

Legal Analysis of the Nature of Narcotic Use to Combating Recidivic Acts of First Class Narcotic Abuse Criminal Offence

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Abstract. *Narcotics are a very dangerous threat to the future of the Indonesian nation. Basically, narcotics are used in the medical world as drugs in the form of tablets or liquids intended as pain relievers, reducing consciousness to help medical personnel in taking action on patients being treated. However, in its development, narcotics are misinterpreted as being used outside of medical rules for inappropriate purposes. The sedative effect produced by narcotic reactions is used by irresponsible individuals to fulfill personal desires without considering the very dangerous side effects because they are without medical supervision. The increasing number of crimes committed by individuals who use narcotics without medical advice causes serious dangers so that the state forms a special agency that focuses on handling cases of narcotics abuse, but the use of narcotics continues to increase and that there are some individuals who dare to repeat the same criminal acts even though they have received a verdict from a previous judge, this is often referred to as recidivists. This study uses a normative method by reviewing several rules and literature related to the research to be conducted. The empirical data produced became the raw source as material for conducting research, namely Law No. 35 of 2009 concerning Narcotics and several other related regulations as well as the views of several experts sourced from books, journals and other literature related to drug abuse.*

Keywords : *Criminal; Narcotics; Recidivist.*

1. Introduction

Drugs are an abbreviation of narcotics, psychotropics, and other addictive substances, meaning that drugs can cause addiction. Another definition also states that narcotics have something that can relieve pain or aches and can also cause side effects of stupor (dazed), can also be interpreted as an anesthetic. This definition explains that narcotics can actually be used for medical purposes, while referring to the Big Indonesian Dictionary explains that narcotics are drugs that can

provide a calming effect on the nerves, can relieve pain, and can cause a desire to sleep (drowsiness) or can cause stimulation.¹

Another term for drugs is NAPZA (Narcotics, Psychotropics and other Addictive Substances) which means substances or drugs that when consumed (drunk, smoked, inhaled, swallowed, or injected) will affect the function of the brain, and if consumed continuously will cause disorders in physical, psychological, and social functions, and can cause addiction and dependence. Other facts also show that NAPZA consumption can cause changes in emotions or mood, affect the state of mind and behavior.² Meanwhile, in Article 1 of Law No. 35 of 2009

Regarding Narcotics, it explains that: "Narcotics are substances or drugs that are sourced or made from plants, non-plants, or synthetic or synthetic materials, which when consumed can cause changes in consciousness, can eliminate feelings, can reduce/eliminate pain, and if consumed routinely can cause dependence, Narcotics can be distinguished and classified into several types as attached to Law No. 35 of 2009".

In our country, drug cases have spread throughout the region, especially in big cities, it is even said that currently in big cities there is no area that is free from the dangers of drugs, drugs have now entered areas such as RW sub-districts and even at the RT level. The condition of drug problems, especially in big cities, has become a very complicated problem. Currently, the number of drug abusers is increasing significantly.³ Drug abuse permeates all aspects of human beings, from parents to teenagers are not free from the abuse of these illicit goods. The short-term effects felt provide stimulation to the body, causing external stimulation that affects the motor and mental systems with decreased awareness used by individuals as an escape or lifestyle that is being done or felt. The dangers of narcotics if consumed in the long term and without medical supervision are very dangerous because the content contained in narcotics causes damage to human body cell tissue, thus affecting lifestyle patterns because decreasing awareness certainly interferes with brain stimulation in responding to something and can also reduce memory. In the long term, the deeper consequences of narcotics are decreased body metabolism to the point that it can cause death for its users.

Drug abuse among teenagers in recent years, especially in 2019, has increased, cases of drug abuse or narcotics have become a chronic problem in Indonesia, for example cases of distribution and abuse of crystal methamphetamine, many drug or crystal methamphetamine dealers have been caught in recent years, this proves

¹Sugono, Dendy. *The Great Dictionary of the Indonesian Language*, Jakarta: Balai Pustaka, 2008

²Sasangka, Hari. 2003. *Narcotics and Psychotropics in Criminal Law*, Jakarta: Mandar Maju

³Amanda, MP, Humaedi, S., & Santoso, MB (2017). Drug Abuse Among Adolescents (Adolescent Substance Abuse). *Journal of Research & PPM*. Volume 4. Number: 2. P. 129 – 389

that Indonesia is already in a state of drug emergency.⁴According to the head of the National Narcotics Agency (BNN), the number of victims of drug abuse in Indonesia until 2019 has reached 3.6 million users, based on this figure, there has been an increase of 24 to 28 percent among teenagers who use drugs.⁵This condition is caused by several factors, namely, the increasingly harsh life and the level of busyness of society which then triggers the level of depression in society in general, which then has an impact on many children or teenagers who feel less attention from their parents or family, so that these children or teenagers divert their problems to drugs as a form of escape. Other conditions such as the variety and prevalence of activities carried out by teenagers by being active at night, such as the many places of night entertainment, and this also affects the life of society in general, and triggers the development of drug trafficking among teenagers.

Drug abuse is the biggest threat to the Indonesian nation, because the young generation is the target and victim. Therefore, the young generation, especially teenagers, are very vulnerable to becoming victims of drugs. Thus, this problem is very important to study because it is starting to lead to the young generation in Indonesia. Drugs in various forms (marijuana, heroin, cocaine, opium, ecstasy, alcohol and drugs) are the destroyers of the nation's generation. Drugs in certain doses can be useful for medical purposes, but if misused can endanger the health of users and even cause death. So it is clear that drug abuse by teenagers is something that is very detrimental to many parties because it threatens the future of teenagers and the future of the nation.

Criminal acts against the law by committing criminal acts of drug abuse are always increasing every year, the government has formed a special body that is engaged in handling narcotics equipped with Law Number 35 of 2009 concerning Narcotics but there are still many individuals who consciously repeat the same actions even though they have been punished by the judge. Written in the writing of scientific papers is always accompanied by the anxiety felt by the author. Similarly, when writing this scientific paper, the author felt anxious when seeing cases of narcotic recidivism still occurring, the author wanted to trace a case that had been decided by the judge against the repetition of illegal acts that had previously occurred and the author wanted to know how the judge decided a criminal case with the category of recidiv with the Special Law that underlies until he was driven to write this to create a title that is in accordance with what he feels and what he describes in his writing. The author also re-examines the products of the Law that have been passed by the state to overcome the narcotics problem that occurs in our country, whether it has been effective or is still far from sufficient.

⁴Hariyanto, Bayu Puji. 2018. Prevention and Eradication of Drug Trafficking in Indonesia. Journal of Legal Sovereignty

⁵Puslidatin. 2019. Drug Use Among Teenagers Increases. Accessed on September 5 <https://bnn.go.id/penggunaan-narkotika-kalangan-remaja-meningkat/>

2. Research Methods

Research method is a way to obtain information or data that has certain objectives based on scientific characteristics (rational, empirical, and systematic). Rational means that research is an activity carried out through reasonable methods, so that it is in accordance with human reasoning. Empirical means that the methods used in research can be observed, so that other people can also observe and know the methods used in research. Systematic means that the processes used in research activities use regular and logical steps.⁶ In this writing, the author uses a normative writing method by collecting data from the Law, literature in the form of books or journals and the views of experts who have scientific abilities that are in accordance with the field being studied. The specifications in this writing are descriptive in nature which is a form of research with the aim of describing the practice of implementing positive law, and is linked to applicable laws and legal theories in order to find a connection in the problems being studied by the author.

This research is a legal research, or known as know-how in legal science. The legal research method is a way or a process to find rules or regulations, principles, and legal doctrines related to the topic being discussed. Some steps of the legal research method include:

- 1) Identification of legal facts;
- 2) Collection of relevant legal and non-legal materials;
- 3) Conduct a review of the materials that have been collected;
- 4) Drawing conclusions in the form of arguments; and
- 5) Provides an overview based on arguments in the form of conclusions

3. Results and Discussion

3.1. knowing the efforts of narcotics regulation to find a balance between medical needs and prevention of abuse in Law Number 35 of 2009 concerning Narcotics.

Etymologically, drugs or narcotics come from the English word narcose or narcosis which means to put to sleep and anesthesia. Narcotics come from the Greek word narke or narkam which means to be anesthetized so that you don't feel anything.⁷Sylviana defines narcotics in general as substances (drugs) that can cause unconsciousness or anesthesia because these substances work by affecting the brain's nervous system. The effects of narcotics, besides anesthetizing and

⁶Sugiyono. 2007. Qualitative Quantitative Research Methods and R&D. Bandung: Alfabeta

⁷Dr. Mardani, Drug Abuse in the Perspective of Islamic Law and National Criminal Law, Raja Grafindo, Jakarta, 2008, p. 78.

reducing consciousness, are causing hallucinations (marijuana), and causing arousal or stimulants (cocaine).⁸

The definition of narcotics according to Law Number 35 of 2009 concerning Narcotics Article 1 number 1 is a substance or drug derived from plants or non-plants, either synthetic or semi-synthetic, which can cause a decrease or change in consciousness, loss of feeling, reduce or eliminate pain, and can cause dependence or very severe addiction.⁹ Basically, narcotics in Indonesia are drugs needed in health services, so their availability needs to be guaranteed. On the other hand, narcotics can cause dependency if misused, so that it can cause physical, mental, social, security and public order disorders which ultimately disrupt national resilience. Because of these detrimental properties, narcotics must be monitored properly both nationally and internationally. It can be said that currently Indonesia is being hit by very serious narcotics abuse because it threatens the younger generation. Teenagers are a group that is vulnerable to narcotics abuse because in addition to having a dynamic, energetic nature, always wanting to try, they are also easily tempted and easily discouraged so that they easily fall into the problem of narcotics abuse.¹⁰

Basically, narcotics are intended for the medical world in helping the actions that will be carried out on patients. The effects produced by narcotics are very helpful because they can reduce pain during the action and also *parachute* consciousness of the soul so that it is easier for medical personnel to perform medical procedures on patients. In paragraph (1) causing another person to die or be permanently disabled, the perpetrator is subject to the death penalty, life imprisonment, or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a maximum fine as referred to in paragraph (1) plus 1/3 (one third). Several cases in Indonesia, such as a child undergoing therapy with cannabidiol made from marijuana extract (CBD oil) and undergoing the therapy in 2016 in Australia, the child's health results began to improve. The second is a normal child since birth but his health declined when he entered kindergarten, he was advised by his friend who is a foreign citizen to undergo CBD oil therapy. However, the mother did not dare to do it because there is a prohibition on class I narcotics in Law number 35 of 2009. The same thing also happened to Novia whose child suffered from epilepsy and could not use CBD oil therapy. Several of these examples state that the use of marijuana for medical purposes has not changed from year to year. Even though there have been several plaintiffs to request the use of medical marijuana. Because it did not get a

⁸Sylviana, *Narcotics Anthology: Multi-Dimensional Review*, Sandi Kota, Jakarta, 2001, p. 8

⁹Law Number 35 of 2009 concerning Narcotics Article 1 number 1

¹⁰Gatot Supramono, *Indonesian Drug Law*, Djambatan, Jakarta, Revised Edition, 2004, p.23

satisfactory response from the applicant, some people were forced to seek treatment abroad.¹¹

Along with the changing times, marked by the advancement of human civilization in the field of technology, humans can also process psychoactive substances in a very sophisticated way. In the 800s, humans have been able to find the distillation process. Previously, liquor only had an alcohol content of less than 15%, because the manufacturing process was only a natural process. Opium which has been used since 5000 BC is processed naturally with a relatively low narcotic content. In 1805, science discovered morphine which is a pure content in opium. In 1834, the syringe was discovered, and this led to the emergence of a new way to use morphine. The discovery of cocaine which was initially to cure those who were addicted to morphine. Cocaine can indeed cure morphine addiction, but it actually turned into cocaine addiction. Cocaine is produced from coca leaves, where the United States is the largest producer of coca in the world which is produced up to 25 million tons per year. Relations between nations in the world that are also growing rapidly, began with the colonizers of the Western world who succeeded in finding psychoactive substances in nations in the continents of Asia, Africa, and America which conductively facilitated their spread in these regions. With this, the progress in the field of telecommunications technology and mass media that is so fast, has implications for the spread of psychoactive substances and becomes increasingly known to mankind, as well as the increasing cases of drug abuse.¹²

One type of narcotic that is included in the first class of narcotics, namely marijuana, can be used in the treatment through research on epilepsy, a nervous disease characterized by episodes of seizures that can be accompanied by loss of consciousness of the sufferer (Dewi 2020). For patients with resistant epilepsy, phytocannabinoids found in *cannabis sativa* are a potential therapeutic option for treatment. The anticonvulsant effect is obtained from several phytocannabinoids including tetrahydrocannabinol (Δ^9 -THC) and *Cannabidiol* (CBD) (RJ 2019). Based on research conducted by Friedman and Devinsky (2015), CBD is one of the cannabinoids with non-psychoactive actions, extracted from *Cannabis sativa*. CBD is a compound that has anticonvulsant, antipsychotic, neuroprotective, antidepressant and anxiolytic properties.¹³

How ever *use* narcotics must be considered even in the medical world, because in Article 116 paragraph 2 which reads Every person who without rights or against the law uses Class I Narcotics against another person or provides Class I Narcotics for use by another person, shall be punished with imprisonment of at least 5 (five)

¹¹Wiwin Fauziyah. The Need for Regulation of Marijuana Use Regulation in Indonesia Reviewed from Medical Interests. State Islamic University of Salatiga, Indonesia

¹²Syarifuddin, "Napza in the Perspective of Islamic Law", IQTISHADUNA: Scientific Journal Our Economy, Vol. 1 No. 2, 2012, p. 268.

¹³Nurika KD (Ed.). (2011). Healing Drug Victims Through Integrated Therapy and Rehabilitation. Medan: IAIN Press.

years and a maximum of 15 (fifteen) years and a fine of at least IDR 1,000,000,000.00 (one billion rupiah) and a maximum of IDR 10,000,000,000.00 (ten billion rupiah). Restrictions on use need to be carried out in order to control undesirable things on the grounds that if the number of goods is limited, there is little chance of misuse other than in medical procedures.

3.2. Legal Analysis of the Nature of Narcotics to Combat Recidivist Crimes of First Class Narcotics Abuse In terms of language, the use of the word abuse originates from the word "misuse" which means not as it should be or a wrong act.

So, drug abuse can be interpreted as a process, method, act that deviates from narcotics.

Djoko Prakoso, Bambang RL, and Amir M. explain what is meant by drug abuse:

- a. Continuously/continuously,
- b. Once in a while (sometimes),
- c. Excessive, No according to doctor's instructions (non-medical)¹⁴

The most common form of narcotics abuse class I is an act that leads to drug addiction. The definition of a narcotics addict is as stated in Article 1 point 13 of Law Number 35 of 2009 concerning Narcotics, namely:

"A drug addict is a person who uses or abuses narcotics and is in a state of dependence on narcotics, both physically and psychologically."

According to Rachman Hermawan, he stated that:

Continuous use of narcotics will cause the person to become dependent on narcotics, both mentally and physically, which is known as physical and mental dependence. A person can be said to be mentally dependent if he is always driven by a great desire and lust to use narcotics, because he is attracted by its pleasure. This mental dependence can cause changes in temperament and behavior. A person can be said to be physically dependent if he cannot free himself from the grip of the narcotics because, if he does not use narcotics, he will feel physical torture, as if he were being abused. This physical dependence can encourage a person to commit crimes, to get money to buy narcotics. Physical and mental dependence can gradually cause health problems.¹⁵

The act of a drug addict is an act of using narcotics for himself without permission, meaning it is done by someone without a doctor's supervision. There is a close relationship between drug abuse and drug addicts. The use of narcotics without permission is classified into the group of drug abuse, while we have known that

¹⁴Djoko Prakoso, Bambang R. L, Amir M. Abuse of Class I Narcotics in Indonesia. 2023

¹⁵Rachman Hermawan S, Drug Abuse by Adolescents, Bandung, 1986

drug abuse is one part of drug crimes. So it can be directly said that drug addicts are none other than perpetrators of drug crimes.

Crime is a problem that humans will continue to face, so it is necessary to make efforts to understand the factors that cause a crime. Crime can occur so that prevention can be done that can reduce crime. Criminology is used to gain knowledge about social symptoms in terms of criminal acts that occur in the community environment which of course has a difference. The existence of differences can give rise to social problems caused by differences between values in society and the existing reality. So it is necessary to make an effort to understand the factors that cause a crime to occur so that prevention can be done that can reduce crime. The implementation of rehabilitation is the realization of a rule, this is very important because with an implementation it can be known whether a rule has been truly implemented or not. Law Number 35 of 2009 concerning narcotics has given different treatment to perpetrators of drug abuse, before this law came into effect there was no different treatment between users, dealers, dealers or producers of narcotics. Drug users or addicts on the one hand are perpetrators of criminal acts, but on the other hand are victims.¹⁶

The reality shows that the sentencing by judges in narcotics cases is still not effective in its implementation. Most drug abusers are not sentenced to rehabilitation as stated in the Narcotics Law but are sentenced to prison even though the provisions of the Law guarantee the regulation of rehabilitation efforts, both medical rehabilitation and social rehabilitation for drug abusers and addicts. In the Narcotics Law, the legal provisions governing rehabilitation for drug addicts are regulated in Article 54, Article 56, Article 103, and are linked to Article 127 of the Narcotics Law. An interesting thing in the Narcotics Law is in Article 103 where the judge's authority to impose a sentence/sanction for someone who is proven to be a drug addict to undergo rehabilitation.¹⁷

Recidivism in general is understood as a broad term that refers to relapse of criminal behavior, including due to rearrest, reconviction, and reimprisonment.¹⁸ Recidivism or Repeated Narcotics Crimes has been regulated in Article 144 paragraph (1) of Law Number 35 of 2009 concerning Narcotics which states that anyone who repeats narcotics crimes as regulated in Articles 111 to 129 will be subject to a maximum sentence plus 1/3 (one third). Recurrence of crimes (Recidivists) usually occurs because there is no deterrent effect for the perpetrator. Recidivists in the Criminal Code are not regulated generally in the "General Rules" Book I but are regulated specifically for a certain group of crimes, both in the form

¹⁶Kusno Adi. (2009). *Diversion as an Alternative Effort to Overcome Drug Crimes by Children*. Malang: UMM Press, p.3

¹⁷Sujono AR and Daniel Bony. (2011). *Comments and Discussion of Law Number 35 of 2009 concerning Narcotics*. Jakarta: Sinar Grafika, p. 33

¹⁸Hairi, PJ (2018). *Concept and Reform of Recidivism in Criminal Law in Indonesia*. *Jurnal Negara Hukum*, 9(2), pp. 199-216.

of crimes in Book II and violations in Book III. In addition, the Criminal Code also requires a certain repetition period. Thus, the Criminal Code adopts a Special Recidivist system, meaning: "Sentence increases are only imposed on repetitions of certain types of criminal acts (crimes/violations) and those committed within a certain period of time.¹⁹In this case, the act that has been sentenced to a criminal sentence to the convict until the end of the sentence imposed then repeats the act. This is a serious concern for the law because the condition of repeating the same unlawful act by considering whether the law created does not provide enough misery for the perpetrator or indeed internal factors in his body that lead to unlawful acts.

In general, criminology aims to study crime from various aspects. In addition, criminology aims to develop a unity of general and detailed basics and other types of knowledge about the legal process, crime and reactions to crime. One of the concrete goals is to provide input for law enforcement officers in the process of law enforcement and prevention of non-penal crimes, especially the Police.²⁰ The retributive justice approach can be used to prevent the repetition of the same crime because in the case of rehabilitation it is used as a suggestion to provide treatment to victims of drug abuse because basically they are victims and should be treated and then cured so that they do not repeat their actions. Efforts or policies to carry out Crime Prevention and Handling are included in the field of criminal policy. This criminal policy is also inseparable from a broader policy, namely social policy which consists of policies or efforts for social welfare (social-welfare policy) and policies and efforts for community protection (social-defence policy). Viewed in a broad sense, criminal law policy can include the scope of policies in the field of material criminal law, in the field of formal criminal law and in the field of criminal law enforcement. Crime prevention can be carried out using Non-Penal means and Penal means. Non-penal efforts are preventive crime prevention efforts, namely efforts to prevent the possibility of crime that is carried out before the crime occurs. However, if prevention is interpreted broadly, repressive actions in the form of imposing punishment on perpetrators of crimes can be included so that the person concerned and the community in general do not commit crimes.²¹

Penal efforts are efforts to overcome crimes that are repressive (enforcement) for lawbreakers or perpetrators of crimes. So, this effort is carried out after the crime has occurred by punishing the perpetrators of the crime. Efforts to overcome criminal law through penal means in regulating society through legislation are essentially a form of policy. Efforts to overcome crimes with criminal law (penal

¹⁹Tri Andrisman, (2011) *Criminal Law: Principles and Basic General Rules of Indonesian Criminal Law*. Bandar Lampung: University of Lampung, p. 198.

²⁰Nursariani Simatupang Faisal, (2017). *Criminology (An Introduction)*. Medan. Pustaka Prima. p. 28

²¹Barda Nawawi Arief.(2005). *Several Aspects of Criminal Law Enforcement and Development Policy*, Bandung: Citra Aditya Bakti. P. 23

means) focus more on efforts that are "repressive" or called oppression/suppression, after a crime or non-crime has occurred. In addition, in essence, penal means are part of law enforcement efforts, therefore criminal law policy is part of law enforcement policy.²²

Preventive efforts are a follow-up to Pre emtive efforts that still have a level of prevention before the crime occurs. In preventive efforts, the emphasis is on eliminating the opportunity to commit a crime. Preventive efforts are intended as efforts to make positive changes to the possibility of disturbances in society, so that legal stability is created. So in preventive efforts, opportunities are closed. This preventive action is a better effort than efforts after a crime has occurred. Preventing crime is better than trying to educate criminals to be better. Better in the sense that it is easier, cheaper, and achieves the desired goal. Even one of the principles in criminology is efforts to improve or educate criminals not to repeat their crimes. However, ways to improve or educate criminals need to be considered and directed so that repeated crimes do not occur (recidivism).²³

Efforts to overcome the problem of crime have been done in various ways, but the results have not been satisfactory. As stated by Habib-Ur-Rahman Khan in his writing entitled Prevention of Crime-it is Society Which Needs the Treatmen and Not The Criminal, as follows; One of the efforts to overcome crime is to use criminal law with witnesses in the form of criminals. And according to Herbert L. Packer. efforts to control anti-social behavior by using criminal penalties on someone who is guilty of violating criminal regulations, is a social problem that has an important legal dimension. In efforts to overcome crime with its criminological aspects (Crime Prevention), the results of research are very useful materials for the preparation of crime prevention programs by law enforcers.²⁴

These repressive efforts include arrests of drug users. This step is taken to stop drug consumption activities and provide a deterrent effect to individuals involved in drug abuse behavior. Furthermore, drug couriers who are tasked with smuggling and distributing drugs are also the target of these arrest efforts. The arrests of couriers aim to break the chain of distribution and stop the circulation of drugs at the distribution level. Drug dealers, who are involved in distributing drugs to end users, are also the target of these repressive efforts. The arrests of dealers aim to break the chain of distribution and reduce access to drugs to consumers. Finally, the arrests of drug lords are to stop the supply of drugs from the main source.²⁵

Recidivism of Drug Abuse Crimes from the Perspective of Social Control Theory the Treatmen and Not the Criminal, as follows; One of the efforts to overcome crime

²²Ibid

²³Herber L. Packer, (1968), The limits Of Criminal, Standford university Press, California, P. 3

²⁴Ibid

²⁵M.Zidan Ardana. Recidivist CrimeDrug AbuseSocial Control Theory Perspective. liansi: Journal of Law, Education and Social HumanitiesVolume. 1, No.3 May2024

is to use criminal law with witnesses in the form of criminals. And according to Herbert L. Packer. efforts to control anti-social behavior by using criminal penalties on someone who is guilty of violating criminal regulations, is a social problem that has an important legal dimension. In efforts to overcome crime with its criminological aspects (Crime Prevention), the results of the study are very useful materials for the preparation of crime prevention programs by law enforcers.²⁹ These repressive efforts include arrests of drug users. This step is taken to stop drug consumption activities and provide a deterrent effect on individuals involved in drug abuse behavior. Furthermore, drug couriers who are tasked with smuggling and distributing narcotics are also targets of this arrest effort. The arrest of the couriers aims to break the distribution chain and stop the circulation of narcotics at the distribution level. Drug dealers, who are involved in distributing narcotics to end users, are also the target of these repressive efforts. The arrest of dealers aims to break the chain of distribution and reduce access to narcotics to the consumer level. Finally, the arrest of drug lords is to stop the supply of narcotics from the main source.³⁰The author argues that the repressive approach has the potential to provide a deterrent effect on perpetrators, showing that violations of the law will not be left without consequences. These steps can also provide a sense of security to the community by reducing the circulation of narcotics in their environment. The arrest of perpetrators, especially at the distribution and drug lord levels, is a necessary step to stop the flow of narcotics supply and damage the organizational structure involved so that it can reduce the recidivism rate of drug abuse.²⁶

Factors that cause recidivism in drug abuse crimes are internal factors and external factors. Internal factors include individual factors, which are influenced by various things. This consists of uncontrollable desires, behavior, being praised often, being easily frustrated, and character itself. Individual behavior also plays an important role in internal recidivism factors. External factors that cause someone to repeat drug abuse crimes include environmental and social factors, economic factors, information and communication technology factors, and family factors.

Efforts to overcome recidivism of drug abuse that can be done to overcome the crime are through pre-emptive efforts, preventive efforts, and repressive efforts. Pre-emptive efforts themselves emphasize instilling good values and norms so that they are internalized into a person, as well as designing a prevention process for drug abuse. Furthermore, preventive efforts are a follow-up to pre-emptive efforts that still have a level of prevention before the crime occurs, preventive efforts emphasize more on the implementation of active prevention. The last effort, namely repressive efforts, is carried out by emphasizing the implementation of law enforcement by law enforcement officers in accordance with applicable laws and regulations. Families should pay more attention to the attitudes and social

²⁶Ibid

environment of their relatives, as well as maintaining good and harmonious relationships within the family so as to minimize the recurrence of drug abuse crimes. Drug abuse. Community participation is expected to play an active role and provide full support for the implementation of prevention efforts carried out by the Metro Police Satresnarkoba and the Metro City National Narcotics Agency. This support can be done by reporting to the authorities if they know of any cases of drug abuse in their environment.²⁷

4. Conclusion

Narcotics are a terrible threat to the future of the nation. Narcotics are one of the deadly tools of destruction. The side effects resulting from consuming these illicit goods have caused many individuals to misuse these goods. Basically, narcotics are used as solid or liquid drugs in the medical world with the effect of relieving pain, reducing consciousness, and helping medical personnel carry out medical actions to be carried out. However, there are some irresponsible individuals who commit unlawful acts even though the rules on narcotics have been issued by the state, namely Law Number 35 of 2009 concerning Narcotics. Recidivis or repeating criminal acts that have been sentenced by a judge and then repeated again within a certain period of time is apparently not free from unlawful acts of drug abuse. Drug regulations have been formed in such a way that the state has formed a special agency, namely the National Narcotics Agency (BNN), which was deliberately formed by the state out of concern for the rampant practice of drug abuse. The addictive effect on users forces victims to always use narcotics because the nervous system in the brain has been disturbed, resulting in a sense of dependence on the victim. If this is done in the long term, it will result in death because body tissue will slowly but surely be damaged due to the effects of these illicit goods without strict medical rules and outside the actions taken by medical.

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