulawa, Johan Jasin, “*Konsep Ideal Penanganan Perkara Tindak Pidana Korupsi Pungutan Liar Berdasarkan Asas Peradilan*”, Vol 1 No 2, Juli 2019, hlm 132

² Ahmad Rustan Syamsuddin, “*Pembuktian Penyalahgunaan Wewenang Dalam Perkara Tindak Pidana Korupsi Pengadaan Barang dan Jasa*”, *Pembuktian Penyalahgunaan Wewenang Dalam Perkara Tindak Pidana Korupsi Pengadaan Barang dan Jasa*”, Vol 2, No 2, Juli 2020, Hlm 2

in death.³

Suspects in narcotics abuse cases are certainly threatened with severe penalties for traffickers and imprisonment as well as rehabilitation for users. Many suspects, who have served years in prison and are free from prison, are still caught in the same case again. Of course, the adverse effects of narcotics are so bad that they cause someone to repeat their actions against the law. What is meant for prisoners who have been released and then again entangled in criminal cases are recidivists. Based on the researchers' interview results with the Resort Police Gorontalo City, researchers obtained data that explained that most narcotics cases in Gorontalo City were recidivists who had been handled. Based on the data on the number of cases for the last three years obtained by researchers as follows,

1. In 2018, there were 10 cases of narcotics recidivists.
2. In 2019, there were 14 cases of narcotics recidivists.
3. In 2020, there were 11 cases of narcotics recidivists.⁴

From all of the cases described above, many of the perpetrators of criminal acts violated Article 127 paragraph 1 letter a, Law Number 35 of 2009, which could be sentenced to a maximum imprisonment of 4 years. Criminalization provisions in Indonesia prioritize sanctions as a solution in reducing crime rates, of course, this is a common thing to the practice of criminal law in Indonesia.⁵

In principle, the rule of law is made to create legal objectives, one of which is the benefit of the law. A useful law is where a person is aware of the existing rules and anyone who violates them can be given punishment according to the laws and regulations. Especially for prisoners who have served their sentences in the hope that they will become good people and will not repeat acts against the law.

Based on the description of the problem above, in research of scientific articles conducted by researchers, researchers feel the need to discuss and examine these legal issues with the proposed title: **Law Enforcement Against Narcotics Crime Recidivists**

2. Method

The type of research used by researchers in the preparation of this scientific article was a

³ Warso Sasongko, *Narkoba*, (Yogyakarta : Relasi Inti Media Group, 2017) hlm 14

⁴ Hasil wawancara bersama Polres Gorontalo Kota, Pada waktu 16 Februari 2021 pukul 10:14 Wita

⁵ Ramadhan Kasim, "Dehumanisasi Pada Penerapan Hukum Pidana Secara Berlebihan (*overspanning van het strafrecht*)", Vol 2, No 1, Januari 2020, hlm 3

type of empirical legal research with an object of study regarding the effectiveness of law enforcement against narcotics crimes recidivists

The type of approach used by the researcher was sociological juridical with the process of collecting data from the object studied in this study by using interview, observation, and document studies techniques as well as qualitative approach, namely how to analyze research results that form analytical descriptive data, namely data that is stated from the respondent in a written manner or expressions and behaviors that are by the facts, which are studied and researched as a unified fact.⁶

In this study, primary and secondary data sources were used. Primary data for legal research can be seen from data describing the application of law to society. Primary legal data is sourced from laws and regulations, court decisions or jurisprudence, and international agreements or treaties.⁷ Secondary legal data, which explains the description of primary legal materials, namely, works, research results from the general public, and others.⁸

3. Analysis or Discussion

3.1 The Effectiveness of Law Enforcement Against Narcotics Crimes Recidivists by Resort Police Gorontalo City

In law enforcement, especially in eradicating narcotics cases, the Indonesian National Police are at the frontline of handling these cases. From a universal point of view, the police has duties and functions such as maintaining security and order in society to realize legal certainty as well as uphold the values of justice. Based on the mandate of Law Number 13 of 1961 after it was replaced, namely Law Number 2 of 2002 concerning the Main Duties of the Indonesian National Police as a protector and serving the community, they were assigned to solve community problems, namely narcotics cases, this was due to a large number of cases in the field in terms of narcotics trafficking that easily obtained and used by the community, the role of the police crucial to reduce and take early prevention actions.

To reduce the number or rate of narcotics cases, various things can be used as ways to overcome them, including:

1. General Prevention

⁶ Mukti Fajar Dan Yulianto Ahmad, *Dualisme Penelitian Hukum Normatif & Empiris*, (Yogyakarta : Pustaka Pelajar, 2017) Hlm 192.

⁷ *Ibid*, Hlm 157.

⁸ Soerjono Soekanto, *Pengantar Penelitian Hukum*, (Jakarta : Universitas Indonesia, 2014) Hlm 52.

Narcotics, which has become a major case outbreak, have attacked various countries in the world, both developed and developing countries have become targets for narcotics syndicates, the Indonesian government has issued the following rules:

- a. Presidential Instruction Number 6 of 1971. Based on this regulation, the narcotics cases problem is categorized into 6 national problems and must be resolved.
- b. Law Number 9 of 1976 is here to be further strengthened and narcotics traffickers and narcotics cases, as well as narcotics abuse, are given severe punishments, including imprisonment, imprisonment, and a fine.
- c. Decree of the Minister of Health Number: 65/Menkes.SK/IV/1997 Determination of materials that should not be used for medical purposes.
- d. Decree of the Minister of Health Number: 28/Menkes/Per/I/1978 Narcotics Deviations
- e. Law Number 35 of 2009 concerning Narcotics⁹

2. Personal

Personal or oneself becomes a strong effort to pressure oneself not to fall into the world of narcotics. By controlling oneself in various positive ways, whether it is carrying out religious activities or improving oneself and choosing a healthy scope of friendship, someone can become a creative, healthy human being who has good social values and is far from a bad image in society.

3. Education and Religion

Within the scope of education starting from elementary school to senior high school, students need and must be given an understanding or education about the dangers of narcotics, be it the use of illegal drugs, the use of syringes to choose good relationships, it needs to be taught from an early age. Within the scope of religion, increasing faith and piety both obtained from the values of religious education from schools, in the community to places of worship is very necessary for everyone. Based on Pancasila values, Indonesian people have and understand moral values, it can be seen from the first precept "Belief in One Supreme God" which makes the basic understanding that all people who have faith in religion will certainly get good teachings by the beliefs of each religion.

4. Family

Family is one of the main points in making someone a good person, because many families are not harmonious, causing household problems or broken homes where children can become victims to depression which in turn seeks escape which can be bad even to use narcotics to get its satisfaction then the family becomes an important role.

⁹ Fransiska Novita Eleanora, "Bahaya Penyalahgunaan Narkoba Serta Usaha Pencegahan Dan Penanggulangannya" Vol. 25, No. 1, Tahun 2011, Hlm 9

5. Society

Indonesian society contains diverse backgrounds, ranging from the different associations, economic, social, religions as well as ethnicity, and culture, thus creating certain groups within the scope of society itself. The occurrence of these differences is certainly a positive thing, namely for the sake of strengthening the ties of brotherhood by increasing a high sense of solidarity and tolerance.

Based on the explanation above, there are several aspects to reduce the number of narcotics distribution in general. There are also efforts to prevent narcotics trafficking from the police, both preventively and repressively.

1. Preventive Efforts

The word preventive has the meaning of precaution something before it happens. Preventive protection is made by the government based on expectations in prevention before a violation occurs. It is contained based on the law to prevent a violation as well as making rules and limitations that will carry out a necessity.¹⁰ Based on the author's interview with one of the police investigators in the narcotics sector at the Resort Police Gorontalo City, Mr. Brigadier Kahar Musliman said that "preventive countermeasures by the police are carried out by conducting a socialization program with the head of the Gorontalo National Narcotics Agency, the Ministry of Social Affairs, the Ministry of Health, and the Supreme Court to provide informative and educative socialization to the public about the dangers of narcotics"¹¹.

2. Repressive Efforts

The word repressive according to the Big Indonesian Dictionary or KBBI means to reduce, restrain, keep or oppress. It can be interpreted that the meaning of repressive is social control after the occurrence of a violation or crime event which is certainly against the law or norms in society. By the responses from the interview results with the researcher with Brigadier Kahar Muslimin explaining the repressive legal action from the police, said that "the police took comprehensive legal action against people who were indicated by narcotics cases, both users and traffickers so that they get the maximum punishment".¹²

Despite the many law enforcement efforts to reduce narcotics cases in Indonesia, various elements, be it law enforcement agencies, police officers, community participation, who

¹⁰ Dyah Permata Budi Asri, "*Perlindungan Hukum Preventif Terhadap Ekspresi Budaya Tradisional Di Daerah Istimewa Yogyakarta Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta*", Vol. 1, No. 1, Tahun 2018, Hlm 6

¹¹ Hasil Wawancara Oleh Peneliti Yang Dilakukan Pada Tanggal 13-10-21 Pukul 11:00 Wita

¹² Hasil Wawancara Oleh Peneliti Yang Dilakukan Pada Tanggal 13-10-21 Pukul 11:00 Wita

have tried their best, and as much as possible, narcotics cases in Indonesia have not been completely resolved. This is due to various factors including:

1. Inability to equalize with environmental demands
2. Weak personality
3. Lack of self-confidence
4. It's hard to control yourself
5. Curiosity, wanting to use, wanting to imitate, and wanting to adventure
6. Get mental stress
7. Have not thought about the consequences and impacts in the future
8. Lack of education about the dangers of drugs¹³

Based on the various factors that have been mentioned previously, the similarity of the results of research that has been made from related researchers regarding the factors that influence the people affected by narcotics, both as users and as traffickers, can be seen from the number of narcotics recidivist cases that have been reported on the results of interviews with researchers at the Resort Police Gorontalo City explained that during the last 3 years, namely 2018, 2019, and 2020 it can be described as follows:

1. In 2018, there were 10 cases of narcotics recidivists.
2. In 2019, there were 14 cases of narcotics recidivists.
3. In 2020, there were 11 cases of narcotics recidivists.¹⁴

The results of the analysis based on the number of cases according to the data that have been obtained by the researchers, it can be concluded that the handling of narcotics cases by the Resort Police Gorontalo City was still not effective. This can be seen based on the results of data research for the last 3 years where the number of cases has not decreased optimally because there was still a high increase in cases from 2018 to 2019 and a decrease in cases that were not too significant in 2020. The increase in cases was due to various factors, based on researchers' interview results with Brigadier Kahar Muslimin explained that "The increase in narcotics cases was due to the level of circulation in Gorontalo City on average coming from outside the region, so it went up or down depending on if the boundaries of the delivery area can be strictly guarded, the number of cases would decrease and vice versa. As well as areas that supply narcotics goods to Gorontalo City, namely Central Sulawesi, South Sulawesi, South Kalimantan, and Palu."¹⁵

In 2020 the number of narcotics recidivist cases in Gorontalo City decreased which could be said to be not significant yet. This can be assessed from the number of cases, which

¹³.Ivan Masdudin, *Narkoba Musuh Semua Generasi*, (Banten : Talenta Pustaka Indonesia, 2010), Hlm 6

¹⁴ Hasil Wawancara Bersama Polres Gorontalo Kota, Pada Waktu 16 Februari 2021 Pukul 10:14 Wita

¹⁵ Hasil Wawancara Oleh Peneliti Yang Dilakukan Pada Tanggal 13-10-21 Pukul 11:00 Wita

only differed 3 cases in 2019 and 1 case in 2018. There was a decrease in the number of cases because there was one of the most influencing factors, namely the Covid 19 virus pandemic or according to the World Health Organization gave the name of the new virus is Severe Acute Respiratory Syndrome Coronavirus-2 (SARS-Cov-2), the name of the disease is Coronavirus Disease 2019 (COVID-19).¹⁶

There was a theory about effectiveness based on Campbell JP, the measurement of effectiveness in general and prominent, namely, program success, right on target, satisfaction with the program, input and output levels, achievement of overall goals, program effectiveness can be implemented based on operational expertise to carry out work programs as well as according to objectives previously planned.¹⁷ In connection with the theory by Campbell J.P on effectiveness, it is related to the title raised by the researchers. The enforcement that has been carried out by the Resort Police Gorontalo City in reducing and eradicating narcotics cases, especially for recidivists, has been carried out in various ways, one of which was the Anti-Drug Village program. In the various efforts that have been carried out by the Resort Police Gorontalo City, it was still unavoidable to have legal problems in the community, because it was related to the ineffectiveness of the law in completely eradicating narcotics cases in the city of Gorontalo, so that there were still many repetitions of criminal acts by former prisoners, especially narcotics cases, which can be seen based on the initial explanation of the number of cases during the last three years which could be said to be still not effective.

4. Conclusion

The effectiveness of law enforcement against narcotics criminal recidivists by the Resort Police Gorontalo City has carried out duties according to procedures, especially in handling narcotics cases with the aim that the community, especially narcotics case recidivists, does not recur, but based on the results of research from the author it is concluded that the handling of cases narcotics, especially for recidivists were still not effective. This can be seen based on the results of research from the number of cases during the last three years, 2018, 2019, and 2020, it still could not be said to have decreased, this is due to the circulation of narcotics in Gorontalo City which could be said to be still widely circulated so that recidivists in narcotics cases were still falling back into in the case of drug abuse.

¹⁶ Yuliana, *Wellness And Healthy Magazine*, Vol. 2, No. 1, Tahun 2020, Hlm 2

¹⁷ Yudhi Lestanata, *Efektivitas Pelaksanaan Program Pembangunan Berbasis Rukun Tetangga Di Kabupaten Sumbawa Barat Tahun 2014 – 2015*, Vol.3, No.3, Tahun 2016, Hlm 6

References

Book:

Warso Sasongko, *“Narkoba”*, (Yogyakarta : Relasi Inti Media Group, 2017)

Mukti Fajar Dan Yulianto Ahmad, *“Dualisme Penelitian Hukum Normatif & Empiris”*, (Yogyakarta : Pustaka Pelajar, 2017).

Soerjono Soekanto, *Pengantar Penelitian Hukum*, (Jakarta : Universitas Indonesia, 2014).

Ivan Masdudin, *“Narkoba Musuh Semua Generasi”*, (Banten : Talenta Pustaka Indonesia, 2010).

Journal article:

Iriyanto Tiranda, Fenty Puluhulawa, Johan Jasin, *“Konsep Ideal Penanganan Perkara Tindak Pidana Korupsi Pungutan Liar Berdasarkan Asas Peradilan”* , Vol 1 No 2, Juli 2019.

Ahmad Rustan Syamsuddin, *“Pembuktian Penyalahgunaan Wewenang Dalam Perkara Tindak Pidana Korupsi Pengadaan Barang dan Jasa”*, *Pembuktian Penyalahgunaan Wewenang Dalam Perkara Tindak Pidana Korupsi Pengadaan Barang dan Jasa”*, Vol 2, No 2, Juli 2020.

Ramadhan Kasim, *“Dehumanisasi Pada Penerapan Hukum Pidana Secara Berlebihan (overspanning van het strafrecht)”*, Vol 2, No 1, Januari 2020.

Fransiska Novita Eleanora, *“Bahaya Penyalahgunaan Narkoba Serta Usaha Pencegahan Dan Penanggulangannya”* Vol. 25, No. 1, Tahun 2011.

Dyah Permata Budi Asri, *“Perlindungan Hukum Preventif Terhadap Ekspresi Budaya Tradisional Di Daerah Istimewa Yogyakarta Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta”*, Vol. 1, No. 1, Tahun 2018

Yuliana, *Wellness And Healthy Magazine*, Vol. 2, No. 1, Tahun 2020

Yudhi Lestanata, *Efektivitas Pelaksanaan Program Pembangunan Berbasis Rukun Tetangga Di Kabupaten Sumbawa Barat Tahun 2014 – 2015*, Vol.3, No.3, Tahun 2016.