



## Criminological Aspects of Residivis in Use Narcotics

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**Abstract:** The purpose of this study is to find out and analyze the criminological factors behind recidivists in narcotics use in Gorontalo Province and to find out how. The type of research used is empirical research, using primary and secondary data sources. Using data clotting techniques with observation methods, interview methods, and documentation methods. Then the data is analyzed descriptively or provides an overview or exposure to the subject and object of study as the results of the research carried out. The results showed criminological factors behind recidivist use in narcotics use in Gorontalo Province when viewed from the *Differentia Association* theory, namely environmental/social factors causing a person to commit criminal acts repeatedly. The bad stigma that arises from the society of ex-convicts makes these ex-convicts feel excluded explained based on label theory, imitation theory is the result of imitation of crimes that occur in their environment, self-defense theory is health caused by weak self-defense against their poor environment as drug users, *Criminolooids* theory of crimes caused by lust.

*Keywords* Criminology, Recidivist, Narcotics.

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## 1. Introduction

Law as a form of law in society, especially for the teachings of the State adherents of Civil Law as well as Indonesia is only one component of the entire existing legal system.<sup>1</sup> Law is only one form of law besides there are other forms of law such as jurisprudence law, customary law, doctrinal law, and treaty law.<sup>2</sup>

Crime is a symptom of a society whose existence is growing and diverse in various aspects of life. The reason can be that man is a dynamic creature of God and does not escape error, so it can be done in a way that is not under rules or norms that apply in social life.

The science of dealing with the problem of crime is criminology and is one of the auxiliary sciences of criminal law. When talking about the definition of criminology, etymologically criminology comes from the word *Crime* which means crime, and *Logos* which means knowledge or science, so criminology is the science/knowledge of alignment.<sup>3</sup>

In Topo Santoso and Eva Achajani Zulfa's book entitled *Criminology* explains the meaning of Criminology, namely: "Imu knowledge that learns about evil. The name criminology invented by P.Topinard (1830-1911) a French anthropologist, literally comes from the word *crimen* which means crime or criminal, and *logos* which means science, then criminology can mean the science of crime or criminals."<sup>4</sup>

According to W.A. Bonger, criminology is a science aimed at investigating the symptoms of crime as widely as possible". And according to J. Constant criminology is a science aimed at determining the factors that are the causes of the occurrence of crimes and criminals".<sup>5</sup>

"The crimes committed can sometimes have an effect and impact that endangers lives for both oneself and others. As is the case in narcotics crimes that make narcotics a tempting necessity for some people, even though if studied with common sense, the impact of narcotics is very bad both in terms of society and health and can also damage all aspects of life in society".<sup>6</sup>

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<sup>1</sup> N. M Ahmad, A., & Nggilu, "Denyut Nadi Amandemen Kelima UUD 1945 Melalui Pelibatan Mahkamah Konstitusi Sebagai Prinsip the Guardian of the Constitution," *Jurnal Konstitusi* 16, no. 4 (2020): 785-808.

<sup>2</sup> N. M. Ahmad, F. M. W., & Nggilu, *Hukum Konstitusi: Menyongsong Fajar Perubahan Konstitusi Indonesia.*, 2020.

<sup>3</sup> I.S.Susanto, *Kriminologi* (Yogyakarta:Genta Publishing, 2011).

<sup>4</sup> Topo santoso dan Eva Achajani Zulfah, *Krliminologi* (Jakarta:Rajawali Pers, 2001).

<sup>5</sup> A.S. Alam, *Pengantar Kriminolog* (. Makassar : Pustaka Refleksi Books, 2010).

<sup>6</sup> Rizka Ramadhani, "Pembinaan Lembaga Per masyarakatan Terhadap Narapidana Residivis Narkotika" (2022).

"Narcotics and illegal drug crimes today have been transnational in nature which is carried out using a high modus operandi, advanced technology, supported by a wide network of organizations, and have caused many victims, ranging from various circles of society, namely from parents, women, children, especially among the younger generation of the nation which greatly endangers the lives of the people, the nation, and the state so that Law Number 22 of 1997 concerning Narcotics is no longer under the development of the situation and conditions that develop to overcome and eradicate narcotics crimes".<sup>7</sup>

There are various types of criminal acts, one of which is the criminal act of drug abuse. Crimes related to narcotics are included in special crimes, because drug crimes do not use the Criminal Code (KUHP) as a regulatory basis, but use Law Number 35 of 2009 concerning narcotics.

The term Drug is as per Noo's National Narcotics Circular (BNN). SE/03/IV/2002, are natural and chemical substances that if introduced into the body can change a person's thoughts, moods, feelings, and behaviors.<sup>8</sup>

According to Soedjono Dirjosisworo, "narcotics are substances that can cause certain influences for those who use them by introducing them into the body, these influences are anesthesia, loss of pain, stimulation of spirit and hallucinations or the onset of delusions. These qualities that are known and found in the medical world aim to be used for the treatment of human interests such as surgery, pain relief, and others".<sup>9</sup>

Narcotics damage the nation and the state especially the youth. Narcotics if used continuously or exceeding a predetermined dose will result in dependence. It is this addiction that will result in physical and psychological disorders, due to the occurrence of damage to the central nervous system (CNS) and body organs such as the heart, lungs, liver, and kidneys. The impact of drug abuse on society depends largely on the type of drug used, the personality of the user, and the situation or condition of the drug.<sup>10</sup>

Drug abuse is a very concerning issue. The cause is the complexity of various factors, both physical, psychic, and environmental actors. Drug abuse has a devastating impact on various aspects of people's lives. Overall, the consequences of drug use are not only for users or dealers but have resulted in mental, social, economic, and future problems for the younger generation.<sup>11</sup>

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<sup>7</sup> Ikram Amanda Daud, "Peran Badan Narkotika Nasional Terhadap Pencegahan Penyalahgunaan Narkotika Di Lingkungan Badan Narkotika Nasional" (2020).

<sup>8</sup> dkk Buchari Alma, *Pembelajaran Studi Sosial* (Bandung: Alfabeta, 2010).

<sup>9</sup> Soedjono Dirjosisworo, *Hukum Narkotika Indonesia* (Bandung: PT. Citra Aditya Bakti., 1990).

<sup>10</sup> M. T. Z Bakung, D. A., Kamba, S. N. M., & Sarson, "Penyuluhan Tentang Peningkatan Kesadaran Hukum Masyarakat Dalam Mencegah Penyalahgunaan Narkotika," *Jurnal Abdidas* 3, no. 3 (2022): 488-92.

<sup>11</sup> T Kasim, N. M., Kamba, S. N. M., & Semiaji, "Sosialisasi Tentang Bahaya Penyalahgunaan Narkotika Di Kalangan Masyarakat Desa Bualemo," *Jurnal Abdidas* 2, no. 6 (2021): 1276-80.

Abuse in drug use is the use of drugs or harmful substances not being for treatment and research and used without following the correct rules or dosages. Under conditions that are reasonable enough / according to the recommended dose in medicine only, continuous drug use will result in dependence, dependence, addiction, or addiction.<sup>12</sup>

The content contained in these drugs can indeed have a bad impact on health if misused. According to Law Number 35 of 2009 concerning Narcotics, the types are divided into 3 groups based on the risk of dependence. Group 1 narcotics such as marijuana, opium, and coca plants are very dangerous if consumed because they are at high risk of causing addictive effects. Class 2 narcotics can be used for treatment as long as they are under a doctor's prescription. There are approximately 85 types of this group, some of which are Morphine, Alfaprodina, and others. Group 2 also has a high potential to cause dependence. Group 3 narcotics have a fairly mild risk of dependence and are widely used for treatment and therapy.<sup>13</sup>

Aruan Sakidjo and Bambang Poernomo explained that the definition of a Recidivist is "a person who repeats criminal acts that have previously been sentenced to a criminal offense with a judge's decision that has permanent legal force".<sup>14</sup>

In the Criminal Code (KUHP) there are two forms of recidivist the first, is "*General recidivist (general recidive)*, meaning that it is not considered the character of the criminal act committed twice, with the meaning of the recidivist origin repeating the criminal act, or the act is not the same as the previous criminal act but is still associated in repetition."<sup>15</sup> And the second, "*Special recidivist*, meaning that the character of a criminal act committed twice is highly regarded, meaning that the repeated act is mandatory as and a class of previous criminal acts, based on what acts concerned have served a sentence".<sup>16</sup> Recidivists, which in criminal code terms are called "repetition of criminal acts" are regulated in Book II and Book III of the Criminal Code.<sup>17</sup> Leden Marpaung in his book explains that "in the Criminal Code additional penalties can be given in the case of *Concurcus* and *Recidive*. *Concurcus*, as stipulated in Article 65 and Article 66 of the Criminal Code and *Recidive*, is regulated in Article 486, Article 487, and Article 488 of the Criminal Code".<sup>18</sup>

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<sup>12</sup> Reza Iswanto, "Kebijakan Nonpenal Oleh Badan Narkotika Nasional Provinsi Jambi Terhadap Penyalahgunaan NarkotikaNo Title," *Jurnal Wajah Hukum* 2, no. 2 (2018): 164.

<sup>13</sup> Humas BNN, "Pengertian Narkoba Dan Bahaya Narkoba," BNN.go.ic, 2022, <https://bnn.go.id/pengertian-narkoba-dan-bahaya-narkoba-bagi-kesehatan/>.

<sup>14</sup> Mahrus Ali, *Dasar-Dasar Hukum Pidana* (Jakarta: Sinar Grafika, 2011).

<sup>15</sup> La Patuju dan Sakticakra Salimin Afamery, "Residivis Dalam Prespektif Sosiologi Hukum," *Jurnal Hukum Volkgeist* 1, no. 1 (2016): 5.

<sup>16</sup> Prianter Jaya Hairi, "Konsep Dan Pembaharuan Residivisme Dalam Hukum Pidana Di Indonesia," *Jurnal Negara Hukum* 9, no. 2 (2018): 5.

<sup>17</sup> Rahmi Dwi Sutanti, "Applicative Policy on Criminal Enforcement for Perpetrators of Criminal Repetition," *Indonesian Journal Of Criminal Law Studies IJCLS II Semarang State University* 2, no. 1 (2017): 41–41.

<sup>18</sup> Leden Marpaung, *Asas-Teori-Praktik Hukum Pidana* (Jakarta: Sinar Grafika, 2012).

Seeing the increasingly widespread drug circulation to almost all circles of society, the government made new regulations contained in Law Number 35 of 2009 concerning Narcotics. A significant change from the old law to the new law (Law Number 35 of 2009) was the establishment of the National Narcotics Agency. The National Narcotics Agency (BNN) was formed to replace the National Narcotics Coordinating Board which was formed in 1999 with the consideration that the institution was no longer under the needs and developments of the situation.<sup>19</sup>

**Table 1. Data on Recidivist Cases of Narcotics Users in Gorontalo Class 2A Community Institutions**

<b>No</b>	<b>Registration Number</b>	<b>Case Status</b>	<b>Username</b>
1	B I-172/2019	VERDICT	Rano Ganio
2	B I-175/2019	VERDICT	Muhlis Alibasyah
3	B I-193/2019	VERDICT	Iswanto Haidari
4	B I-163/2020	VERDICT	Saifuddin Salamon
5	B I-55/2020	VERDICT	Fadli Abdjul
6	B I-45/2020	VERDICT	Arlan Paera
7	B I-02/2021	VERDICT	Rawin wewengkang
8	B I-60/2021	VERDICT	Ivan Kaluara
9	B I-75/2021	FREE	Rifay Sabaya
10	B I-230/2021	VERDICT	Moh. Rezki Novianto Motota
11	B I-158/2021	VERDICT	Rajak Sunge
12	B I-134/2021	VERDICT	Asgar Khan Mohamad
13	B I-154/2021	VERDICT	Grace Zees
14	B I-182/2021	VERDICT	Reza Yudhistiro Hippy
15	B III.S-58/2022	VERDICT	Abdul Fatah Umonti

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<sup>19</sup> Leden Marpaung.

16	B III.S-35/2022	VERDICT	Febrianto Usman
17	B III.S-50/2022	VERDICT	Hamdan Bobihu
18	B I-05/2022	VERDICT	Ibrahim Asagaf
19	B I-155/2022	VERDICT	Rido M.Syarifudin
20	B I-153/2022	VERDICT	Asrul maurana
21	B I-195/2022	FREE	Decky Mustafa
22	A V-24/2022	VERDICT	Sapriyuda Wear
23	B I-87/2022	VERDICT	Risky Septiawan Adam
24	B I-138/2022	VERDICT	Moh.Ikbal Otoluwa
25	B I-119/2022	VERDICT	Jems Lasiang
26	B I-182/2022	VERDICT	Lukman Noer
27	B I-81/2022	VERDICT	Rocky Indra Joseph
28	B I-168/2022	VERDICT	Indra Bukusu
29	B I-128/2022	VERDICT	Dedy Tambengi
30	A III-326/2022	VERDICT	Hamid Aljufri
31	B IIa-113/2022	VERDICT	Jumrin Dg Manessa

Based on recidivist data on narcotics users taken from the Gorontalo Class 2A Community Institution. In 2019 and 2020 there were 3 cases, and in 2021 there was an increase in cases to 8 cases, and until December 2022 recidivist cases of drug users increased rapidly to 17 cases.

**Table 2. Data on Recidivist Cases of Narcotics Users in the Gorontalo District Court and the National Narcotics Agency of Gorontalo Province**

No	Case Number	Case Status	Username
1.	1) 271/Pid.Sus/2017/PN Gto 2) 289/Pid.Sus/2018/ PN Gto	VERDICT	Amen Motalu

	3) 256/Pid.Sus/2020/PN Gto		
2.	1) 150/Pid.Sus/2018/PN Gto 2) 135/Pid.Sus/2019/PN Gto	VERDICT	Ahmad Mopangga
3	1) 65/Pid.Sus/2018/ PN Gto 2) 27/Pid.Sus/2019/PN Gto	VERDICT	Jefry Mamangkey
4.	1) 178/Pid.Sus/2018/PN Gto 2) 255/Pid.Sus/2021/PN Gto	VERDICT	Imam Badoe
5.	1) 128/Pid.Sus/2018/PN Gto 2) 53/Pid.Sus/2022/PN Gto	VERDICT	Berni Said
6.	95/Pid.Sus/2022/PN Gto	VERDICT	Mohammad Akbar Samaun
7	184/Pid.Sus/2022/PN Gto	VERDICT	Wandi Rifai
8	1) 209/Pid.Sus/2021/PN Gto 2) 237/Pid.Sus/2022/PN Gto	VERDICT	Aldy Aldyansyah

Based on recidivist data on narcotics users taken from the Gorontalo District Court and the National Narcotics Agency of Gorontalo Province. Amin Motalu committed recidivist narcotics crimes 3 times, namely in 2017, 2018, and 2020. Ahmad Mopangga and Jefry Mamamngkey also committed narcotics crimes in 2018 and 2019. In 2018 and 2021 Imam Badoe conducted recidivist narcotics users. Berni Said also conducted recidivist narcotics users in 2018 and 2022. Mohammad Akbar Samaun and Wandi Rifai in the same year, namely 2022, repeated their actions by using narcotics. And Aldy Aldyansyah in 2021 and 2022 also committed narcotics crimes repeatedly or recidivistically



**Table 3. Number of Recidivist Cases of Narcotics Users in Gorontalo Province**

No	Year	Number of Cases
1	2018	5
2	2019	5
3	2020	4
4	2021	10
5	2022	21
	<b>TOTAL</b>	45

The table above shows how recidivist cases of drug users are increasingly prevalent in Gorontalo Province. In 2018 and 2019 there were 5 cases, and in 2020 there was a decrease to 4 cases, but in 2021 there was an increase in cases to 10 cases, and until December 2022 narcotics recidivist cases increased rapidly to 21 cases.

In Ferry Theory Individual and environmental factors influence a person to commit a crime.<sup>20</sup> So that the repetition of this narcotics crime can still happen if he returns to his previous environment and or life.

The theory in a journal also explains that one of the factors causing narcotics crimes is association. Yang said that "the misuse of narcotics by perpetrators that can lead them to addiction and dependence cannot be separated from their social environment".<sup>21</sup> This is further strengthened by the circulation of narcotics in Gorontalo, where in 2022 the BNN of Gorontalo Province handled 70 cases contaminated with narcotics.<sup>22</sup>

With the same individual, the same environment the same life, and the same association coupled with the presence of the narcotic around him the possibility of a repetition of this narcotics crime is still very likely to occur and could be higher than the set.

Narcotics became an ingredient in medicines that existed before Indonesia became independent, in Law Number 35 of 2009 concerning Narcotics said that to improve the health degree of Indonesian human resources to realize the welfare of the people, efforts need to be made to improve the field of medicine and health services, among others by striving for the availability of certain types of narcotics that are urgently needed as drugs

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<sup>20</sup> M.A Prof. Dr. H. Juhaya S. Praja, *Teori Hukum Dan Aplikasinya* (Bandung: CV Pustaka Setia, 2011).

<sup>21</sup>Andi Helmi Adam, "A Criminological Review of Narcotics Crimes By Children," *Journal of Al Hikam* 1 , no. 1 (2017): 72.

<sup>22</sup> No name, "70 Kasus Narkoba Di Tahun 2022, 40% Di Antaranya Anak-Anak," *Hulondalo.id*, 2022.



and preventing and eradicating the dangers of abuse narcotic.<sup>23</sup> From the explanation above, the author concludes that "narcotics users who have spread among the community will never disappear and stop if the availability of narcotics in Indonesia still exists and is still very much needed for improvement in the fields of medicine, health services, and research". Thus, researchers are interested in conducting research related to the Criminological Review of Recidivists as Narcotics Users in Gorontalo Province.

## 2. Method

This type of research is empirical normative research, using a *statutory* approach (statute approach) and a *case approach* (*case approach*). This research uses data analysis techniques with deductive logic, deductive logic, or processing legal materials in a deductive way, namely explaining a general thing and then drawing it into a more specific conclusion.

## 3. Analysis And Discussion

### Criminological Factors Behind Recidivists in Narcotics Use in Gorontalo Province

Recidivist drug users are a crime that is familiar to the public. Based on the results of research at the National Narcotics Agency of Gorontalo Province and the Gorontalo Class 2A Community Institute, it has handled a total of 45 recidivist cases of narcotics users in Gorontalo Province in the last 5 years.

Based on the results of an interview with Mr. Rizki Syahputra an employee of the Bimaswat section of the Gorontalo Class 2A Community Institution, "The main factor of a person's return to commit a narcotics crime is from the influence of friends and the surrounding environment who have a background as a narcotics user".<sup>24</sup>

So the researcher concluded that friends / environmental factors greatly influenced the high number of recidivist cases of narcotics use in Gorontalo Province.

The theories of criminology used to help determine the factors behind narcotic recidivists as users are: Differential Association Theory and The Theory of *Differential Association* or *Differential Association* theory which was first proposed by E.H.Sutherland, in his book *Principle of Criminology* in 1934. In his theory, Sutherland argues that criminal behavior is a behavior that is learned within the social environment, meaning that all behavior is

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<sup>23</sup> dkk Leonie Lakollo, "Kebijakan Formulasi UU Narkotika Dalam Legalisasi Penggunaan Ganja Sebagai Bahan Pengobatan Di Indonesia," *Jurnal Belo* 1, no. 2 (2020): 4.

<sup>24</sup> Interview with Mr. Rizki Syahputra as Bimaswat Staff of Class 2A Gorontalo Community Institution, Monday, December 19, 2022

learned in various ways. Therefore, the difference in behavior that Conforms with *Criminal* is what and how something is learned.<sup>25</sup>

A deviation is present because it originates from different associations learned through a process of cultural conversion. Through this learning process, one learns about the deviant subculture.<sup>26</sup>

Based on the explanation above, of course, there is a connection between the theory of the *Differential Association* and the Recidivist of Narcotics users, namely with the encouragement of the social environment that is average as a drug user, then automatically a person will jump in as a drug user who is initially just curiosity, or just because he wants to try because of the seduction of the environment he will become a drug user who will certainly be difficult to quit addiction so he needed Medical Rehabilitation.

Label Theory The people who developed label theory were Howard S.Becker and Edwin Lemert. What is discussed in this theory are the factors that cause labeling in a particular person and what effect it has on such labeling. People who violate or deviate from the established rules are labeled as deviant people. The result of such labeling is a crime.

Edwin Lemert distinguishes three forms of deviation deviations arising from psychic pressure (individual deviation), deviations arising from the situation at hand (situational deviation), and deviations arising from patterns of criminal behavior that later become organized (systematic deviation).<sup>27</sup>

The general goal of P2TP2A is to realize gender equality and justice to be achieved in providing services and welfare and child protection. In addition, it is hoped that the availability of information is needed in terms of legal protection so that later good relations will be built between community partners and the existing government.<sup>28</sup>

The relation of Label Theory to recidivist drug users is that when they come out of their sentence, then return to society, of course, they will be labeled inmate drug users which makes them feel excluded and not accepted back into society. It makes this narcotic user feel that it is only his environment that is a narcotic addict who accepts him well. Because of the label from the community, is what makes his return to being a narcotics user (recidivist)

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<sup>25</sup> Interview with Mr. Rizki Syahputra as Bimaswat Staff of Class 2A Gorontalo Community Institution, Monday, December 19, 2022

<sup>26</sup> Ende Hasbi Nassaruddin, *Criminology* (Bandung: Pustaka Setia, 2016).

<sup>27</sup> Riska Andi Nvidia Febiola Estiyantara, Riska Putri Wardani, "Faktor Kriminologi Penyebab Terjadinya Kejahatan Perampokan Kapal Laut," *Jurnal Gema Keadilan* 8, no. 3 (2021): 5.

<sup>28</sup> M. Mozin, N., & Sunge, "Pemberian Edukasi Dan Bantuan Hukum Terhadap Anak Korban Kekerasan," *Jurnal Ius Constituendum* 6, no. 1 (2021): 166–81.

*Imitation Theory* People become criminals because they learn from each other to hammer imitation, such as younger children imitating their older friends<sup>29</sup>

Imitation theory explains that a person becomes a criminal because he imitates the behavior of someone who is around him, of course, there is a recidivist relationship between drug users, for example, his parents whose background is as a drug user, a child will imitate the behavior of his parents. Because in the family the parents are an example for their children, if the parents are drug addicts then the child will participate in his parents' environment.

Researchers have conducted research both with literature techniques obtained from legal literature, as well as with field techniques, namely interviews with several related parties, namely there are 2 factors behind recidivist drug users.

According to Alison Liebling states that "imprisonment has greater negative effects, and does not prove its success in reducing the crime rate, because others commit the same and repeated crimes, the factors that influence a person to become a drug addict so that it becomes recidivism are internal and external factors"<sup>30</sup>

**Internal Factors, Self-control** A person who has committed a criminal act again (recidivist) will be considered as one of the things that can trigger a high level of risk in the cause of the repetition of the criminal act he committed. This can be caused by the low self-control that exists within the person. Self-control is behavior that is guided by abilities from within oneself, these abilities can suppress or hinder oneself from impulsive behavior. Self-control also concerns how strong a person is in holding his values and beliefs to be used as a reference for himself when acting or making a decision. Self-control can be said to be a regulation in the physical, psychological and behavioral processes of a person, in other words, a series of processes that can indirectly shape one's self.<sup>31</sup>

This self-control factor is related to the theory of self-defense (*Containment Theory*) proposed by Warter Rockless in 1961, namely "Crime is caused by weak self-defense of the individual and/or weak external defense (social environment)".

A person's personality greatly influences the person behavior. If a person's personality is not good. Unstable, and easily influenced by others, it will be easier to fall into the abyss of narcotics repeatedly. A person's personality is also strongly influenced by the basis of religion and belief, the more obedient to worship, the better the person, and of course not easily influenced by the seduction of others to use narcotics

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<sup>29</sup> Mozin, N., & Sunge.

<sup>30</sup> Padmono Wibowo Meka Al Mukharomah, "Faktor Pendorong Residivisme Tindak Pidana Narkotika Di Lembaga Permaryaratan Kelas II B Arga Makmur," *Jurnal Pendidikan Kewarganegaraan Undiksha* 10, no. 1 (2020): 14.

<sup>31</sup> M. Nur Ghufon dan Rini Risnawita, *Teori-Teori Psikologi* (Yogyakarta: Ar-Ruzz, 2016).

Researchers argue that every individual must have a huge curiosity towards new things that he just knows. So this curiosity causes a sense of wanting to try narcotics, after the person knows what it feels like he will become more dependent and difficult to stop, even to the point of becoming a recidivist. Everyone must be able to control themselves so as not to be entangled in narcotics repeatedly, if a person has not been able to control himself from his user environment then he will continue to be affected by his average environment as a drug addict.

Addicted to addiction is a feeling that arises when someone likes something they want such as being addicted to cigarettes, addicted to narcotics, and others. The danger is when a person becomes dependent on drugs, so it does not rule out the possibility of a strong desire or urge to use the drug without being accompanied by medical reasons.<sup>32</sup>

When connected with the theory of criminology, the addictive factor or dependence corresponds to the *Criminoids* theory of Cesare Lombroso i.e. "belongs to the evils caused by lust and various other types. Criminals in this category are repeated criminals".<sup>33</sup> Initially, there is a sense of desire to use narcotics again because of the high level of addiction that makes a person lose control of himself.

External Factors, Family factors, The family is a small community group but is the environment that has the most influence on the development of family members. Harmony is a very decisive factor in the good or bad of a person's character, for example, a family that lacks harmony. This can cause a person to feel less supported and cared for by his family, so he seeks an escape, namely by using narcotics.

When connected with the theory of criminology, the factor behind the criminal act of drug abuse caused by Stress Venting, under the theory of Psychogenesis, this theory says that "criminality behavior arises due to intelligence factors, personality traits, motivations, wrong attitudes, fantasies, rationalization, erroneous self-internalization, inner conflicts, controversial emotions, and psychopathological tendencies",<sup>34</sup> This means that the behavior arising from the drug user is a reaction to the user's psychic problems. For example, the cracking of family harmony due to divorce.

Lack of control from the family "families who are too busy with their affairs so rarely have time to control family members, people who lack family attention are more likely to seek outside attention and usually, they also seek busyness with their friends". Not all drug abuse committed by teenagers starts with a broken *home* family, everyone has the same potential to be involved in drug abuse. The application of discipline and

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<sup>32</sup> Rizka Ramadhani, "Pembinaan Lembaga Permasayarakatan Terhadap Narapidana Residivis Narkotika."

<sup>33</sup> dkk Handrawam, "Penyalahgunaan Narkotika Dalam Perspektif Teori Kriminologis," *Jurnal Delarev* 1, no. 2 (2022).

<sup>34</sup> Handrawam.

responsibility to a person will reduce the risk of getting caught up in drug abuse. The person who has a responsibility towards himself.

Researchers argue that a person can commit recidivist criminal acts of drug abuse because the role of the family as the closest environment to raise and mature one's character is not well functioned, lack of approach and openness between fellow family members so that a person is free to commit narcotics crimes without the knowledge of his family.

Moreover, a user comes from a *Broken Home* family which will make a person feel frustrated due to family member fights that he often hears and sees in the family, then that someone will feel happier to be outside the house and can be affected by his environment whose background as a drug addict, this will make the person feel happier and happier So that if you are constantly in an environment that is a drug addict, there is a possibility of not being able to get out of the environment.

If the family is not harmonious, the family members in the family feel uncomfortable if they are in the house. Environmental/social factors The influence of friends or groups also plays an important role in drug use. This is due, among other things, to be a condition for ease of being accepted by group members. Groups or Gangs have the same behavior habits among fellow members. So it is not strange that this habit of gathering also directs the same behavior to consume drugs.

Robert E. Park and Ernest W. Burgess in 1925 put forward "the theory of concentration zones (ecology) is that environmental factors can cause evil, not by human will or self".<sup>35</sup>

Researchers argue that every human behavior depends on the environment, if you make friends with drug addicts, you will become addicts too because the environment is the main factor that is most influential for someone to commit a narcotics crime

Based on the results of an interview with a recidivist drug user at the Gorontalo Class 2a Community Institution: "This narcotics user initially used narcotics because of his desires, but after being punished based on applicable regulations in Indonesia and has completed rehabilitation and returned to his environment. These narcotic users began to be influenced by their environment, with the availability of narcotics that were already in front of their eyes making users re-affected by their friends to use narcotics, who at first this user was afraid, because they already felt how to undergo a period of detention and rehabilitation at the Gorontalo Class 2A Community Institution, but it was because of this friend factor that made the user affected again."

Based on the results of an interview with Christy's mother Ruth Titari Nainggolan, Psychologist as an employee / Psychologist of BNN Gorontalo Province: The factor of a person being able to return to using narcotics is due to the factor of his family being less harmonious (*broken home*) or because of lack of support from the family while in the

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<sup>35</sup> Prof. Dr. H. Juhaya S. Praja, *Legal Theory and Its Applications*.



rehabilitation process/period of detention so that the addict feels that he no longer admits in the family who feels he desperate to seek his happiness outside the home by reuniting with a group of drug addicts."

#### 4. Conclusion

Based on the results of the analysis and discussion that has been described above, it can be concluded that the criminological factors behind drug users to repeat it are seen from label theory, namely by the bad stigma of their environment that labels former prisoners as bad people, that is what causes a user to feel excluded. Imitation theory also explains that a person becomes a criminal because he imitates the behavior of someone who is around him. In internal factors, there is also a theory This self-control factor is related to the theory of self-defense (*Containment Theory*) proposed by Warter Rockless in 1961, namely "Crime is caused by weak self-defense of the individual and/or weak external defense (social environment)". Based on the theories of criminology, the addictive factor or dependence corresponds to the *Criminolooids* theory of Cesare Lombroso i.e. "belongs to the evils caused by lust and various other types. Criminals in this category are recurrent criminals. External factors that come from families are corroborated by the theory of Psychogenesis, this theory says that "criminality behavior arises due to factors of intelligence, personality traits, motivations, wrong attitudes, fantasies, rationalization, erroneous self-internalization, inner conflicts, controversial emotions and psychopathological tendencies", meaning that the behavior arising from the drug user is a reaction to the user's psychic problems. For example, the cracking of family harmony due to divorce. Not only that, Robert E.Park and Ernest W. Burgess in 1925 put forward "the theory of concentration zones (ecology) is that environmental factors can cause evil, not by human will or self-will"

#### References

##### Book :

A.S. Alam. *Pengantar Kriminolog.* . Makassar : Pustaka Refleksi Books, 2010.

Buchari Alma, dkk. *Pembelajaran Studi Sosial.* Bandung: AlfaBeta, 2010.

Ende Hasbi Nassaruddin. *Kriminologi.* Bandung: Pustaka Setia, 2016.

I.S.Susanto. *Kriminologi.* Yogyakarta:Genta Publishing, 2011.

Leden Marpaung. *Asas-Teori-Praktik Hukum Pidana.* Jakarta: Sinar Grafika, 2012.

Mahrus Ali. *Dasar-Dasar Hukum Pidana.* Jakarta: Sinar Grafika, 2011.

Prof. Dr. H. Juhaya S. Praja, M.A. *Teori Hukum Dan Aplikasinya.* Bandung: CV Pustaka

Setia, 2011.

Soedjono Dirjosisworo. *Hukum Narkotika Indonesia*. Bandung: PT. Citra Aditya Bakti., 1990.

Topo santoso dan Eva Achajani Zulfah. *KrIminologi*. Jakarta:Rajawali Pers, 2001.

Risnawita, M. Nur Ghufron dan Rini. *Teori-Teori Psikologi*. Yogyakarta: Ar-Ruzz, 2016.

### **Journal Article :**

Ahmad, A., & Nggilu, N. M. "Denyut Nadi Amandemen Kelima UUD 1945 Melalui Pelibatan Mahkamah Konstitusi Sebagai Prinsip the Guardian of the Constitution." *Jurnal Konstitusi* 16, no. 4 (2020): 785–808.

Ahmad, F. M. W., & Nggilu, N. M. *Hukum Konstitusi: Menyongsong Fajar Perubahan Konstitusi Indonesia.*, 2020.

Andi Helmi Adam. "Tinjauan Kriminologi Kejahatan Narkotika Oleh Anak." *Jurnal Al Hikam* 1, no. 1 (2017): 72.

Bakung, D. A., Kamba, S. N. M., & Sarson, M. T. Z. "Penyuluhan Tentang Peningkatan Kesadaran Hukum Masyarakat Dalam Mencegah Penyalahgunaan Narkotika." *Jurnal Abdidas* 3, no. 3 (2022): 488–92.

Handrawam, dkk. "Penyalahgunaan Narkotika Dalam Perspektif Teori Kriminologis." *Jurnal Delarev* 1, no. 2 (2022).

Kasim, N. M., Kamba, S. N. M., & Semiaji, T. "Sosialisasi Tentang Bahaya Penyalagunaan Narkoba Di Kalangan Masyarakat Desa Bualemo." *Jurnal Abdidas* 2, no. 6 (2021): 1276–80.

Leonie Lakollo, dkk. "Kebijakan Formulasi UU Narkotika Dalam Legalisasi Penggunaan Ganja Sebagai Bahan Pengobatan Di Indonesia." *Jurnal Belo* 1, no. 2 (2020): 4.

Meka Al Mukharomah, Padmono Wibowo. "Faktor Pendorong Residivisme Tindak Pidana Narkotika Di Lembaga Permasyaratan Kelas II B Arga Makmur." *Jurnal Pendidikan Kewarganegaraan Undiksha* 10, no. 1 (2020): 14.

Mozin, N., & Sunge, M. "Pemberian Edukasi Dan Bantuan Hukum Terhadap Anak Korban Kekerasan." *Jurnal Ius Constituendum* 6, no. 1 (2021): 166–81.

Nvidia Febiola Estiyantara, Riska Putri Wardani, Riska Andi. "Faktor Kriminologi Penyebab Terjadinya Kejahatan Perampokan Kapal Laut." *Jurnal Gema Keadilan* 8, no. 3 (2021): 5.

Patuju dan Sakticakra Salimin Afamery, La. "Residivis Dalam Prespektif Sosiologi Hukum." *Jurnal Hukum Volkgeist* 1, no. 1 (2016): 5.



Prianter Jaya Hairi. "Konsep Dan Pembaharuan Residivisme Dalam Hukum Pidana Di Indonesia." *Jurnal Negara Hukum* 9, no. 2 (2018): 5.

Prof. Dr. H. Juhaya S. Praja, M.A. *Teori Hukum Dan Aplikasinya*. Bandung: CV Pustaka Setia, 2011.

Rahmi Dwi Sutanti. "Kebijakan Aplikatif Pemberatan Pidana Bagi Pelaku Pengulangan Tindak Pidana." *Indonesian Journal Of Criminal Law Studies IJCLS II Universitas Negeri Semarang* 2, no. 1 (2017): 41-41.

Reza Iswanto. "Kebijakan Nonpenal Oleh Badan Narkotika Nasional Provinsi Jambi Terhadap Penyalahgunaan NarkotikaNo Title." *Jurnal Wajah Hukum* 2, no. 2 (2018): 164.

#### **Website :**

Humas BNN. "Pengertian Narkoba Dan Bahaya Narkoba." BNN.go.ic, 2022. <https://bnn.go.id/pengertian-narkoba-dan-bahaya-narkoba-bagi-kesehatan/>.

No name. "70 Kasus Narkoba Di Tahun 2022, 40% Di Antaranya Anak-Anak." Hulondalo.id, 2022.

#### **Thesis :**

Ikram Amanda Daud. "Peran Badan Narkotika Nasional Terhadap Pencegahan Penyalahguna Narkotika Di Lingkungan Badan Narkotika Nasional," 2020.

Rizka Ramadhani. "Pembinaan Lembaga Per masyarakatan Terhadap Narapidana Residivis Narkotika," 2022.