

The Factors Causing Narcotics Crimes in Gowa Regency, Indonesia

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Abstract: This study purpose to analyze the factors of narcotics crime in Gowa Regency. This type of research is socio-juridical research, in addition to studying the theoretical and normative law commonly known as law in books, it will also examine the law in its implementation (law in action). The data used are primary data and secondary data obtained through interviews, questionnaires, and document studies. The collected data is then analyzed qualitatively. The results of this study indicate that the factors that cause narcotics crime in Gowa Regency consist of internal factors, namely things that are from within the perpetrators in the form of individual aspects, such as a curious personality, easily disappointed, a shaken soul, a sense of hopelessness, and other matters cause the perpetrators need a sense of calmness, comfort, and courage by using narcotics; and external factors, namely things that come from outside themselves, such as socio-cultural, economic, environmental influences, and others.

Keywords: criminology, Gowa Regency, narcotics crime.

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I. INTRODUCTION

The development of science and technology does not always bring a positive impact on society. When we pay attention to the development of science and technology often creates new polemics in society. An example is Narcotics. Narcotics, on the one hand, are needed in the field of health and science, but on the other hand, it can provide opportunities for the abuse of Narcotics.

Narcotics are substances or drugs that come from plants or not plants, both synthetic and semi-synthetic that can cause a decrease or change of consciousness, loss of taste, reduce to eliminate pain, and can cause dependence. On the one hand, Narcotics is a drug or material that is useful in the fields of medicine, health services, and scientific development, but on the other hand, it can cause very detrimental dependencies if used without control, strict and careful supervision.

The problem of narcotics abuse or a term popularly known by the community as Narcotics (Narcotics and Hazardous Substances/Drugs) is a very complex problem, which requires comprehensive mitigation efforts by multi-disciplinary, multisectoral cooperation, and active community participation which is carried out actively continuous, consistent and consistent.

The rise of narcotics abuse not only in the cities is true but has reached small cities throughout the territory of the Republic of Indonesia, ranging from the lower middle socioeconomic level to the upper socioeconomic level.

From various information and data that succeeded in the Inventory, there was an increase in Narcotics users and cases in various regions in Indonesia in general and Gowa Regency in particular. Even in observations found no reports of the success of a particular area that succeeded in suppressing the number of users and Narcotics cases. If it is converted into some success of law enforcers in revealing narcotics circulation and abuse that deserves to be appreciated, it is surprising why there has not been a decrease in cases, even with these findings adding to the high number of Narcotics abuse cases.

Ratification of the 1971 Vienna Convention which regulates international cooperation in the control, supervision of production, distribution and use of Narcotics and Psychotropics and prevents efforts to eradicate Narcotics and Psychotropic abuse, by limiting their use only for the benefit of medicine and science. This is an effort by the government to organize cooperation between other countries in the context of an effort to control, distribute and abuse Narcotics which provides direction on criminal juridical principles and rules on extradition.

Viewed from the aspect of national interest, this convention can guarantee legal certainty and justice in efforts to enforce Narcotics illicit trafficking in law involving perpetrators of cross-border Indonesian crime. In

addition, for the national interest, especially for domestic interests, a certainty and usefulness will be obtained in the context of regulating Narcotics distribution for the benefit of medicine and science.

Furthermore, on October 12, 2009, the Government of the Republic of Indonesia promulgated Law Number 35 Year 2009 concerning Narcotics which replaced the previous Law namely Law of the Republic of Indonesia Number 22 Year 1997 concerning Narcotics and Law of the Republic of Indonesia Number 5 Year 1997 concerning Psychotropics. Law of the Republic of Indonesia Number 22 Year 1997 concerning Narcotics and attachments regarding types of Group I and Group II Psychotropics as listed in Attachment to Law of the Republic of Indonesia Number 5 Year 1997 concerning Psychotropics that have been transferred to Group I Narcotics according to this Act, have been declared no longer valid or has been revoked through Articles 153 and 155 of Law of the Republic of Indonesia Number 35 Year 2009 concerning Narcotics dated October 12, 2009. Of course, a perpetrator of Narcotics and Psychotropic crimes starting from arrest to sanction is no longer based on Law of the Republic of Indonesia Number 22 Year 1997 and Law of the Republic of Indonesia Number 5 Year 1997 concerning Psychotropics, but as the legal basis imposed on suspects or defendants is Law of the Republic of Indonesia Number 35 Year 2009 concerning Narcotics.

One of the differences mentioned in Law of the Republic of Indonesia Number 35 Year 2009 concerning Narcotics stated that methamphetamine is no longer called Psychotropic. Methamphetamine has been included in Law of the Republic of Indonesia Number 35 Year 2009 as Narcotics Group I. In addition, Group I and Group II in Law of the Republic of Indonesia Number 5 Year 1997 concerning Psychotropic have all been included in the list of Group I in Law of the Republic of Indonesia Number 35 Year 2009.

This shows that the increasingly stringent law in the regulation of sanctions for anyone abusing Narcotics and Psychotropics both criminal sanctions and fine sanctions. Basically, Narcotics circulation in Indonesia when judged from the legal aspect is valid, the Narcotics Act only prohibits the use of Narcotics without permission by the said Law. In this situation in its empirical level, the use of Narcotics is often misused not for the sake of medicine and science. However, far from it, it is used as a promising and rapidly developing business event, which has an impact on the mental and physical damage to both physical and psychological drug users, especially the younger generation..

Law enforcement against Narcotics has been carried out by law enforcement officers and has received many judges' decisions. Thus, law enforcement is expected to be a deterrent against the spread of illicit trafficking and Narcotics circulation. However, in reality, law enforcement is intensified, and narcotics trafficking and illicit trafficking are also intensified.

The statutory provisions governing Narcotics issues have been compiled and enforced, however, crimes relating to Narcotics cannot be appeased. In recent cases, there have been many dealers and dealers and Narcotics users who have been caught and severely sanctioned, but other actors such as ignoring are even more inclined to expand their area of operations.

Law enforcement against crime in Indonesia, especially in the matter of punishment, should refer to the approach of legal norms that are fostering criminals by conducting coaching in prison, thereby being able to repair convicted prisoners in these institutions. This matter should be able to give a discourse to the judges in formulating sentences of imprisonment to the perpetrators of crimes in order to be able to capture the aspirations of community justice. Meanwhile, in the empirical reality in the field of punishment in general still adheres to the concept of only punishing convicted in correctional institutions, thereby providing an illustration that the crime is only stopped for a moment and will reappear in the social life environment of the community.

Narcotics crime referred to in Law of the Republic of Indonesia Number 35 Year 2009 concerning Narcotics provides criminal penalties which are quite severe, however, in reality, the perpetrators of crimes actually increase, and for convicts, in reality, are not deterrent and instead there is a tendency to repeat it again. This can not be separated by the existence of criminal conviction factors that do not have an impact or different effect on the perpetrators.

Speaking of criminal law enforcement, it can be seen from the way criminal law enforcement is known as the law enforcement system or criminal law enforcement as part of a criminal policy. In overcoming crime, there are two means needed to believe in using penalties or criminal sanctions, and using non-penal means, namely law enforcement without using criminal sanctions (penal).

The existence of the Narcotics Act is a legal effort by the Indonesian government towards the handling of Narcotics crimes. Thus, it is expected that the formulation of this Act will be able to tackle illicit trafficking and abuse of Narcotics, as well as to become a reference and guideline to the court and the organizers or executors of court decisions that apply the Act, especially judges in imposing criminal sanctions on crimes that occur.

As a form of Government's commitment to narcotics abuse, there are a number of National programs that have been implemented including:

1. Promulgate Law of the Republic of Indonesia Number 35 Year 2009 concerning Narcotics by setting a minimum sentence limit and also reinforcing the threat of the death penalty.

2. Placing drug users/addicts as victims is also supported by the Supreme Court Circular regarding the application of rehabilitation verdicts.
3. Eradication of Narcotics Networks and raids on several Narcotics Factories.
4. Continue to strive to improve rehabilitation institutions for narcotics victims.

From the various efforts of the Government described above, it is now a question for the author whether these programs have been effective because of seeing empirical data, statistics on narcotics abuse cases continue to increase, and even law enforcement agencies themselves predict that there will be an increase in the number of cases in 2018. Surely this brings quite a basic concern that the National Narcotics Agency formed through the Presidential Decree in 2002 has not shown success.¹

There are various reasons why abuse of Narcotics occurs. For this reason, the handling must also be multi-sectoral because it has been proven that the law that prioritizes penalties and only focuses on repression alone cannot produce results, we know that starting from the Narcotics Law Number 35 Year 2009 the sentence continues to increase drastically and so is the Narcotics case which seems to continue increasing in tandem with the criminal threat, the phenomenon has proven that law alone is not enough.

This problem is quite actual considering the enormous impact of narcotics abuse that can have a very detrimental effect on individuals or communities especially the younger generation, which in turn can weaken national security, so effective and targeted coping efforts need to be taken by paying attention to the position of the perpetrators and victims of narcotics abuse.

Narcotics abuse is a crime, which is criminological categorized without victims (crime without victim), this crime is not interpreted as a crime that does not cause victims but has a meal that the victim of this crime is himself. In other words, the perpetrator is at the same time a victim of crime.²Based on the explanation, the problems that will be discussed in this paper are what factors cause narcotics crime in Gowa Regency?

II. RESEARCH METHOD

This type of research is socio-judicial research, in addition to studying the theoretical and normative law commonly known as law in books, it will also examine the law in its implementation (law in action). The data used are primary data and secondary data obtained through interviews, questionnaires, and document studies. The collected data is then analyzed qualitatively.

III. RESULTS AND DISCUSSION

Legislation as a legal product becomes a very important tool in the implementation of state life.³The Due Process Model is one model that supports the criminal justice system because it separates the authority of various bodies in the criminal justice system.⁴ Only at a certain level, these sanctions are no longer balanced, so it needs more stringent and heavier sanctions that are accompanied by criminal sanctions.⁵Criminology is an ideographic discipline, which means describing the facts that occur in society, but besides that, it is also a monotheistic discipline, which seeks to obtain general facts (proposition).⁶Sutherland formulated criminology as the body of knowledge regarding crimes as a social phenomenon.⁷

Narcotics are a type of chemical or drug that is very much needed for medical and scientific purposes. But on the other hand, narcotics are often used outside of medical and scientific interests, which in turn will become a danger to the user, which in turn can also be an influence on the social order of society, nation and state. Almost every country in the world declares war on narcotics abuse and considers it a serious crime, especially for planting seeds, producing, concocting illegally, and illegal traffickers.

The problem of narcotics abuse in Indonesia today is felt dire. As an archipelago country that has a strategic location, both in terms of economic, social, and politics in the international world, Indonesia has participated in tackling narcotics crime, namely by enacting Law of the Republic of Indonesia Number 35 Year 2009 concerning narcotics. This law is a new law replacing the old one namely Law of the Republic of Indonesia Number 22 Year 1997 concerning Narcotics and Law of the Republic of Indonesia Number 5 Year 1997 concerning Psychotropic because over time it is felt to be no longer in line with technological progress and development narcotics crime which is increasing and varies the motives of the crime and the perpetrators, seen from the way of planting, producing, selling, supplying and consuming it as well as from which circle of narcotics crime perpetrators, because not a few who do it are among children and adolescents who are the next generation nation.

Based on Law of the Republic of Indonesia Number 35 Year 2009, every narcotic abuse offender can be subject to criminal sanctions, which means that narcotics abusers can be called as narcotics offenders. It must be realized that the problem of narcotics crime is a very complex problem, therefore efforts and support from all parties are needed in order to achieve the expected goals, because the implementation of this law, all depends on the participation of all parties both the government, security forces, family, environment, and teachers at school, because it cannot go away on its own even though a law has been issued which is accompanied by harsh sanctions.

In order to improve the health status of Indonesian human resources, it is necessary to improve efforts in the field of medicine and health services, including by seeking the availability of certain types of narcotics that are urgently needed as medicine and science. Therefore, so that the use of narcotics is not misused, strict and thorough control and supervision must be carried out according to the applicable law. The narcotics problem is seen as a serious matter and is of an international nature that is carried out with a modus operandi and sophisticated technology. Importing, exporting, producing, planting, storing, distributing and using narcotics without strict control and supervision, and contrary to the applicable laws and regulations is a crime and is a very big danger to the lives of people and society, nation and state and National Integrity Indonesia.

This is an act of subversion which is undermined by the perpetrators of narcotics criminal acts against the nation and its own country without being realized, especially the younger generation, consequently becoming a weak nation both physically and psychologically. For this reason, Indonesian National Law regulates everything related to narcotics in Law of the Republic of Indonesia Number 35 Year 2009 concerning Narcotics.

Law of the Republic of Indonesia Number 35 Year 2009 concerning Narcotics has set criminal provisions for anyone who can be subjected to a crime along with fines that must be borne by narcotics abusers or can be called as narcotics offenders. Many ordinary people think that the sentence imposed on the perpetrators of narcotics crime is the same. Whereas in the narcotics law itself has distinguished the perpetrators of narcotics crime along with different sanctions as well. In narcotics abuse, not only the user can be subject to a criminal offense, but includes attempting or agreeing to evil and anyone who orders, gives or promises something, gives an opportunity, encourages, provides convenience, coerces with threats, coerces with violence, coercion, or persuading children who are not old enough to commit narcotics crimes

The regulation of narcotics based on Law of the Republic of Indonesia Number 35 Year 2009 aims to ensure the availability of the interests of health and science, prevent abuse of narcotics, and the eradication of narcotics illicit trafficking.

The misuse of narcotics in Indonesia has reached a very alarming level, the facts on the ground show that there has been a prison facility which specifically accommodates prisoners related to narcotics crime. Criminal news in the mass media, both print and electronic media is filled with narcotics abuse news. The victims spread to all walks of life from students, students, artists, housewives, traders, public transportation drivers, street children, officials and so forth. Drugs can easily be formulated by themselves, even illegal drug factories have been found in Indonesia.

Law enforcement against narcotics crime has been carried out by law enforcement officers and has received many judges' decisions in court hearings. This law enforcement is expected to be able to act as a deterrent against the spread of trafficking of narcotics or narcotics, but in reality, the more intensive law enforcement is carried out, the increasing circulation of the narcotics trade.

Based on the results of research conducted by the author, shows that the narcotics crime statistics narcotics crime from year to year is growing both in quality and quantity of criminal acts. Based on the results of the questionnaire and loose interviews with several narcotics inmates on November 10, 2018 at the Sungguminasa Narcotics Penitentiary, data were obtained that in general narcotics crime was caused by internal and external factors.

Internal Factors

Internal factors as factors originating from within the performer in the form of individual factors consisting of personality aspects and anxiety/depression. Included in aspects of personality include a curious personality, easily disappointed, impatient and inferiority. While those who are included in anxiety/depression are because they are unable to solve life's difficulties so they escape into narcotics use. Based on this description, it seems clear that in general narcotics abusers are no longer school age (teenagers) but are already mature in the sense of being able to distinguish between good and bad. Therefore, according to the researcher, a person's involvement in narcotics abuse is also influenced by the age factor of the offender.

Criminology is a means of knowing the cause of crime and its consequences, learning how to correct criminals, ways to prevent crime from arising.⁸ Symptoms of crime occur in the process of interaction between the parts of the community that have the authority to make formulations about crime with which groups of people do commit the crime. Crime is not solely affected by the size of the loss caused or because it is immoral, but rather influenced by personal or group interests, so that these actions harm the interests of the wider community, both material losses and losses/danger on human life and health, although not regulated in the law.⁹ Crime is seen as a violation of social contracts, so it is a moral representation. Criminalization is intended to prevent violations in the future, so it needs a scary element.¹⁰

External Factors

External factors are factors originating from outside the respondent who in this study are divided into socio-cultural and economic factors. In accordance with the opinion of A. Lacassagne that the main reason for the occurrence of crime is a social environment. A bad social environment is a fertile nursery where crime arises.

Socio-cultural factors can consist of family conditions and the influence of friends. Family conditions, in this case, are disharmonious conditions, such as divorced parents, parents who are busy and rarely at home, and the family economy which is too much or too short. While those included in the influence of friends, for example, because of friends with someone who turns out to be a drug user and wants to be accepted in a group. Environmental factors can influence the occurrence of narcotics crime, for example, due to the existence of a group of children/adolescents who abuse narcotics, unclear actions from school if there are children involved in narcotics crime so that it can affect other children and the environment where children do not provide good behavior.

Based on the results of freelance interviews the authors of several Gowa narcotics convicts, showing that they commit narcotics crimes for several reasons, including:

- 1) To prove courage in carrying out dangerous actions such as speeding, fighting, associating with women, and others;
- 2) To show actions against authority towards parents, teachers, or against social norms;
- 3) To facilitate distribution and sexual acts;
- 4) To break away and be lonely and want to have sensational and emotional experiences;
- 5) To search for and find meaning in life;
- 6) To fill in the blanks and loneliness/boredom;
- 7) To eliminate anxiety, frustration, and fatigue in life;
- 8) To follow the wishes of friends in the context of fostering solidarity;
- 9) For fun and driven curiosity.

Berdasarkan uraian tersebut di atas menunjukkan bahwa terjadinya tindak pidana narkoba tidak terlepas dari:

Weak religious basis. Religious education is very dominant to protect children from outside influences because any religious teaching forbids people to commit acts that affect themselves and others. The basis of religion planted since childhood will be a shield for children to reject something that damages morals, but children who have never received religious education are very vulnerable in carrying out criminal acts, including as perpetrators of a narcotics crime.

Limited parent and child communication. In family life, if there is a vacuum in communication, then the child will try to find a way out by pleasing himself. Children will spend time with friends who they think can understand themselves, including by making friends with narcotics users.

Environmental influences. The role of the environment is crucial for the growth and development of human personality. If the community in an environment of polite and communicative personality, then in general children will be good and smart, so they are not easily affected by despicable acts.

Influence of foreign culture. Foreign culture is very dominant in influencing the younger generation. Teenagers quickly imitate foreign cultures that are not in accordance with the nation's personality so that they are not obsolete so that what is seen through electronic mass media will be quickly absorbed without considering the pros and cons.

IV. CONCLUSION

The factors that cause narcotics crime in Gowa Regency consist of internal factors, namely things that are from within the perpetrators in the form of individual aspects, such as a curious personality, easily disappointed, a shaken soul, a sense of hopelessness, and other matters cause the perpetrators need a sense of calmness, comfort, and courage by using narcotics; and external factors, namely things that come from outside themselves, such as socio-cultural, economic, environmental influences, and others

REFERENCES

- [1]. See www.hukumonline.com
- [2]. Made Darma Weda, *Kronik Dalam Penegakan Hukum Pidana (Chronicles in Criminal Law Enforcement)*, GunaWidya, Jakarta, 1999, p. 80
- [3]. Achmad Ruslan, 2011, *Peraturan Perundang-Undangan Sebagai Sarana Hukum Penyelenggaraan Negara (Legislation as a Means of State Administration)*, Professor's Oration, p. 6
- [4]. M. Said Karim, 2019, *Ganti Kerugian Terhadap Korban penangkapan yang Tidak Sah dalam Proses Peradilan Pidana (Compensation for Victims of Unauthorized Arrest in Criminal Justice Processes)*, Makassar, Pustaka Pena Press, p. 68
- [5]. Andi Sofyan and Nur Azisa, 2016, *Hukum Pidana (Criminal Law)*, Makassar: Pustaka Pena Press, p. 7

- [6]. Sudarto, Hukum dan Hukum Pidana (Law and Criminal Law), Alumni, Bandung. 1986, p. 149
- [7]. Topo Santoso and Eva Achjani Zulfa, Kriminologi(Criminology), Raja GrafindoPersada, Jakarta, 2005, p. 10
- [8]. A.S. Alam, Pengantar Kriminologi (Introduction to Criminology),Pustaka Refleksi Books, Makassar, 2010, p. 2
- [9]. Abdussalam, Kriminologi(Criminology),RestuAgung, Jakarta, 2007, p. 7
- [10]. J.E. Sahetapy, Pisau Analisis Kriminologi (Blade of Criminological Analysis), PT. Citra Aditya Bakti, Bandung, 2005, p. 62

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