

The Effectiveness of Investigating the Crime of Meth-Type Narcotics Abuse

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Abstract. *This study aims to identify and analyze the implementation of the investigation into the criminal act of methamphetamine-type narcotics at the Majalengka Resort Police and to determine and analyze the effectiveness of the implementation of the investigation into the crime of methamphetamine-type narcotics abuse at the Majalengka Resort Police. The theory used in this study is the theory of legal certainty and theory legal effectiveness. This study uses a sociological juridical approach and the nature of this research is analytical descriptive. Data collection was carried out through a literature study in order to obtain secondary data, whether in the form of primary legal materials, secondary legal materials, or tertiary legal materials. To support the research that has been done, field research was also carried out in order to obtain primary data that supports secondary data. The technical analysis used in this study is a qualitative analysis technique. The results of the study revealed that the investigation into the criminal act of narcotics abuse of the methamphetamine type at the Majalengka Resort Police by the Majalengka Police Narcotics Unit was in accordance with the provisions contained in the Criminal Procedure Code and Law concerning the Police No. 2 of 2002. In the process of investigation and investigation the steps taken by the investigator, namely carrying out investigations, making arrests, detention and confiscation, conducting examinations of witnesses and suspects and submitting case files to the public prosecutor have been carried out in accordance with applicable regulations and in carrying out investigations into narcotics crimes, Every effort is made to develop cases to uncover the narcotics distribution network in the jurisdiction of the Majalengka Police and the implementation of the role of the Majalengka Police Narcotics Investigation Unit in uncovering crimes of narcotics abuse has been running effectively. This is evidenced by the many cases of narcotics abuse that were successfully uncovered by the Majalengka Police Narcotics Investigation Unit and its staff during 2018-2022 but still need to be improved so that achievements can be maximized.*

Keywords: *Effectiveness; Implementation; Investigations; Narcotics.*

1. Introduction

The abuse of methamphetamine is a frightening crime for the nation's generation. Because the effects of narcotics abuse are not only felt to damage the health of the perpetrator, but also to the economic, social and generational aspects of the nation. The excess of methamphetamine-type drug abuse is still due to the fact that the majority of perpetrators of methamphetamine-type drug abuse are young people who incidentally are the next generation of the nation and the nation. But basically the distribution of narcotics in Indonesia when viewed from a juridical aspect is legitimate. The Narcotics Act No. 35 of 2009 regulates all matters related to narcotics including narcotics classes, their use, transportation and criminal sanctions. Such a situation opens opportunities for the abuse of narcotics not for the benefit of medicine and science. However, far from that, it is used as a promising and rapidly developing business arena, in which case such activities have an impact on the physical and psychological damage of narcotics users, including methamphetamine-type drugs, especially the younger generation. To prevent abuse of narcotics, the government's role is to establish law enforcement, one of which is the police.¹

The police are all matters relating to the functions and institutions of the police in accordance with laws and regulations. The police of the future is a police figure that is able to overcome future challenges and be in accordance with the development of society. The Indonesian National Police must be able to protect, protect, maintain order and provide security to the public.² Act No. 2 of 2002 concerning the Indonesian National Police expands the functions and duties of the Police which include maintaining public order and security, law enforcement, protection and protection and service to the community by upholding human rights. In addition, the role of the government in tackling the spread of narcotics includes methamphetamine-type drugs by issuing Criminal Code Article 10 concerning the types of punishment that will be given to narcotics defendants.

Law enforcement carried out by the Narcotics Unit including the Majalengka Resort Police Narcotics Unit against narcotics crimes has been widely carried out by law enforcement officers and has received many judge's decisions. Thus, law enforcement is expected to be able to become an antidote to the spread of illicit trade and distribution of methamphetamine-type drugs. However, in reality, the

¹Sainrama Pikasani Archimada, Law Enforcement Against Narcotics Abuse by Children in Sleman Regency, LEX Renaissance NO. 3 VOL. 6 JULY 2021:, p 494

²Feri Andriawan, The Investigation Process of Narcotics Crime Actors at the Pekalongan Resort Police. Thesis of the Master of Law Study Program at Sultan Agung Islamic University Semarang 2021, p 2,

more intensive the law enforcement is, the more distribution and trade, including the methamphetamine type of drug, will increase.

The following is a real example of a case related to crystal methamphetamine.

a. A total of 42.22 grams of methamphetamine was confiscated by the Police Narcotics Unit [Majalengka](#) Polda Jabar from the hands of drug offenders. The foreclosure is [disclosure](#) narcotics case [biggest](#) in [August](#) 2022. The cross-regional methamphetamine syndicate is suspected of being part of a network of local drug dealers. Majalengka Police Chief AKBP Edwin Affandi said the arrests took place on Friday, August 19, 2022. His party managed to secure 5 large packages of methamphetamine weighing 42.22 grams. So we got this methamphetamine from 2 dealers with the initials F, a resident of Loji Jatiwangi Village and AF, a resident of Sindanghaji Palasah Village. He explained that the modus operandi of the perpetrators themselves was as dealers. They arrested the hands of the two perpetrators and conducted a search. From the hands of the perpetrators, there were several small packages of crystal methamphetamine. While carrying out the development, the Majalengka Police Narcotics Unit officers received the package again [methamphetamine](#) which is quite a lot from the suspect's house. Package [methamphetamine](#) it is hidden in the ceiling of the house. So both perpetrators F and AF each have a lot of methamphetamine packages. Obtained from the ceiling of their house a package of methamphetamine. Apart from that, the Narcotics Unit of the Majalengka Resort Police also managed to secure several packages of methamphetamine which had been taped in two places, namely in Jatisura Jatiwangi Village and in Palasah Village so they were pasted using red duct tape which will be taken by those who buy them. For suspects in narcotics cases, they will be charged with Article 114 paragraph (1) in conjunction with Article 112 paragraph (1) of the Republic of Indonesia Law, number 35 of 2009, concerning narcotics with a maximum penalty of 20 years in prison.

b. On Monday the 29th of August 2022, a drug dealer from Indramayu was arrested by the Majalengka Police Narcotics Research Unit. The dealer named Tomy Jevisa did not move when the police arrested him with evidence in the form of methamphetamine and marijuana ready to be distributed. This arrest was recorded via amateur video. In the recording, an officer from the Majalengka Police Narcotics Investigation Unit can be seen bringing Tomy Jevisa to show him where to store his methamphetamine and marijuana. From the perpetrator's rented location in the Jatiwangi area, officers found evidence of packages of methamphetamine and marijuana in small packages ready for distribution. Disclosure of distribution of methamphetamine and marijuana types of drugs was obtained by officers after carrying out developments against dealers and dealers who had previously been arrested.

Law enforcement efforts carried out by the National Police, especially the Narcotics Unit of the Majalengka Resort Police, are in the realm of investigation. One of them refers to the Regulation of the State Police of the Republic of Indonesia Number 6 of 2019 concerning the Repeal of the Regulation of the Head of the State Police of the Republic of Indonesia Number 14 of 2012 Concerning the Management of Investigations of Criminal Acts, indicating that in carrying out law enforcement duties, Investigators of the State Police of the Republic of Indonesia have duties, functions and authority in the field of investigation of criminal acts in accordance with laws and regulations, carried out in a professional, transparent and accountable manner for every criminal case in order to realize the supremacy of law which reflects legal certainty, a sense of justice and expediency;

In this regard, according to Act No. 2 of 2002 concerning the State Police, in Article 15 in general the Police have the authority to receive reports and complaints, take first action at the scene, take fingerprints and other identification and photograph a person, search for information and evidence as well as cooperating with the police of other countries in investigating and eradicating international crimes.

The authority of the police in the investigations described in Article 15 in general both paragraph (1) and paragraph (2) is very closely related to the process of investigating criminal acts of narcotics abuse, however, to achieve this goal, of course, a strategy that functions as a roadmap that points direction and also shows how tactics are related operationally. Likewise the strategy for police relations is to design public relations with the police regarding the obstacles faced by the police in investigating criminal acts. It has been understood that in carrying out the duties of the Police, there are many obstacles. Starting from a lack of resources to the task of the Police. So to get around the success of his duties must change the strategy and actions of the Police. However, the Police in the context of implementing this authority is not without limits. As part of the function of government, it must also pay attention to applicable laws and human rights and not conflict with the general principles of good government. The Police Agency itself is an organization that is supported by the government which has internal rules in improving performance, professionalism to ensure the maintenance of order and the implementation of tasks in accordance with the authority and responsibility for the community.³

In connection with his duties as a protector for the community both from criminal crimes as well as the police tasked with eradicating methamphetamine-type drug crimes, which is of course the biggest threat to the Indonesian nation, drugs can damage the nation's children. With the issuance of Act No. 35 of 2009 concerning Narcotics, as an amendment to Act No. 22 of 1997 concerning Narcotics, which regulates legal sanctions, as well as things that are permissible, with the issuance

³Bambang Poernomo, 2002. Principles of Criminal Law. Ghalia Indonesia, Jakarta p 25

of this law, investigators are expected to be able to assist the process of settling cases against a person or more who have abused methamphetamine today.

The effectiveness of the enactment of this law is highly dependent on all levels of law enforcers, in this case all directly related agencies, namely police investigators and other law enforcers, that in the process of law enforcement, in this case law enforcement in eradicating methamphetamine type drug abuse, to make it is clear that the criminal act suspected to have occurred during the investigation process is a very substantial matter and has very basic interests. This is part of the police, especially investigators from the Narcotics Unit of the Majalengka Resort Police, because it is the investigator's function to reveal law enforcement in eradicating methamphetamine-type drug abuse. The important role of investigators in the police will provide a good means in uncovering and tracing the path of distribution of methamphetamine-type narcotics.

According to Lawrence Meir Friedman, it was argued that "the success or failure of law enforcement depends on legal substance, legal structure/legal institution and legal culture. All three are mentioned in the legal system".⁴The substance of the law itself is the applicable law implemented by a country. The legal structure is based on Act No. 8 of 1981 covers: starting from the Police, Prosecutors, Courts and Criminal Executors (Lapas), while the legal culture or legal culture is the human attitude towards the law and the legal system-beliefs, values, thoughts, and expectations. Legal culture is the atmosphere of social thought and social forces that determine how law is used, avoided or misused. Legal culture is closely related to the legal awareness of society. The higher the legal awareness of the community, the better legal culture will be created and can change the mindset of the community regarding law so far. Simply,

Community participation is also very important in law enforcement against criminal acts of narcotics abuse, but public awareness is still low, because in narcotics crimes, complaints against criminal acts of narcotics abuse can even be said to not exist, and it is the police who have to work hard in thwarting the action. - Narcotics trafficking. The participation of the community in law enforcement is very much needed, bearing in mind that legal development will not work properly if the community and law enforcers do not cooperate with each other

Research related to the problem investigation of Narcotics Crime, had previously been carried out by other researchers, but there were still substantial differences from this study. The research that is almost the same as this research is research that has been carried out Idhan and Irwan Muin, *Petitum Journal*, Vol. 6, No.2,

⁴Friedman, 1994 *Legal Theory*, translated by Muhammad Arifin under the title *Theory and Philosophy of Law-Philosophical Idealism and Problems of Justice (Arrangement II)*, Raja Grafindo Persada, Jakarta, p 33

October 2018 entitled "Effectiveness of Investigation of Narcotics Crime: A Case Study of the Makassar Polrestabes".⁵

Research conducted Idhan and Irwan Muin, discusses studies on the investigation process of Narcotics Crime at the Makassar Resort Police. The effectiveness of the Narcotics Crime Investigation at the Makassar Polrestabes is quite effective. Second, the factors that influence the effectiveness of investigations into narcotics crimes at the Makassar Polrestabes are: Inadequate human resources in terms of quality, incomplete facilities and infrastructure, coordination and cooperation between other law enforcers and narcotics crime investigators. has not been effective, and the participation of the community which is very influential has not supported the Effectiveness of the Investigation of Narcotics Crime at the Makassar Polrestabes.

Look at the object or scope of the research Idhan and Irwan Muin, so There are similarities and differences with this research. The equation is Pinvestigation of Narcotics Crime, while the difference is that the focus of research Idhan and Irwan Muin, focus study on the investigation process of Narcotics Crime at the Makassar Resort Police, while the object (focus) of this study is about the legal basis carrying out investigations into criminal acts of abuse of narcotics of the methamphetamine type at the Majalengka Resort Police by the Majalengka Police Narcotics Unit Residency Unit. The purpose of this study is to find out and analyze the implementation of the investigation into the criminal act of methamphetamine drug abuse and the effectiveness of the implementation of the investigation into the criminal act of methamphetamine narcotics abuse.

2. Research Methods

The research approach method used in this thesis is a sociological juridical research method. Sociological juridical research is research that seeks to relate the legal norms that apply to the reality that exists in society. This approach seeks to find a theory regarding the process of occurrence and the working process of law. The specification of this research uses descriptive analysis, namely research that describes the applicable laws and regulations associated with positive legal theories concerning the problems being studied.⁶ Source of data comes from primary data and secondary data. Data collection methods include interviews,

⁵Idhan and Irwan Muin, Effectiveness of Narcotics Crime Investigation: Case Study of the Makassar Police, *Petitum Journal*, Vol. 6, No.2, October 2018

⁶Rony Hanitijo Soemitro, 2013. *Legal and Jurimetric Research Methodology*. Ghalia Indonesia, Jakarta. p. 11.

document studies or library materials. The data analysis method used in analyzing the data is a qualitative analysis technique

3. Results and Discussion

3.1. Implementation of an Investigation into the Crime of Drug Abuse of the Methamphetamine Type at the Majalengka Resort Police

Implementation of the investigation is the basic process or the beginning of a series of existing legal rules. The process of investigating a narcotics crime is a method of investigation carried out to search for and collect evidence so that it becomes clear to find the data and to find the suspect in accordance with the method stipulated in the Criminal Procedure Code.

The processes carried out by investigators in uncovering perpetrators of narcotics crimes include:⁷

a. Investigation of a criminal offender

In a process of deep investigation referred to in Article 102 of the Criminal Procedure Code (KUHP) are:

1) Investigators who know, receive reports or complaints about the occurrence of an event that should be suspected of constituting a criminal act must immediately commit a criminal offense and immediately carry out the necessary investigative actions.

2) In the case of being caught red-handed without waiting for an investigator's order, the investigator must immediately take the necessary actions within the framework of the investigation as referred to in Article 1 paragraph (5) letter b of the Criminal Procedure Code.

3) Against the actions taken in paragraph (1) and paragraph (2) the investigation is obliged to make an official report and report it to the jurisdiction.

b. The start of the investigation, the investigation will be carried out on the basis of a report from the police and an investigation warrant. After an investigation

⁷Bela Clarisa, Handling Cases of Crime of Narcotics Abuse Against Members of the Police (Case Study of Decision Number 470/ Pid.Sus/ 2020/ PN Smg), Thesis, Study Program (S.1) of Law Science Faculty of Law, Sultan Agung Islamic University (Unissula) Semarang 2021, p 36, http://repository.unissula.ac.id/24569/1/30301800097_fullpdf.pdf accessed on 06/12/2022. At 19.00 WIB

letter is issued, an investigation commencement order is issued, known as an Investigation Commencement Order (SPDP). The investigative process includes:

1) Summons

Summons are made in writing by issuing a summons on the basis of a police report and an investigation order according to Article 17 Perkap of the Indonesian National Police Number 6 of 2019

2) Arrest

Article 1 paragraph (20) of the Criminal Procedure Code (KUHP) states that arrest is an investigative act in the form of temporarily arresting the freedom of a suspect or defendant if there is sufficient evidence for the purposes of investigation or prosecution or trial in matters and according to the method stipulated in the Constitution

3) Search

Searches can be divided into 2 types, namely body searches and house searches. A body search according to Article 1 paragraph (18) of the Criminal Procedure Code is an act by an investigator to conduct an examination of the body and/or clothes of a suspect to search for objects that are strongly suspected of being on his body or underneath and for confiscation. And the definition of a house search according to Article 1 paragraph (17) of the Criminal Procedure Code is the act of an investigator entering a residential house and other closed places to carry out inspections and confiscation or arrest.

4) Detention

Detention according to Article 1 paragraph (21) of the Criminal Procedure Code is the placement of a suspect or defendant in a certain place by an investigator or public prosecutor or a judge with a stipulation, in matters and according to the manner regulated by law. While in detention, investigators have the authority to make detentions based on:

a) Strong suspicion of the suspect committing a crime based on sufficient evidence.

b) It is feared that the suspect will run away, destroy or destroy evidence or repeat the crime.

c) A suspect who commits a crime is subject to imprisonment for more than 5 years and/or violates certain articles

5) Foreclosure

According to Article 1 paragraph (16) of the Criminal Procedure Code, confiscation is a series of investigative actions to take over or keep under his control movable or immovable objects, tangible or intangible, for the purposes of evidence in investigations, prosecutions and trials. Article 38 of the Criminal Procedure Code explains that confiscation can only be carried out by investigators with a permit from the chairman of the local district court.

6) Mail Examination

Examination of letters must be carried out with special permission granted by the head of the district court, unless there is an urgent situation. Examination of mail is an act of an investigator or assistant investigator to open, inspect and confiscate letters sent through post and giro offices, communication companies, electronic system operations, goods delivery or transportation services, if the said goods or goods are suspected of having a connection with a criminal case that is currently underway handled in accordance with Article 22 of the Police Regulation of the Republic of Indonesia Number 6 of 2009.

c. Inspection

According to Article 23 Perkap of the State Police of the Republic of Indonesia Number 6 of 2009 the examination aims to obtain evidence in the investigation process, obtain statements from witnesses, experts and suspects as outlined in the minutes of the examination.

The examination process is divided into two, namely examining suspects and examining witnesses, namely:

1) Witness Examination

According to Article 1 number 26 of the Criminal Procedure Code, a witness is a person who can provide information for the benefit of investigators, prosecutions and the judiciary regarding a criminal case that he has seen, heard, and experienced on his own.

2) Examination of suspects

Examination of suspects is the most important because from suspects obtained information on criminal events that are being examined. A suspect may not be

immediately accused of guilt and must undergo an examination, according to Article 8 of Act No. 4 of 2004 the suspect must be presumed innocent in accordance with the legal principle of "presumption of innocence"⁸. Until a court decision with permanent legal status is obtained. Because suspects are also human beings, they must be placed in the same position before the law, which has dignity and is valued as a subject, not as an object

d. Determination of the suspect

In Article 25 of the Regulation of the Head of the State Police of the Republic of Indonesia Number 6 of 2019 the determination of a suspect is based on at least 2 (two) pieces of evidence supported by evidence and carried out through a case mechanism mechanism, unless caught in the act.

e. Filing

In Article 27 of the Perkap of the State Police of the Republic of Indonesia Number 6 of 2009 after the completion of the investigation, a resume is made as an overview and conclusion of the results of the investigation of criminal acts. If the resume has been completed, then carry out the preparation of case files which include administrative investigations.

f. Submission of Case Files

In Article 28 Perkap of the Indonesian National Police Number 6 of 2009 the submission of case files to the public prosecutor is carried out after the filing process in the investigative process is complete.

g. Submission of Suspects and Evidence

In Article 29 of the Perkap of the State Police of the Republic of Indonesia Number 6 of 2009 the submission of suspects and evidence is carried out after the case file has been declared complete by the public prosecutor. If all case files are considered complete or have been fulfilled, the suspect and evidence will be handed over to the public prosecutor so that the suspect can be arrested and detained

h. Termination of Investigation

In Article 30 of the Perkap of the Indonesian National Police Number 6 of 2009 the termination of the investigation is carried out through a case title. The investigation is considered completed within 14 days, the public prosecutor does

⁸Article 8 Act No. 4 of 2004 Concerning Principles of Judicial Power.

not return the results of the investigation or if before the deadline has expired there has been a notification about this from the public prosecutor to the investigator. The end of the investigation to fulfill justice.

The implementation of the investigation into the perpetrators of narcotic crimes of the methamphetamine type by the Majalengka Police Narcotics Unit is a system or method of investigation carried out to search for, and collect evidence with that evidence to make clear the crime that occurred and to find the suspect in accordance with the method stipulated in the Criminal Procedure Code.

Investigation itself is very useful for judges to determine sentencing, the sentencing process is carried out by law enforcement officials from the investigation stage to the execution stage. After the investigation, the prosecution process is carried out by the public prosecutor where the public prosecutor in carrying out the prosecution by means of proof through evidence. After the proof is carried out by the public prosecutor, the judge can decide, so the judge can think that if the judge has received assurance from at least two valid pieces of evidence about the truth of the case, the judge can consider what sentence to impose.⁹In Act No. 35 of 2009, it does not only regulate the eradication of criminal sanctions for narcotics abuse, but also for the abuse of narcotic precursors for the manufacture of narcotics. Equalization of criminal sanctions is realized in the form of a special minimum sentence, 20 years imprisonment, life imprisonment, or death penalty based on class, type, size and amount of narcotics, with the hope that this criminal sanction will be weighted so that the eradication of narcotics crimes will be effective and achieve maximum results¹⁰

On the one hand, there is an extraordinary enthusiasm for eradicating narcotics and narcotics precursors in Act No. 35 of 2009 concerning Narcotics, on the other hand, this is also reflected in the enthusiasm to protect narcotics abuse both as addicts and as victims of narcotics abuse.

Starting from the explanation above, methamphetamine-type narcotic crimes still occur in the jurisdiction of the Majalengka Police. Even though the government is very concerned about the problem of drug abuse by making regulations in the form of Act No. 35 of 2009 concerning Narcotics which includes death penalty, life imprisonment, maximum imprisonment of 20 years, imprisonment and fines amounting to hundreds of millions up to billions of rupiah so that there is fear not to get involved in drug abuse, but cases of drug abuse still occur.

⁹Siti Soetami, 1998, *Introduction to Indonesian Law*, Refika Aditama, Bandung, p. 67

¹⁰Elrick Christovel Sanger, *Law Enforcement Against Drug Trafficking Among the Young Generation*, *Lex Crimen* Vol. II/No. 3/July/2013, p 6,

The conclusion that can be drawn by the author during field interviews is that the police in law enforcement against methamphetamine-type narcotics crimes are by means of preventive measures which are actions that are intended to prevent a violation of the law through activities such as conducting counseling and coaching carried out by the Narcotics Unit in collaboration with the BNN and related agencies as well as the public and this repressive method is carried out by carrying out legal actions, including investigations, investigations, prosecutions and examinations before court hearings. Repressive efforts are the essence of the duties and powers of the police as law enforcers in their capacity as investigators. Where the investigation is in accordance with the procedure that refers to the Regulation of the Head of the Indonesian National Police No. 14 of 2012 concerning Criminal Investigation Management.

3.2. The Effectiveness of Investigating the Crime of Drug Abuse of the Meth Type at the Majalengka Resort Police

The implementation of investigations into cases categorized as Narcotics Crimes internally within the Police, is coordinated directly by the Head of Narcotics Unit of the Majalengka Police, while the operational technical implementation of investigations into Narcotics Crimes is in the form of units under the control of the Heads of Units. The failure to eradicate Narcotics Crime through various Legislation, prompted the issuance of Act No. 35 of 2009 concerning Narcotics, replacing Act No. 5 of 2007 concerning Psychotropics and Act No. 22 of 2007 concerning Narcotics. With this new law as one of the instruments for the government to improve the eradication of Narcotics Crime and also continue to enforce Act No. 8 of 1981 concerning Criminal Procedural Law plus other investigators as referred to in Act No. 35 of 2009 concerning Narcotics

The Criminal Procedure Code explicitly and explicitly gives authority to the National Police to carry out investigations into all forms and types of criminal acts¹¹However, in cases of Narcotics Crime there are other investigators, namely National Narcotics Agency (BNN) investigators in accordance with Article 75 of Act No. 35 of 2009 concerning Narcotics who have the authority to carry out investigations and investigations of abuse and illicit traffickers of Narcotics and Narcotics Precursors

In Article 6 paragraph (1) letter a and Article 10 (1) of the Criminal Procedure Code, what is meant by investigators here are Polri investigators (investigators and assistant investigators). Further In Government Regulation no. 27 of 1983 which is

¹¹Djanggih, H., 2017 The Effectiveness of Indonesian National Police Function on Banggai Regency Police Investigation (Investigation Case Study Year 2008-2016). Journal of Legal Dynamics, Vol. 17 No. 2, p. 153 WIB

contained in chapter VII which describes the Investigation of Certain Crimes¹², it has been regulated in Article 17 which states that investigations according to the special provisions for criminal procedures as referred to in certain laws as referred to in Article 284 paragraph (2) of the Criminal Procedure Code are carried out by investigators, prosecutors and other authorized officials based on statutory regulations. Whereas what is referred to in Article 284 paragraph (2) of the Criminal Procedure Code chapter XX, the transitional provisions explain the investigation of certain criminal acts, the contents of which are as follows:¹³

Within two years after the promulgation of this law, the provisions of this law apply to all cases, with the temporary exception of special provisions for criminal procedure as referred to in certain laws, until changes are made and or declared no longer valid.

Whereas in Article 81 of Act No. 35 of 2009 concerning Narcotics it is emphasized that investigators from the Indonesian National Police and BNN investigators have the authority to conduct investigations into the abuse and illicit traffickers of Narcotics and Narcotics Precursors. Furthermore, in Article 14 paragraph (1) letter "g" Act No. 2 of 2002 concerning the Indonesian National Police which explains that the National Police is tasked with conducting investigations and investigations of all criminal acts in accordance with the criminal procedure law and other laws and regulations.

Based on the description above, it can be concluded that the authority of Polri investigators to carry out investigations into narcotics crimes has been very strictly mandated by the laws and regulations and which underlies the implementation of the investigation.¹⁴namely Article 6 of Act No. 8 of 1981 concerning the Criminal Procedure Code, Article 17 PP 27 of 1983, Article 81 of Act No. 35 of 2009 and Article 14 paragraph 1 letter "g" Act No. 2 of 2009 2002 concerning the Indonesian National Police.

The effectiveness of the law is the achievement of the rules that are made whether the rules are obeyed by the target of the rules. When you want to know the extent of the effectiveness of the law, you must first be able to measure, 'the extent to which the rule of law is obeyed or not obeyed'¹⁵. If these rules are obeyed, it can be said that the rules are effective. Someone obeys a rule or not a rule depends

¹²Raharjo, A., Angkasa, A., & Nugroho, H. 2013. Rule Breaking in Investigations to Avoid Violence Perpetrated by Investigators. *Journal of Legal Dynamics*, Vol 13 No.1, p 59,

¹³Mukhlis, R. 2012. Shifts in the Position and Duties of Police Investigators with the Development of Offenses Outside the Criminal Code. *Journal of Law Science*, Vol 3 No 1.p 57

¹⁴Santi, S. 2012. Supervised Submission Investigation Techniques and Covert Purchase Techniques of the Narcotics and Psychotropics Law. *Lex Crimen Vol.1/No.1/Jan-Mrt/2012* p 33,

¹⁵Achmad Ali, 2009, *Revealing Legal Theory and Judicial Prudence Including Interpretation of Laws (Legisprudence)*, Kencana Prenada Media Group, Jakarta p 375

on their interests, there are several kinds of interests which include compliance, identification, internalization. These three kinds of interests are types of obedience that have been put forward by HC Kelman in the book *Revealing Legal Theory (legal theory) and judicial theory (judicial prudence)* which has been made easy by Achmad Ali as follows¹⁶:

- a. Obedience that is Compliance, that is if someone obeys a rule, just because he is afraid of being penalized. The weakness of this type of obedience, because it requires continuous supervision.
- b. Obedience that is identifiable, that is if someone obeys certain rules, just because he is afraid of damaging his good relationship with other parties.
- c. Obedience is Internalization, that is if someone obeys a rule, really because he feels that the rule is in accordance with the intrinsic values he adheres to.

Based on the HC Kelman concept and seeing the reality, it can be said that someone obeys a rule only because of one type, for example obeying because of Complication, but there is also someone who obeys the rules with only two or even all three types of obedience, because these rules match the values intrinsic value, also he can avoid regulatory sanctions and maintain good relations with other parties. In general, according to Achmad Ali, the factors that greatly influence the effectiveness of legislation are the professional and optimal implementation of the roles, powers and functions of law enforcers, both in explaining the tasks assigned to them and in enforcing these laws. However, someone complying with a statutory regulation is the fulfillment of an interest by said legislation. The operation of legislation can be viewed from two perspectives¹⁷:

- a. Organizational perspective, which views legislation as an institution in terms of its characteristics.
- b. Individual Perspective, or obedience, which focuses more on the individual or personal aspects, where his social life is regulated by law

The effectiveness of the law in dealing with narcotics depends on the role of law enforcers and the role of society, which plays a major role in law enforcement.¹⁸Therefore, cases of abuse and illicit trafficking of narcotics and narcotics precursors, including cases that take precedence over other cases, must

¹⁶Ibid, h, 348

¹⁷Ibid. h 379

¹⁸Suharismi Arikunto, 2017, *Understanding Drug Crime*, Pustaka Media, Jakarta, p. 111

be submitted to court for a speedy resolution.¹⁹The function of law that can be carried out in society, namely, firstly as a means of social control and secondly as a means to make changes, then it will be easier for the law to keep society in the patterns of behavior accepted by it. The ineffective implementation of a policy or regulation can be caused by several things, such as:²⁰

- a. The mental and moral aspects of the apparatus concerned are inadequate.
- b. The welfare of the officers who deal with narcotics is low, so they are often tempted to work with syndicates to get money.
- c. The number of officers is inadequate compared to the number of people and the area.
- d. Inadequate professionalism of the apparatus.
- e. Lack of facilities/equipment.
- f. poor coordination between agencies.
- g. The level of public knowledge about narcotics is still very low.

From a number of existing factors, it can be concluded that integration as a rule enforcer needs to be maintained so that the effectiveness of implementing the implementation runs optimally.

The problem of law enforcement is a very important issue in order to create order, peace and security in the life of a society. Law basically functions to provide protection for human interests, so that law must be upheld in order to create an orderly and peaceful society. Likewise for narcotics abuse, the law is also obliged to be given and enforced in accordance with the provisions in force in Indonesia so that justice can be upheld for upholding the rule of law.

Apart from being a crime, narcotics abuse also has bad consequences for the health of narcotics abusers, where narcotics abusers make their lives filled with dependence on illegal drugs, even though they are expensive and not easy to find. Treatment is not simple, it takes a lot of time, and also requires special attention

Based on the impact arising from the misuse of narcotics, the participation of the government and society in combating narcotics abuse is very useful for reducing, eradicating, narrowing the space for illicit narcotics trafficking and implementing

¹⁹Article 74 paragraph (1) of Act No. 35 of 2009 concerning Narcotics,

²⁰Subagyo Partodiharjo, 2010, Recognize Drugs and their Enemy of Abuse. Essence, Jakarta, p 118

it as an effort to combat narcotics crimes. In general it can be understood that policies in preventing the abuse and illicit traffic of narcotics, in addition to using repressive and preventive theories, are no less important by using treatment and rehabilitation strategies. This implies the idea that victims of narcotics abuse are not only considered as perpetrators of crimes, but are also considered as victims of crimes that require healing and rehabilitation.²¹

Various policies were born from the government to prevent, tackle, treat and eradicate narcotics itself, as well as various statutory regulations that have been issued, including the treatment of narcotics addicts and abusers. Narcotics addicts and victims of Narcotics abuse are required to undergo medical rehabilitation and social rehabilitation, which is an integrated process of recovery activities, both physically, mentally and socially, so that former Narcotics addicts can return to carrying out social functions in community life. In Article 54 of Act No. 35 of 2009 concerning Narcotics it is clearly stated that addicts and victims of narcotics abuse must be rehabilitated. By understanding this article, the Central Government/BNN needs to facilitate it by providing rehabilitation facilities and infrastructure in accordance with the needs of addicts and victims of narcotics abuse, both in terms of the level of use and the type of substance used.

Article 54 is an elaboration of Article 4 letters b and d of Act No. 35 of 2009 relating to objectives, namely: (letter b) to prevent, protect and save the Indonesian nation from drug abuse and (letter d), to ensure the regulation of medical rehabilitation efforts and social services for drug abusers and addicts.²² In its development, cases of Narcotics are increasing from year to year in this country. Even the problem of narcotics today is no longer hidden, but has been openly carried out by users and dealers in carrying out their actions. Narcotics which are substances or drugs derived from plants or non-plants, both synthetic and semi-synthetic, which can cause a decrease or change in consciousness, loss of taste, reduce to the point of eliminating pain, and can cause dependence, which are differentiated into groups as attached in the Law -Law 35 of 2009 Article 1 paragraph (1)²³

Narcotics problem is a very complex problem and very difficult to overcome. Even though many efforts have been made, starting from preventive efforts to

²¹Siswanto Sunarno, 2012, *Legal Politics in the Narcotics Act (RI Act No. 35 of 2009)*, Rineka Cipta, Jakarta, p 29.

²²Lysa Angrayni and Yusliati, 2018, *Effectiveness of Rehabilitation of Narcotics Addicts (Study at Batam National Narcotics Agency Rehabilitation Workshop)*, *Journal of Law Respublica*, Vol. 18, no. 1 of 2018 p 84,

²³Ahmad M Ridwan Saiful Hikmat, 2020, *the effectiveness of implementing rehabilitation for perpetrators of criminal acts of narcotics abuse*, *Journal of Law Glorification*, Vol. 3, No. 2 (October 2020), p 46,

repressive efforts, this narcotics problem has not disappeared from our country, especially the city itself.

Community participation CHAPTER XIII of the Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics explains that parents or guardians of addicts can report their families in accordance with the provisions of Article 55 of the Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics which states that:

(1). Parents or guardians of Narcotics Addicts who are not old enough are required to report to public health centers, hospitals, and/or medical rehabilitation and social rehabilitation institutions appointed by the Government to receive treatment and/or care through medical rehabilitation and social rehabilitation.

(2). Narcotics addicts who are old enough to report themselves or be reported by their families to public health centers, hospitals, and/or medical rehabilitation and social rehabilitation institutions appointed by the Government to receive treatment and/or treatment through medical rehabilitation and social rehabilitation.

(3). Provisions regarding the implementation of mandatory reporting as referred to in paragraph (1) and paragraph (2) are regulated by a Government Regulation.

Even for parents or guardians who know that their family is using Narcotics but do not report it, the parents or guardians are subject to criminal sanctions in accordance with the provisions of Article 128 paragraph (1) which states that:

"Parents or guardians of addicts who are not old enough, as referred to in Article 55 paragraph (1) who deliberately do not report, shall be punished with imprisonment for a maximum of 6 (eman) months or a fine of up to IDR 1,000,000.00 (one million rupiah)".

Even though the supervision carried out by the government and officials is increasing every year, it has not dampened the intentions of dealers to distribute these illicit goods. This happens because of the large number of people who need it and the profits that dealers can get from selling the narcotics themselves. Judging from the situation, narcotics develop along with the times, this is shown by the many people who use narcotics ranging from adults to children, starting from the intention of trying to get inner peace from the problems they face.

Legal effectiveness according to Scholars recognizes that in general, what can be grouped into theories about legal behavior is the actualization of legal activities. This means that the effectiveness of the law can be seen from the actualization

carried out. Can a policy or rule be implemented in accordance with the desired goal.

Perpetrators of narcotics crimes have different roles, positions and sanctions, both based on the laws and regulations that regulate them and based on the roles and impacts that can arise from their actions.²⁴The classification of perpetrators of narcotics crimes can be seen from several aspects as described in Act No. 35 of 2009 which was promulgated or enacted on October 12, 2009 and other statutory provisions related to narcotics crimes. Criminal provisions against perpetrators of narcotics crimes are regulated in Act No. 35 of 2009 concerning Narcotics.

Narcotics users who still get narcotics without rights or against the law, then there are several actions that are carried out by these narcotics users, namely buying, controlling, storing, or owning them which are ultimately used for themselves.²⁵Act No. 35 of 2009 concerning Narcotics does not provide a clear distinction/line between criminal offenses in Article 127 of Act No. 35 of 2009 concerning Narcotics and other criminal offenses contained in Act No. 35 of 2009 concerning Narcotics, where the user narcotics who obtain narcotics unlawfully must fulfill the elements of "possessing", "possessing", "keeping", or "buying" narcotics where this is also regulated as a separate crime in Act No. 35 of 2009 concerning Narcotics.²⁶

That what is meant by without rights or against the law here, is the distribution or use of narcotics which is carried out without any valid documents. Because the requirements for the existence of valid documents are imperatively regulated in Article 38 of Act No. 35 of 2009 concerning Narcotics and based on the Explanation of the article, what is meant by "must be accompanied by valid documents" is that any distribution of Narcotics including the transfer of Narcotics outside the customs area to the importer's warehouse, must be accompanied by documents prepared by the importer, exporter, pharmaceutical industry, pharmaceutical wholesaler, government pharmaceutical supply storage facility, hospital, health center, medical center, doctor or pharmacy. These documents are in the form of Import/Export Approval Letters, invoices, letters of transport, letters of delivery of goods,²⁷In Act No. 35 of 2009 concerning Narcotics uses various confusing terms.

²⁴Lilik Mulyadi, 2015, *Capita Selecta Criminal Law Criminology and Victimology*, Ghalia Indonesia, Jakarta p. 90

²⁵Mardani Ahmad, 2016, *Narcotics and Psychotropics Abuse*, Raja Grafindo, Jakarta, p 112.

²⁶Dadang Hawari, 2017, *Prevention of Psychotropics and Narcotics in Indonesia*, Gema Insani, Jakarta p. 141.

²⁷Explanation of Article 38 of Act No. 35 of 2009 Concerning Narcotics,

There are several terms in this law, namely: narcotic addict²⁸, abusers²⁹, victims of abusers, patients and former drug addicts. Many terms for naming narcotics users/users have the potential to differentiate addicts from abusers, and victims of abusers. This has created confusion, both in the formulation of the provisions for punishment and in its implementation in Act No. 35 of 2009 concerning Narcotics. This also creates stigmatization and discrimination against narcotics addicts and abusers.

One of the problems caused by the many terms is regulatory confusion where Article 4 of Act No. 35 of 2009 Concerning Narcotics states that the narcotics law aims to ensure regulation of medical and social rehabilitation efforts for narcotics abusers and addicts.³⁰ However, in Article 54 of Act No. 35 of 2009 concerning Narcotics it states that narcotics addicts and victims of narcotics abusers must undergo medical rehabilitation and social rehabilitation.³¹ The right of abusers to obtain rehabilitation is not recognized in Article 54 of Act No. 35 of 2009 concerning Narcotics.

Abusers who initially receive rehabilitation guarantees, in Article 127 of Act No. 35 of 2009 concerning Narcotics, then also become subjects who can be convicted and lose their rehabilitation rights, unless they can be proven or proven to be narcotics abusers. But proving narcotics abuse is a very difficult thing, because you have to see from the start that narcotics users use these narcotics. However, by looking at the legality principle applied in Indonesia, in practice narcotics users must face the risk of criminal threats as stipulated in Article 127 of Act No. 35 of 2009 concerning Narcotics

In addition to the punishment mentioned above, a narcotics abuser can also be subject to action in the form of an obligation to undergo medical rehabilitation and social rehabilitation within a maximum period equal to the maximum term of imprisonment as stated in Article 127 of Act No. 35 of 2009 concerning Narcotics. However, it all depends on what type of narcotics are used and how much narcotics are consumed, it greatly influences what decision the narcotics abuser will get. Narcotics abuse can be placed in a rehabilitation institution with the following criteria:³²

²⁸Narcotics addicts are people who use or abuse narcotics and are in a state of dependence on narcotics, both physically and psychologically. Article 1 paragraph (3), Act No. 35 of 2009 Concerning Narcotics

²⁹Abusers are people who use narcotics without rights or against the law. See in, Article 1 paragraph (15), Act No. 35 of 2009 concerning Narcotics.

³⁰Act No. 35 of 2009 Concerning Narcotics, Article 4 letter d.

³¹Ibid. Article 54

³²Circular Letter of the Supreme Court Regarding the Placement of Abuse, Abuse Victims and Narcotics Addicts in Medical and Social Rehabilitation Institutions.

a. At the time of his arrest by Polri investigators and BNN investigators, the accused was caught red-handed;

b. At the time of being caught red-handed according to point 1 above, evidence of 1 (one) day usage was found with details as follows:

- 1) Methamphetamine group (shabu-shabu) weighing 1 gram.
- 2) The MDMA (ecstasy) group weighed 2.4 grams/ as many as 8 eggs.
- 3) Heroin group weighing 1.8 grams.
- 4) Cocaine group weighing 1.8 grams.
- 5) Cannabis group weighing 5 grams.
- 6) Koka leaves weighing 5 grams. g) Mescaline weighing 5 grams.
- 7) Psilosybin group weighing 3 grams.
- 8) LSD (d-lysergic acid diethylamide) group weighing 2 grams.
- 9) PCP (Phencyclidine) group weighing 3 grams.
- 10) Fentanyl group weighing 1 gram.
- 11) The Methadone group weighed 0.5 grams.
- 12) Morphine group weighing 1.8 grams.
- 13) The Petidine group weighs 0.96 grams.
- 14) The codeine group weighs 72 grams.
- 15) The Bufrenorphine group weighs 32 grams.

c. Letter of Laboratory Test containing positive use of narcotics issued at the request of the investigator.

d. A certificate from a government psychiatrist/psychiatrist appointed by the judge.

e. There is no evidence that the person concerned is involved in illicit drug trafficking.

The Republic of Indonesia Supreme Court Circular Letter Number 4 of 2010 can also be used as a benchmark for an abuser. So that with this circular letter, abusers can only be subject to punishment under Article 127 Paragraph (1) not subject to punishment under Article 111 or 112-126 of Act No. 35 of 2009 concerning Narcotics.

The effectiveness of the law in tackling narcotics crime is largely determined by law enforcers. This is in accordance with the thoughts of Achmad Ali who said that the effectiveness of a rule of law in general depends on the optimum and professionalism of law enforcement officials to enforce the enactment of the rule of law starting from the stage of making it, socializing it, the law enforcement process which includes the stages of finding the law (use of reasoning) interpretation and construction), and its application to a concrete case. Whether the rule of law is effective or not also requires a minimum socio-economic standard of living in society³³including:³⁴

a. Law Enforcement Factors

Obstacles in efforts to control and eradicate narcotics occur because of a lack of resources within the Police, both in quality and quantity.

b. Factors of Facilities and Facilities in Law Enforcement

Narcotics crimes are no longer carried out individually, but involve many people who collectively, in fact, are an organized syndicate with an extensive network that works neatly and very confidentially both at the national and international levels.

c. Community Factors

Efforts to develop a legal order are at least based on 3 (three) reasons

d. Cultural Factors

The cultural aspect is a basic line of behavior or a blueprint for behavior that establishes rules about what should be done, what should be done and so on.

The Majalengka Police Narcotics Unit in carrying out their duties has very tough challenges. This is evident from the increasing projected prevalence of narcotics abusers from year to year. Narcotics abuse in Majalengka Regency is very rampant. This can be seen by the increasing number of narcotics abusers from all walks of

³³Zainuddin Ali, 2010, Legal Philosophy, Sinar Graphic, Jakarta, p. 378

³⁴Soerjono Soekanto, 2009, Fundamentals of Sociology of Law, RajaGrafindo Persada, Jakarta, p 204

life regardless of age limit being handled by the Majalengka Resort Police. In fact, the circulation of narcotics has entered all circles, including teenagers. The number of narcotics cases handled by the Majalengka Police based on gender in Majalengka Regency from 2020 to 2022 is as follows:

Table. 1

Perpetrators of Methamphetamine Narcotics According to Gender

No	Type Sex	Year					Amount
		2018	2019	2020	2021	2022	
1	Man	7	10	4	4	2	31
2	Woman				1		1
Amount		8	11	4	6	2	32

Source: Majalengka Police Case Data 2022

From table 1 it can be seen that in 2018 there were 7 methamphetamine-type drug offenders, but in 2019 there was an increase in narcotics abuse, namely an increase of 3 cases to 10 cases. Socialization among the community between 2018-2019. However, in 2018 and 2019 there was a decrease in the number of methamphetamine-type narcotics perpetrators in 4 cases, which means that the performance of the police in handling methamphetamine-type narcotics crimes has not decreased but has not increased and in 2022 cases have seen a significant decrease to 2 cases.

Law enforcement carried out by investigators from the Majalengka Police Narcotics Unit against the perpetrators of methamphetamine-type narcotics crimes shows evidence of their seriousness in tackling this crime. From 2018 to 2022, as many as 32 perpetrators of crimes related to crystal methamphetamine have been processed at the investigation level. The suspect was charged with the provisions contained in Act No. 35 of 2009 concerning Narcotics

Based on the findings of the methamphetamine-type drug crime above, it is necessary to have countermeasures so that it does not continue and become more severe, especially among teenagers. This is what attracted the attention of the Majalengka Police Narcotics Research Unit to carry out efforts to tackle drug abuse especially among adolescents, the strategy implemented was a preventive and repressive strategy. Preventive efforts are the implementation of police functions directed at efforts to prevent narcotics crimes. As for repressive efforts, it is an effort to take action that begins when the police receive information about the occurrence of narcotics crimes.

The implementation of the role of the Majalengka Police Narcotics Research Unit in uncovering narcotics abuse crimes has been running effectively. This is evidenced by the many cases of narcotics abuse that were uncovered by the Majalengka Police Narcotics Investigation Unit and its staff during 2018-2022.

4. Conclusion

The implementation of the investigation into the criminal act of abuse of narcotics of the methamphetamine type at the Majalengka Resort Police by the Majalengka Police Sat Resnarkoba is in accordance with the rules contained in the Criminal Procedure Code and Law concerning the Police No. 2 of 2002. In the process of investigation and investigation the steps taken by the investigator, namely carrying out investigations, making arrests, detention and confiscation, conducting examinations of witnesses and suspects and submitting case files to the public prosecutor have been carried out in accordance with applicable regulations and In carrying out investigations into narcotics crimes, every effort is made to develop cases in order to uncover narcotics distribution networks in the jurisdiction of the Majalengka Police.

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