

Formulation of the Law Enforcement Process for Narcotics Crime at the South Sulawesi Regional Police (Study of Criminogenic Factors)

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ABSTRACT

This study aims 1) To find out and analyze the effectiveness of the formulation of the law enforcement process for narcotics crimes at the South Sulawesi Regional Police Narcotics Agency regarding criminogenic factors according to applicable laws; 2) To find out and analyze the nature of the effectiveness of the formulation of the narcotics crime law enforcement process at the South Sulawesi Regional Police Narcotics Residency regarding criminogenic factors and 3) To identify and analyze the factors that influence the effectiveness of the formulation of the narcotics crime law enforcement process at the South Sulawesi Regional Police Resnarkoba regarding factors criminogenic. This type of research is descriptive research with a juridical-empirical approach, which is research that examines positive legal rules (law in the book) to get answers to existing problems by linking them to facts or phenomena regarding the formulation of the law enforcement process for narcotics crimes in ResnarkobaPoldaSulsel, while the normative determines what is allowed and what is not regulated in the applicable legislation. the population in this study were 486 people spread across 24 areas in the South Sulawesi Regional Police Narcotics Residency. The results of the study show that: 1) The effectiveness of the formulation of the law enforcement process for narcotics crimes at the South Sulawesi Regional Police Narcotics Investigation Unit regarding criminogenic factors according to applicable laws is carried out effectively; 2) The nature of the effectiveness of the formulation of the process of enforcing the law on narcotics crime at the South Sulawesi Regional Police Narcotics Investigation Unit regarding criminogenic factors whose implementation refers to and is following Law Number 35 of 2009 concerning Narcotics and Law of the Republic of Indonesia Number 2 of 2002 concerning the Indonesian National Police; and 3) Factors of legal compliance, human resources, facilities and infrastructure, and operational costs have an effect and effectiveness on the effectiveness of the formulation of the narcotics crime law enforcement process at the South Sulawesi Regional Police Narcotics Residency on criminogenic factors. Recommendations from the results of this study that the are the formulation of law enforcement for narcotics crimes is even more effective by always cooperating and coordinating with the narcotics function unit and related agencies and the community, and also adding personnel in the context of eradicating narcotics crimes in South Sulawesi Province.

Keywords: Formulation Effectiveness, The Nature of Effectiveness, Factors, and Crime

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I. PRELIMINARY

The Unitary State of the Republic of Indonesia is a state based on law and not a state based on power, so the position of law must be placed above everything. Every action must be following the rule of law without exception. These provisions are reflected in the main ideas contained in the fourth paragraph of the Preamble to the 1945 Constitution which states that: "to form an Indonesian state government that protects the entire Indonesian nation and all of Indonesia's bloodshed and promotes the general welfare, educates the life of the nation, and participates in carrying out world order based on freedom, eternal peace and social justice... based on Pancasila". based on this Pancasila, everything that is regulated by law is obligatory to be enforced, including in this case the abuse of narcotics which is getting bigger day by day." Legal issues will develop along with the development of problems that occur in society, for that law must be dynamic. The many developments and increases in crime in society, and in social life, have an impact on the tendency of members of the community themselves to interact with each other, in this interaction, something often happens that

violates the law or rules that have been determined in society, to create a sense of security, peace and order., in society. In this case, not all members of the community want to comply, and there are still those who deviate, whose behaviour is generally not liked by the community. The term "narcotics" appeared around 1998. Law no. 35 of 2009 concerning Narcotics states that Narcotics 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 pain, and can lead to dependence. This term is not something foreign to society, considering that there is so much news from both print and electronic media that reports about narcotics abuse and how victims are the result of its use. Narcotics is something that is very much needed and very useful both for treatment and for health services. However, there must be an emphasis and understanding that if narcotics are misused or used without rights or used not follow health standards, especially if accompanied by illicit trafficking, it will have very detrimental consequences for both individuals and society, and can even cause greater danger to life. and the nation's cultural values which in the end can undermine national resilience.

The crime of distribution and abuse of narcotics is one of the various types of organized crime which is very difficult to disclose, both in quality and quantity, because it has a covert and closed organization and is organized internationally with networks covering almost the entire world. Currently, Indonesia is no longer just a transit country for drugs, but has become a consuming and producing country and has even become an exporting country for ecstasy-type drugs with indications of shipments via packages and couriers from Indonesia to foreign countries addressed directly to Indonesia. The South Sulawesi Regional Police Narcotics Research Directorate revealed a total of 1,564 cases of abuse of narcotics and illegal drugs in the local jurisdiction from January to mid-September 2022. From the recapitulated reports, the number of drug cases was 1,564 cases with 2,114 suspects arrested. Of the suspects who were arrested, 1,941 perpetrators, male and female, 173 perpetrators, some of whom had undergone legal proceedings and were sentenced to court. The amount of evidence that was disclosed and seized from the disclosure of the drug abuse case included 65,009.078 grams of methamphetamine or the equivalent of 65 kilograms of marijuana, 13,354.43 grams or 13.3 kilograms, 1,200.64 grams of synthetic tobacco, 3,652 ecstasy pills items, and G list drugs (koplo pills) as many as 370,184 items. The number of confiscated goods included the disclosure of a 1,003-gram methamphetamine-type drug abuse case resulting from the arrest of the suspect with the initials STL (37) by Unit 3 of the Special Team for the Ditresnakoba Polda Sulawesi Salata at the suspect's house on Jalan Poros Paccarakang No. 15, Biringkanaya District, Makassar City on Thursday 15 September 2022. During the arrest, the police secured evidence of 20 medium-sized sachets containing methamphetamine with a total weight of 1,003 grams wrapped in plastic packaging for green tea from China along with one electronic scale, from the arrest of the drug suspect narcotics, Resnarkoba investigated the supplier network allegedly from abroad and had a large syndicate that circulated the illicit goods to Makassar and other areas in South Sulawesi. The spread and abuse of narcotics is a complex problem, which requires efforts to deal with it comprehensively by involving multidisciplinary, multisectoral cooperation and active community participation which is carried out in a sustainable, consistent and consistent manner. Even though in medical science, most classes of narcotics are still useful for treatment, if they are misused or used not according to medical indications or standard treatment, especially when accompanied by circulation through illegal channels, it will have very detrimental consequences for individuals and the wider community. The abuse of narcotics in Indonesia is currently very concerning and worrying. This is because Indonesia is located in a very strategic position, namely between three continents. This concern is exacerbated due to the rampant illicit trafficking of narcotics which has spread to all levels of society, including among the younger generation and threatens the life of the nation and state in the future. Law Number 35 of 2009 concerning Narcotics Article 1 states that narcotics are substances or drugs derived from plants or non-plants, both synthetic and semi-synthetic. The impact of consuming narcotics can cause a decrease or change in awareness, loss of feeling, reduction to eliminate pain, and cause dependence. In the preamble to Law Number 35 of 2009 concerning narcotics, it is stated that on the one hand narcotics are drugs or materials that are useful in the field of medicine or health services and the development of science, and on the other hand, they can also cause very detrimental dependence, if misused or used without control. and close and careful supervision.

Today's use of narcotics is no longer directed towards the goal of developing science and medicine, but rather the use of momentary pleasure which will ultimately harm the user himself. The spread and abuse of narcotics is a chronic disease problem that recurs repeatedly, for which until now there has not been a comprehensive solution to it. The circulation of narcotics in Indonesia when viewed from a juridical aspect is legal, the Narcotics Law only prohibits the use of narcotics without permission by the law in question. This situation is at the empirical level, the use of narcotics is often misused not for the benefit of medicine and science. However, far from that, it is used as a promising and rapidly growing business arena, in which this activity has an impact on mental damage, both physical and psychological for the wearer. The use of narcotics in the provision of health services is indispensable and used for scientific purposes including research, and development of pharmaceutical sciences in the field of education and teaching so their availability requires

strict regulation and supervision. Today's society feels restless with the large circulation of illegal drugs such as narcotics, so this situation will threaten the safety of the younger generation which has directly or indirectly led to various criminal cases. Law No. 35 of 2009 concerning Narcotics aims to prevent an increasing trend both quantitatively and qualitatively with widespread victims, especially among children, adolescents, women, and the younger generation in general. In addition, it protects the public from the dangers of the distribution and abuse of narcotics. Drug abuse law enforcement is slightly different from other crimes in general. One of the law enforcement processes carried out by the police in the context of investigations is to create and/or scenario a condition for a criminal offence or narcotics crime event. The creation and/or scenarios referred to are to reveal the path of circulation, in other words, who is the dealer or even who is the producer of the narcotics. This can be done by disguising buying back (undercover buy). To be able to support law enforcement, a lot of money is needed, in this case, operational costs, to uncover the distribution and abuse of narcotics. Law enforcement is carried out by law enforcement agencies against narcotics crimes and also the judge's decision at trial which already has permanent legal force. Law enforcers are expected to be able to act as a deterrent against the spread of narcotics trafficking. Law Number 35 of 2009 concerning Narcotics, provides for quite severe criminal sanctions against narcotics crimes, besides being subject to corporal punishment can also be subject to fines, in reality, the number of perpetrators of narcotics crimes is increasing. This is because the imposition of criminal sanctions does not have a deterrent effect on the perpetrators of narcotic crimes. The cost factor is one of the hindering factors in the process of eradicating the distribution and abuse of narcotics at the police level. The lack of a budget makes the role of the police not optimal or ineffective in eradicating the spread and abuse of narcotics, where the budget spent is often insufficient in completing law enforcement so it is constrained and not optimal. Moving on from the existing phenomenon, crime control measures should be based on evidence that narcotics crime is a pattern. From the perspective of correctional policy, the perspective of narcotics crimes as a pattern is important considering that reintegrative treatment of perpetrators of these crimes requires a description of the assessment of individuality and the contextuality of the occurrence of the crime.

A large number of cases of narcotics abuse, especially narcotics abusers for themselves as well as criminal policies (Criminal Policy) which address this matter in a repressive manner as stipulated in Article 127 junto Article 111 and or Article 112 or even Article 114 of Law no. 35 of 2009 which prioritizes retributive justice, of course, this will have logical consequences for the number of inmates in Correctional Institutions in addition to users who are not dealers who become double victimization. The large number of narcotics convicts who are convicted based on the positive law in force in Indonesia has caused the number of prisoners in Correctional Institutions (LAPAS) to dominate besides the inadequate LAPAS specifically for narcotics, causing prisons in Indonesia to be full or overloaded. This is also in line with what was conveyed by Deputy Chairperson of Commission IX DPR RI, Nova Riyanti Yusuf, who stated that 70% of LAPAS residents are currently inhabited by those involved in narcotics cases. Of the 32 Regional Offices of LAPAS in Indonesia, 23 prisons have excess capacity and only 9 (nine) do not exceed capacity, namely: Yogyakarta, Central Java, Maluku, North Maluku, Papua, West Papua, West Sulawesi, South Sulawesi, Southeast Sulawesi.) by issuing Law no. 7 of 1997 concerning the Ratification of the United Nations Convention on the Eradication of Illicit Traffic in Narcotics and Psychotropics and Law no. 8 of 1996 concerning the Ratification of the Psychotropic Convention. Then in 1997, the Government issued Law no. 5 of 1997 concerning Psychotropics and Law no. 22 of 1997 concerning Narcotics as a substitute for the old law, namely Law no. 9 of 1976 concerning narcotics. The two laws (Law no. 5 of 1997 and Law No. 22 of 1997) regulate psychotropics and narcotics only for the benefit of health services and science. It is hoped that these two laws will operate more effectively to prevent and eradicate the abuse and illicit traffic of narcotics and psychotropics, including to prevent the territory of the Unitary State of the Republic of Indonesia from being used as a transit area or target for illicit trafficking of narcotics and psychotropics. To overcome the problem of narcotics crime, it is necessary to have a penal policy. This policy must concentrate on two things, the first is directed at applicable policies, namely policies on how to apply criminal law laws and regulations that are currently in effect in the context of dealing with narcotics problems, and the second is formulating policies or policies that lead to the renewal of criminal law (penal law). reform) namely the policy on how to formulate criminal law legislation which is also related to the concept of the new Criminal Code, especially in the context of tackling narcotics crimes in the future. Barda Nawawi Arief that concerning the pros and cons in society regarding the existence and implementation of the death penalty and in the context of tackling drug crimes in the future, the new Criminal Code Bill contains reform thoughts regarding the death penalty which stipulates that:

1. Special/exceptional crimes cannot be imposed on children;
2. Death penalty is an alternative punishment that is used very selectively and as a last resort;
3. The last resort is imposing/implementing capital punishment through various stages.

On a more macro level, mapping narcotics crimes as a pattern will be able to contribute to state intervention in

suppressing and preventing narcotics crimes. This logic directly leads us to the understanding that narcotics crime as a pattern can be further explored through a crime control approach. In a study on serious law offenders and the social and psychological background of offenders conducted by experts, it was found that there was a positive correlation between social background and psychological background of lawbreakers, including gender, age, ethnic background, social status, mental health, education level, drug addiction, occupation, IQ level, family background, religious background, and work background in the military field with tendencies to commit criminal acts. According to SoerjonoSoekanto, the factors that also influence the performance of law enforcement officials are: 1) internal factors, which are related to human resources, welfare, and the budget in carrying out their duties; 2) external factors, which are related to intervention in tasks, dependence on other parties, namely witnesses. In addition to these factors, systemically there are also obstacles experienced by police officers in carrying out the criminal justice system, namely the imposition of a sentence that is felt to be very far from what is expected by police investigators. Based on the various opinions and symptoms revealed above, the writer is interested in conducting a study entitled: "The Nature of the Process of Law Enforcement of Narcotics Crime at the South Sulawesi Regional Police Narcotics Investigation Unit (Study of Criminogenic Factors)".

II. RESEARCH METHOD

Type of Research

This type of research is descriptive research with a juridical-empirical approach, which is research that examines positive legal rules (law in the book) to obtain answers to existing problems by linking them with facts or phenomena regarding the formulation of the law enforcement process of narcotics crime at the South Sulawesi Regional Police Narcotics Investigation Unit, while the normative determines what is permissible and what is not permissible which is regulated in the applicable legislation. The approach used in this study is a qualitative method approach. Legal studies cannot be separated from their normative character so the use of a qualitative approach will be more dominant than a quantitative approach. The use of a quantitative approach is necessary to sharpen the analysis, support statements, and legal concepts found in research as abstract facts in the form of a must (ought to be). The determination of the approach and type of research refers to the outcome of the dissertation, namely wanting to test a theory, support a theory, or even find a new theory about the nature of the effectiveness of the formulation of the law enforcement process for narcotics crimes at the South Sulawesi Regional Police Narcotics Residency on criminogenic factors.

Types and Sources of Data

The types of data needed in this study are as follows:

1. Primary data, namely: data obtained directly from respondents through research questionnaires related to the formulation of the law enforcement process for narcotics crimes regarding criminogenic factors.
2. Secondary data, namely: data obtained through documents and literature books that are relevant to this research such as legislation and official documents.

Population and Sample

Population

The population in this study were all parties related to law enforcement on narcotics in Makassar City, South Sulawesi. The population or universe is the total number of units of analysis whose characteristics will be estimated. The population can be divided into two groups, namely: the sampling population and the target population (Singarimbun, 2005). The population in this study is the sampling population, namely: the number of Polri personnel in the Directorate. The South Sulawesi Regional Police Narcotics Drug Research Unit and Staff in 2021. The total population in this study was 486 people spread across 24 areas in the South Sulawesi Regional Police Narcotics Research Center and Staff.

Sample

The sample is a set of observation units that provide information or data needed by a study (Singarimbun and Effendi, 2002). In connection with this research, it is further stated that survey research is research that takes samples from a population and uses a list of questions as the main data collection tool (Pedhazur, 2002).

Data Collection Techniques

The data collection methods used in this study are as follows:

1. Observation, namely: by making direct observations on objects that have something to do with the problem to be discussed.
2. Interviews, namely: conducting pre-prepared interviews with informants in the form of questions to

achieve the desired goals in this study.

3. Documentation, namely: the author's notes from the archives or documents obtained from the Directorate. The South Sulawesi Regional Police Narcotics Agency and Staff, as well as laws and regulations including the Criminal Code / Criminal Procedure Code that are related to the problems in this research.

4. Questionnaire (questionnaire), namely: a list made with closed questions. This means that the answers to the questionnaire have been provided so that the respondent only chooses the answer that is considered the most correct for each question (item) in the questionnaire which includes questions that represent the indicators studied.

Data Analysis Techniques

Data analysis in this study uses the following analytical methods:

1. Qualitative Descriptive Analysis

After the legal materials have been collected, successive activities of systematising materials and identifying legal materials are carried out following the group of problems proposed. Furthermore, juridical ideas are sought, interpreted, and analyzed with legal analysis in the form of legal arguments and complemented by theoretical analysis and philosophical analysis. The analytical method used is the deductive method for normative studies while for the theoretical and philosophical analysis the inductive method is used. This research technique is known as the descriptive analysis method.

2. Quantitative Descriptive

Analysis Quantitative descriptive analysis was carried out on the variables of the role of law enforcement against narcotics crimes regarding criminogenic factors.

3. Quantitative data analysis is carried out on data that can be quantified and will be analyzed through a frequency distribution table to be used as material for drawing conclusions

III. RESEARCH RESULTS AND DISCUSSION

The Nature of the Law Enforcement Process for Narcotics Crime at the South Sulawesi Regional Police Narcotics Agency regarding Criminogenic Factors

All walks of life have been heavily contaminated with narcotics. In fact, narcotics have targeted many children and adolescents. The average age for first abusing narcotics is very young, namely 12-15 years old, even adults. The abuse rate among students and students forever using it is 7.5 per cent and using it for a year is 4.5 per cent. The rate of abuse of narcotics also differs according to gender, age and level of education. The rate of abuse in the male group is higher than that of the female group. The higher the level of education, the greater the incidence of drug abuse. The increase in drug abuse has filled and added new criminal patterns. Therefore, the perpetrators of criminal acts of the government must protect him. The themselves incidence of narcotics abuse is high, this indicates that the circulation of narcotics is far more prevalent in big cities in s than in districts. Based on the initial data that the author obtained, according to the South Sulawesi National Narcotics Agency, from 2019-2020 the level of narcotics abuse is getting higher every year. People's daily life is bound by a rule of life, namely the norm. In an orderly society, ety there is an official body which has the power to punish those who break the rules of life. Because of that every member of society will try to obey the rules of life. Such living regulations are called coercive legal regulations. Legal sanctions can be in the form of imprisonment (corporate punishment) and compensation (subject punishment). Community association in this life cannot be separated from the rules of life that affect human behaviour in which each individual has interests. However, this interest demands a necessity of order in the life of the community itself. As for controlling the order of living together in society is the rule of life which is called the law its control. Law is a guideline or foundation of behaviour that is needed by humans in their daily life so that humans have the desire to live properly and in an orderly manner and their interests can be protected and guaranteed, and every member of society knows their rights and obligations. Therefore, guidelines or benchmarks are needed to guide personal life and interpersonal life. The main essence of law is to realize justice, benefit and legal certainty. Law has a regulatory and coercive nature. Which are the rules of social life that can force people to obey the rules in society and provide strict sanctions (in the form of punishment) against those who commit violations. A sanction is a tool that raises the authority of the law and reinforces the enactment of norms or rules and is a legal reaction to human actions that violate rules or norms.

Positive law is made and enforced by the state with powers and law enforcement officers. These legal norms are the most dominant rules that are enforced with power and violations are subject to certain sanctions that have been determined by the state. In essence, every nation in the world has its language and laws that differ from one another. The legal system or legal order is the law that applies at a certain time in a certain territory of the country which is called positive law (*iusconstitutum*), namely the law that applies at present, the opponent is *iusconstituendum*, namely the law that aspires, the law that has not brought because of the law. The existence of various fields of the legal system in society gives rise to a certain legal system which is at the same

time the structure and legal process. The nature of sentencing is the responsibility of criminals imposed by the state as an organ that has authority from the public or its people. If criminal theory talks at the level of knowledge, explanation, and how criminal law works, then philosophy talks more deeply about why a sentence is imposed or the basis for a sentence being imposed. The position of law in the state structure of society is the highest supremacy. After a long process, the community agreed to place the law as one of the written guidelines that must be obeyed to achieve security, order and justice together. The rule of law must not ignore the basic core of the law itself, namely justice (*gerechtigheit*), expediency (*zweckmassigkeit*) and legal certainty (*rechtssicherheit*). Law must be positioned or placed in the highest position and has the power in regulating the life of society, nation and state. Making law the leader in carrying out social, national and state life can improve the integrity of human resources, provide social justice, maintain national moral values, create a democratic society and provide guarantees for the protection of individual rights in the state and society. The purpose of imposing criminal sanctions is influenced by the reasons used as the basis for threatening and imposing a sentence. In short, the reasons for sentencing developed from the reasons for sentencing for retaliation, sentencing for benefits to create a deterrent effect for perpetrators and other people, and a combination of retaliation and benefits. The philosophy of punishment is a philosophical basis for formulating a measure or basis of justice in the event of a violation of criminal law. As a system, a review of sentencing can be viewed from 2 (two) angles, namely the functional angle and the substantive norm angle. From a functional point of view, the penal system can be interpreted as the entire system (laws and regulations) for the functionalization/operationalization/concretization of crime and the entire system that regulates how criminal law is enforced or operationalized concretely so that a person is subject to criminal sanctions. From this point of view, the criminal justice system is identical to the criminal law enforcement system which consists of the Material/Substantive Criminal Law sub-system, the Formal Criminal Law sub-system and the Criminal Implementation Law sub-system. Meanwhile, from the perspective of substantive norms, the sentencing system can be interpreted as the entire system of material criminal law rules/norms for sentencing; or for the granting/imposition and execution of a sentence.

In classical criminal law, punishment is retribution for the mistakes that have been made by the maker. Punishment focuses on the act and the consequences caused by the act itself. A criminal is suffering/unpleasant treatment by a legitimate authority against a person who commits a crime. In modern criminal law, the imposition of criminal sanctions is more oriented towards acts and actors (*daad-daderstrafrecht*) not only covering punishments that are suffering in their sanctions, but also oriented towards educational content. Imprisonment from the meaning of its nature is to eliminate and or limit the freedom of movement in the sense of placing the Convict in a place (Prison Institution) where the Convict is not free to go in and out and in it he is obliged to obey and carry out all the applicable rules and regulations. Today imprisonment is seen as a form of punishment aimed at improving criminals and is called reform of the penal system which is moving in a more rational direction. Contrary to the old view that aims to remove criminals from society. The formulation of sanctions for criminal acts of narcotics abuse refers to a double track system, because based on victimology's review that narcotics addicts are self-victimizing victims, namely victims as perpetrators, victimology still defines narcotics abuse as victims, even though they are victims of crimes/crimes that they commit themselves. Therefore, narcotics addicts who are also victims deserve protection. However, because narcotics addicts are also perpetrators of a crime/crime, they must also be punished, because of this it is said that the double track system in formulating sanctions against criminal acts of narcotics abuse is the most appropriate. Convicting a narcotics abuser for himself with imprisonment is deemed ineffective in the context of eradicating and overcoming this narcotic crime. Sentenced with imprisonment will cause many new problems that harm more parties. Therefore, the appropriate punishment for narcotics abusers for themselves or narcotics addicts is with action sanctions, namely rehabilitation. In Indonesian positive law, criminal sanctions imposed on narcotics addicts as victims of crimes they commit themselves are in the form of serving a sentence in prison as mandated by Article 127, while the sanctions for action given to narcotics addicts as victims are in the form of treatment and/or care. held in the form of a rehabilitation facility.

Law enforcement and community participation are urgently needed in efforts to prevent drug abuse. Because if there are no laws written about abuse. In countries that adhere to a written legal system, it has the consequence that every process of law enforcement and respect for the principles of upholding human rights (HAM). Uncovering a network of narcotics crimes is not easy because their crimes are usually very organized and neatly arranged with the ever-changing mode of operation of crimes. In fact, in every case, the investigation and arrest of the perpetrators of crime are only limited to the users and the maximum is only on the arrest of the dealers. In the use of investigative and investigative techniques on narcotics crimes related to the recognition of basic human rights, the morality of law enforcers needs to be controlled through a surveillance system. Supervision is carried out internally, namely by the organization and external supervision is carried out by the community. It should be understood that legal rules that are effective in a country, do not necessarily mean that the values or rules in that country can be easily applied in other countries, this is due to the different values and

moral systems of society. The obligation to explore and understand the value of the law is manifested in the activity of providing legal protection guarantees, carrying out investigative and investigative techniques, and applying criminal sanctions. For this reason, the awareness of parents and the authorities are expected to be able to eradicate and complete the distribution of illegal drugs. The police are essentially an institution and function of government engaged in the maintenance of security and public order. As an institution or organization, the police have the duties and powers of maintaining public order and security, enforcing the law and providing protection, protection and service to the community. This police institution or organization includes police personnel. Where in carrying out their duties, these police personnel must comply with the norms or rules governing how their attitude should be carried out as police personnel. In Law Number 2 of 2002 concerning the Police, it is explained about the main duties of the police, one of which is that the police conduct investigations and investigations into all criminal cases. Article 13 of Law Number 2 of 2002 concerning the Police, states that the main tasks of the Republic of Indonesia State Police are. First to maintain public security and order, Second to enforce the law and Third to provide protection, protection and service to the community. Narcotics crimes are categorized as crimes as business, namely in the form of crimes that aim to gain material benefits through activities in the field of business (business) which are generally carried out in an organized manner and are carried out by people who are respected in society. Narcotics crime is a special crime, where the provisions used include the procedural law using special provisions. It is called a special crime, because drug crimes do not use the Criminal Code as a regulation, but use Law Number 35 of 2009 concerning Narcotics. The Law on Narcotics aims to: (1) guarantee the availability of Narcotics for the benefit of health services and/or the development of science and technology; (2) prevent, protect and save the Indonesian people from abuse of Narcotics; (3) eradicate the illicit traffic of Narcotics and Narcotics Precursor; and (4) guaranteeing arrangements for medical and social rehabilitation efforts for narcotics abusers and addicts.

The Effectiveness of the Law Enforcement Process for Narcotics Crime at the South Sulawesi Regional Police Narcotics Residency regarding criminogenic factors according to applicable legislation

Effectiveness is the level of success in achieving goals. Effectiveness is a measurement in the sense of achieving predetermined goals or objectives. In legal sociology, the law has a function as a tool of social control, namely efforts to create balanced conditions in society, which aim to create a harmonious situation between stability and change in society. In addition, the law also has another function, namely as a tool of social engineering, which means as a means of renewal in society. Law can play a role in changing people's thinking patterns from traditional thinking patterns to rational or modern thinking patterns. Legal effectiveness is a process that aims to make the law effective. The police as law enforcement officers have the authority to deal with criminal acts or crimes in the form of prevention and eradication. To deal with criminal acts, the police have duties and authorities, such as fostering the community to increase community participation, community legal awareness and compliance of citizens with laws and regulations (Article 14 number (1) letter c of Law Number 2 of 2002 concerning Indonesian National Police). In addition, the police also have the authority to carry out special investigations as part of police actions in the context of prevention (Article 15 paragraph (1) letter f of Law Number 2 of 2002). As law enforcement officers, the police have the authority to tackle the spread of narcotics at the South Sulawesi Regional Police Narcotics Residency and Staff. In this case, the police have the duty and authority to guide the community to increase community participation, community legal awareness and citizen compliance with laws and regulations (Article 14 paragraph (1) letter c Law No. 2 of 2002) and prevent and tackle the growth of social ills (Article 15 paragraph (1) letter c of Law Number 2 of 2002). However, it is precisely the police themselves who are less aware of the law and less obedient to laws and statutory regulations. The role of the police in eradicating narcotics abuse at the South Sulawesi Regional Police Narcotics Residency and Staff is carried out through repressive efforts including investigations and investigations as regulated in Law Number 8 of 1981 concerning the Criminal Procedure Code. Narcotics crimes that occur in the South Sulawesi Regional Police Narcotics Investigation Unit and Staff have increased every year. The police carry out the investigation and then the results of the investigation are sufficient, then the investigator submits the results of his investigation to the public prosecutor for further prosecution of the crime of narcotics abuse he is investigating, where the prosecutor as the public prosecutor is given authority and duties for each case (report) delegated to him from the police based on Law Number 16 of 2004 concerning the Prosecutor's Office, then drafting an indictment and then submitting the case files that meet the formal requirements and material requirements to the District Court for trial. The police in eradicating the spread and abuse of narcotics have clear stages and detailed processes where all are based on the applicable laws and regulations, namely Law Number 35 of 2009 concerning Narcotics. The role of the police is essentially an effort to enforce the law. In carrying out their duties, they are bound by a provision including the Narcotics Law which can be used as a benchmark and explanation regarding eradicating the distribution and abuse of narcotics so that uniformity is obtained regarding activities that must be carried out related to eradicating the spread and abuse of narcotics. Furthermore, in Article 74 of Law Number 35 of 2009 concerning

Narcotics, it is stated that: (1) Cases of abuse and illicit traffic of Narcotics and Narcotics Precursors, including cases that take precedence over other cases to be submitted to the court for a speedy settlement; and (2) The process of examining cases of Narcotics crime and Narcotics Precursor crime at the appeal level, cassation level, judicial review, and death penalty execution, as well as the process of granting clemency, the implementation must be expedited following statutory regulations. In carrying out tasks related to the eradication of the spread and abuse of narcotics, the National Police need to pay attention to the principles contained in the Criminal Procedure Code concerning human rights, including:

1. Presumption of innocence
2. Equality before the law (Equality before the Law)
3. The right to provide legal assistance/advisors (Legal aid/assistance) means that everyone who is involved in a narcotics abuse case must be allowed to obtain legal assistance which is solely given to carry out the interests of self-defence, from the time of arrest and or detention. Before the commencement of the examination, the suspect must be notified of what is suspected of him and his right to receive legal assistance or in such cases he must be accompanied by a legal adviser.
4. Arrest, detention and confiscation are only carried out based on a written order by an official authorized by law and only in matters regulated by law.
5. A person who is arrested, detained, prosecuted or tried without reason based on the law and/or because of a mistake regarding the person or the law that is applied must be compensated and rehabilitated from the level of investigation and law enforcement officials who deliberately or because of their negligence causing the legal principle to be violated, prosecuted, sentenced and/or subject to administrative punishment.

Law enforcement in the criminal justice system cannot be separated from the role of the National Police and the National Narcotics Agency (BNN) as *iusoperatum*, especially in dealing with narcotics abuse in the form of prosecution and eradication of illicit narcotics trafficking a month up to the process of imposing criminal sanctions by judges. According to a member of the National Police, ResnarkobaPolda South Sulawesi (interview on 2 November 2022) the Settlement of law enforcement cases of criminal acts of narcotics abuse, ResnarkobaPolda South Sulawesi is based on Law Number 35 of 2009 concerning Narcotics, where the provisions regarding the punishment are considered severe so that they can provide the impact or influence of a deterrent effect on the perpetrator so that he does not repeat his actions. Drug abuse encourages illicit traffic, while drug trafficking causes abuse that is increasingly widespread and has an international dimension. Therefore, it is necessary to prevent and overcome drug abuse and efforts to eradicate illicit trafficking, bearing in mind the advances in the development of communication, information and transportation in the current era of globalization. Narcotics crimes are categorized as crimes as business, namely in the form of crimes that aim to gain material benefits through activities in the field of business (business) which are generally carried out in an organized manner and are carried out by people who are respected in society. The crime of narcotics abuse is called organized crime and is a follow-up crime of the crime of illicit narcotics trade. Therefore, there is a need for optimal and serious anticipation of narcotics crimes. In this regard, the government issues stipulate, and enforces several criminal law policies to eradicate criminal acts of narcotics abuse which are increasingly developing. Law Number 35 of 2009 concerning Narcotics also emphasizes that the Judge in making his decision must pay attention to the matters under consideration. This is explained in Article 127 paragraph (2) that "In deciding a case as referred to in paragraph (1), the judge is obliged to pay attention to the provisions referred to in Article 54, Article 55 and Article 103". Article 54 confirms that: Narcotics Addicts and Victims of Narcotics abuse are required to undergo medical rehabilitation and social rehabilitation.

Article 55 confirms that:

- 1) Parents or guardians of Narcotics Addicts who are not old enough are required to report to public health centres, hospitals, and/or medical rehabilitation and social rehabilitation institutions appointed by the Government to receive treatment and/or care through rehabilitation medical and social rehabilitation.
- 2) Narcotics addicts who are old enough must report themselves or be reported by their families to public health centres, 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.

Article 103 states that:

- 1) Judges who examine cases of narcotics addicts can:
 - a) Decide to order the person concerned to undergo treatment and/or treatment, if the Narcotics addict is proven guilty of committing a crime of Narcotics or
 - b) Determine to order the person concerned to undergo treatment and/or treatment, if the Narcotics addict

is not proven guilty of committing a crime of Narcotics.

2) The period of undergoing treatment and/or treatment for Narcotics addicts as referred to in paragraph (1) letter a is counted as the period of serving a sentence.

Enforcement against perpetrators of narcotics abuse as stated by an investigator from the South Sulawesi Regional Police Resnarkoba Police (interview on 2 November 2022) that: law 35 of 2009, and the Health Act, it is stated that the perpetrator of narcotics abuse is someone who already owns, controls, stores, carries, transports, hands over, and so on, indicating that the perpetrators of narcotics abuse must be with him. Based on the results of the interviews above, it can be said that law enforcement regarding the settlement of narcotics crime cases at the South Sulawesi Regional Police Resnarkoba has been carried out following applicable laws and regulations, but still needs to be corrected or reviewed. This statement was also strengthened by the results of the author's interviews with several convicts at the South Sulawesi Regional Police Narcotics Penitentiary and Staff, that: the sentence imposed on him was severe and the perpetrator regretted all his actions. In addition, the perpetrators also try to undergo rehabilitation, especially for addicted users so that they can be cured and not damage the perpetrator's health and can be accepted in society. The role of the police is to play a more effective role in tackling the illicit traffic of narcotics, including the existence of several provisions that expand the authority and responsibilities of the police as an investigative agency specifically assigned to tackle the illicit circulation of narcotics through the implementation of the Narcotics Law. According to a member of the National Police, Resnarkoba Polda South Sulawesi (interview, 2 November 2022) that: How to deal with law enforcement against perpetrators of narcotics abuse must of course be guided by the Narcotics Law and other statutory provisions. These investigative tactics and techniques can be in the form of raids when an offer occurs or when the officer shows money and the perpetrator also shows his narcotics as stipulated in the Narcotics Law. After the perpetrators and narcotics evidence have been controlled by officers, then proceed with interrogation and examination of narcotic evidence at the Forensic Laboratory to find out for sure whether the evidence contains narcotics and their types and classification for the application of the articles stipulated in the Narcotics Law. Furthermore, an investigator from the National Police, Resnarkoba Polda South Sulawesi and the Staff, (interview on 2 November 2022) stated that: If the results of the Forensic Laboratory examination show that positive evidence contains narcotics along with their types and classifications, then an examination will be carried out by making minutes of the examination of the arresting witness, and continued with the examination of suspects as perpetrators of narcotics abuse with the application of the Narcotics Law. From the results of the inspection and other administrative minutes that have been fulfilled, we will proceed with the filing to proceed with the submission of the case dossier to the Public Prosecutor in the first stage to conduct case dossier research. If the research shows that the case dossier is complete, then the National Police investigator submits the second stage dossier accompanied by the surrender of the suspect and evidence. The information above shows that the application of the *iusoperatum* principle in disclosing and taking action against criminal acts of narcotics abuse by the police is based on the specifics of regulation of criminal acts of narcotics abuse in the Narcotics Law. This distinctive character requires the police to play a more effective role in tackling the illicit traffic of narcotics, including the existence of several provisions that expand the authority and responsibility of the police in combating the spread and abuse of narcotics. Following Law Number 35 of 2009 concerning Narcotics, it aims to prevent an increasing trend both quantitatively and qualitatively with widespread victims, especially among children, adolescents, women, and the younger generation in general. In addition, it protects the public from the dangers of the distribution and abuse of narcotics. The expansion of Polri's authority is intended to arm Polri in uncovering narcotics abuse. The authority given to the police is to carry out investigative techniques, supervised delivery, covert purchasing techniques, open and examine every consignment that is suspected of having a connection with narcotics cases as well as the authority to wiretap conversations by telephone or other means of communication-related to narcotics abuse. Handling of law enforcement cases of criminal acts of narcotics abuse, including cases that take precedence and other cases to be submitted to the Court for examination and resolution as soon as possible. In connection with the implementation of police duties, which include: arrest in the red-handed position, confiscation of narcotics evidence, interrogation of BAP suspects, examination of evidence at the Forensic Laboratory, BAP of witnesses and suspects, resumes, case files, submission of stage I words, and submission of cases stage II.

Factors Affecting the Effectiveness of the Formulation of the Narcotics Crime Law Enforcement Process at the South Sulawesi Regional Police Narcotics Research Center on Criminogenic Factors The

spread and abuse of narcotics is a complex problem not only in terms of the causal factors, but also in terms of the multidimensional consequences that arise, both in terms of quality as well as quantity. Its development at this time has reached a very alarming level. Based on the data available at the National Narcotics Agency, it is noted that the problem of distribution and abuse of narcotics in the country has penetrated most of the productive age group, namely those who are still students and university students. The results of the National

Narcotics Agency survey stated that every day 40 Indonesians die from narcotics, and 3.2 million people or 1.5% of Indonesia's population become users and abuse narcotics. Overcoming the distribution and abuse of narcotics at the National Narcotics Agency of South Sulawesi Province is a complex problem and not only from the factors that cause it, but also from the multidimensional consequences that arise, both in terms of quality and quantity, which at this time its development has reached the very alarming level. The effectiveness of the formulation of the law enforcement process in eradicating narcotics crimes is of course inseparable from the factors that influence it, including 1) Legal obedience; 2) influence of HR; 3) Facilities and infrastructure; and 4) Operational costs. Therefore, the four factors namely legal compliance, the influence of human resources, facilities and infrastructure, and operational costs need to be studied. The influence of these four factors on the effectiveness of the formulation of the Polri law enforcement process in eradicating narcotics crimes at the South Sulawesi Regional Police Narcotics Investigation Unit will be described below.

1. Legal Compliance Legal

Compliance is related to everyone's legal awareness in the current era of national development, which is highly demanded. If everyone understands their rights and obligations as legal subjects, compliance with community law will increase. The occurrence of criminal acts of narcotics abuse, one of which is shown by the offender's disobedience to the law. The crime of narcotics abuse is quite troubling for the community because they are afraid it will have an impact on the younger generation. The occurrence of criminal acts of narcotics abuse is shown by the perpetrator's disobedience to the law. If everyone understands their rights and obligations as legal subjects, compliance with community law will increase. This will provide an opportunity to be able to apply the opinion that the worst examples are acts that violate the provisions or assessment of the law. Obedience very much depends on persuasive efforts to institutionalize certain legal provisions in society. Efforts to increase the degree of obedience are usually carried out by allowing community members to understand the legal provisions they face. This will provide an opportunity to be able to apply the conviction that the worst examples are acts that violate the provisions or judgments against the law.

2. Human Resources Human

Resources include law enforcement apparatus which includes the understanding of law enforcement institutions and law enforcement officers (human resources). So, law enforcement officials who are involved in upholding the law start from witnesses, police, legal advisors, prosecutors, judges and civil correctional officers. Every apparatus and apparatus also includes parties concerned with their duties or roles including reporting or complaint activities, investigations, investigations, prosecutions, proofs, imposition of sentences and imposition of sanctions, as well as efforts to reinstate the convict. In the process of the law enforcement apparatus working, 3 important elements influence it, namely: (1) law enforcement institutions along with various supporting facilities and infrastructure and their institutional work mechanisms; (2) work culture related to the apparatus, including regarding the welfare of the apparatus; and (3) regulatory instruments that support both institutional performance and those that regulate legal material used as work standards, both material law and procedural law. Systematic law enforcement efforts must be able to pay attention to the three aspects above simultaneously so that the process of law enforcement and justice itself internally can be realized in a real way. The three factors mentioned above are related to the performance of human resources including law enforcement officers from the police. The law is unlikely to be upheld if the law itself does not yet reflect the feelings or values of justice that live in society.

3. Facilities and infrastructure Facilities and infrastructure

Factors are supporting factors in carrying out investigations conducted by the police in preventing the spread and abuse of narcotics. The availability of adequate facilities and infrastructure is expected to expedite the mechanism of the police work process in preventing the spread and abuse of narcotics effectively. Implementation of the role of the police without adequate facilities and infrastructure will certainly not be carried out effectively. Facilities and infrastructure are a set of equipment, and materials, which are directly used in an activity or activities. Facilities become completeness of the needs in carrying out an activity. Implementation of the role of the police must also be followed by the provision of the resources needed to support the implementation of tasks properly. The influence of facilities and infrastructure on the effectiveness of the formulation of the law enforcement process in eradicating narcotics crimes at the South Sulawesi Regional Police Narcotics Residency and Staff can be seen in the following table.

4. Operational Costs

The cost factor is one of the factors that impede the process of enforcing the law on narcotics abuse at the investigative level. The lack of a budget makes it not optimal or ineffective in terms of uncovering narcotics abuse. Currently, the budget spent in the context of investigations in uncovering and/or being able to enforce the

law in the eradication, distribution and abuse of narcotics is not sufficient so in completing law enforcement it is still constrained and is not optimal and satisfactory. Therefore, the large costs incurred as a result of drug abuse must of course be accompanied by an increase in costs used to finance disclosure of drug abuse. The large costs incurred as a result of drug abuse must of course be accompanied by an increase in costs used to finance the disclosure of narcotics abuse. The cost factor is one of the factors that hinder the process of enforcing the law on narcotics abuse at the investigative level. The lack of a budget makes it not optimal or ineffective in terms of uncovering narcotics abuse. Currently, the budget spent in the context of investigations in uncovering and/or to be able to enforce the law in eradicating the spread and abuse of narcotics is not sufficient so in completing law enforcement it is still constrained and is not optimal and satisfactory.

Relevance of Theory and Research Results The

purpose of punishment has become a central issue in criminal law, because punishment is always related to actions which, if the state does not act based on law, will be actions that are contrary to morality. Therefore, the philosophy of punishment tries to find justification for these actions. The oldest sentencing objective theory is the absolute theory. According to this theory, every crime must be followed by a crime. The absolute theory states that punishment is based on retaliation for the evil deeds of the perpetrator. This theory emphasizes the action, not the doer. Criminal does not aim to improve the perpetrator, but solely for revenge. The next theory that developed is the theory of relatives or also called the theory of goals. The purpose of punishment according to this theory is to make the perpetrators become deterrent and feel afraid to repeat their actions, as well as to make people afraid of committing criminal acts. So, not merely retaliation against the perpetrators of criminal acts. Simmons said that the purpose of the law is to maintain legal order, and this goal can be achieved by simultaneously intimidating, guarding, and correcting. Thomas and Bishop use the Theory of Utilitarianism for the above punishment purposes. This theory is based on "forward-looking" and not "backwards looking". In short, the goal of utilitarianism theory is to impose adequate punishments to fulfil the general goal of crime prevention. 15 Criminals are imposed not because people commit crimes, but so that people do not commit crimes. The basis for criminal justification according to this theory is to reduce the frequency of crimes. The next theory is a combined theory between the final/retribution theory and the relative/objective theory. Punishment is based on reprisals, but the aim is to maintain order. According to Andi Hamzah, this combined theory also varies. Some emphasize retaliation and some want the element of retaliation to be balanced with the element of prevention. The combined theory recognizes that retaliation is the basis for justifying punishment, but the imposition of punishment must bring benefits to achieve useful goals, namely as a means of preventing crime, security, order and social welfare. The last theory currently being developed is the theory of rehabilitation as the goal of punishment. According to this rehabilitative theory, the perpetrator of a crime is described as someone who is pulled or moved to commit a crime by a force outside of his free will (free choice). This is in line with the new conception of punishment that imposing a sentence is not merely a form of revenge. The most important thing is the provision of guidance and protection. Protection at the same time for the community and the convicts themselves so that they become aware and can become good members of society. Such is the new conception of the function of punishment which is no longer just a deterrent, but also an effort to social rehabilitation and reintegration.

IV. Research Findings

From the research data above, it can be concluded that most of the perpetrators of narcotics crimes come from entrepreneurs with an average high school/high school education at the age of 25 years and over. If we look at the criminogenic factors, one of the factors that cause narcotics crimes is the lack of education about narcotics abuse at the school level, especially high school/high school, so this becomes the potential seed for narcotics crimes. This is very important considering the large population of Indonesia according to the Indonesian Central Bureau of Statistics in the age range of 15-30 years, which is 67.15 million people out of a total of 272.68 million people. In addition, the high rate of narcotics crimes in the entrepreneurial/private sector indicates a lack of oversight of people's behaviour in that sector. This is a gap/opportunity for narcotics crime to occur. The large volume of narcotics crimes in these sectors reinforces the view of the differential association theory which assumes that criminal behaviour is a behaviour that is learned in a social environment and is not an inheritance from lineage. From this analysis, the authors assume the need for an instrument of narcotics criminal law enforcement that touches society more persuasively. It is necessary to establish laws and regulations that regulate work units at the Polsek level in handling narcotics crimes. The need for the involvement of law enforcement officials at a level closer to the community, such as conducting intense education and outreach and opening a consul room for narcotics abuse so that preventive efforts can be carried out more persuasively.

V. CONCLUSIONS AND RECOMMENDATIONS

Conclusion

Based on the results of the research and discussion, it can be concluded as follows:

1. The nature of the law enforcement process for narcotics crimes at the South Sulawesi Regional Police Narcotics Investigation Unit regarding criminogenic factors as the accountability of criminals imposed by the State as an organ that has authority from the public or its people. If criminal theory talks at the level of knowledge, explanations, and how criminal law works, then philosophy talks more deeply about the factors that influence people's behaviour and the basics of imposing a sentence. In a system, the interpretation of sentencing can be viewed from 2 (two) angles, namely the functional angle and the substantive norm angle. From a practical point of view, the penal system can be interpreted as statutory rules for the operation of criminal law enforcement and the entire work system and instruments that regulate so that a person is subject to criminal sanctions. Meanwhile, from the perspective of substantive norms, the sentencing system can be interpreted as the whole system of material criminal law rules/norms for sentencing.
2. The effectiveness of the process of enforcing the law on narcotics crimes at the South Sulawesi Regional Police Narcotics Investigation Unit regarding criminogenic factors according to the applicable legislation was carried out less effectively. A law enforcement instrument for narcotics crimes is needed that is more persuasive and in-depth for the community by involving the police at the Polsek level. So at this level, the community can be more fostered by following the local wisdom methods of each region and it is easier to take action if a narcotics crime violation occurs.
3. The factors of legal compliance, human resources, facilities and infrastructure, and operational costs have an influence and are felt to be less effective on the effectiveness of the process of enforcing the law on narcotics crimes at the South Sulawesi Regional Police Narcotics Residency on the criminogenic factor. One of the inhibiting factors that the author found was the lack of police personnel at the Polsek level in carrying out persuasive security duties to the public, especially in handling narcotics crimes.

Suggestions

Based on these conclusions, several suggestions are put forward as follows:

1. The nature of the law enforcement process for narcotics crimes should be made more effective by continuously cooperating and coordinating with the narcotics function unit and related agencies and touching the community more deeply, and also increasing its personnel which is more persuasive in the context of eradicating narcotics crimes in South Sulawesi Province.
2. The effectiveness of law enforcement will be more effective if it is accompanied by the preparation of instruments for law enforcement on narcotics crimes in the form of laws and regulations and the establishment of work units capable of carrying out persuasive guidance and prosecution of the community.
3. Factors of law enforcement, human resources, facilities and infrastructure, and operational costs need attention from law enforcers to be followed up including increasing legal compliance through counselling and outreach, increasing the ability of human resources, improving facilities and infrastructure so that they are available adequately, and increase operational costs, so that the crime of distribution and abuse of narcotics can be minimized in the future.

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