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Research Article

Criminological Analysis in Drug Abuse Cases (Study at Rumah Damai Foundation Semarang)

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Abstract: Narcotics, psychotropic substances and other addictive substances commonly called narcotics are among the things that are often misused in human life. Drugs have negative impacts both physically, psychologically, economically. Drugs are a group of substances that generally have a risk of addiction for the wearer. At first, drugs were only used in the world of health as psychotropic drugs used to anesthetize patients who were going to have surgery or other treatments. But along with the times, the use of drugs is widely abused for negative things resulting from use outside the limits or over dosage. The effects of narcotics alone can be dangerous for the user and the people around him. Most drug users are teenagers. One of the main factors that influence adolescents abusing drugs is a factor from families who pay less attention to their children in addition to environmental factors that are also very influential. The biggest concern from the impact of using narcotics consumed continuously will eventually lead to lost generation. In accordance with Law no. 35 of 2009 drug users or addicts are not categorized as criminals who deserve to be jailed, but as victims who deserve to be healed by means of rehabilitation or other treatment with the intention of recovery for something more productive.

Keywords: Narcotic Abuse; Rehabilitation; Crime Prevention

Introduction

Criminal action is a term that contains a basic meaning in the science of law, has an abstract meaning from concrete events in the field of criminal law. According to Simons, formulating a criminal act is an unlawful act that has been committed deliberately by a person who can be held accountable for his

actions and which has been declared by law as an act that can be punished (Lamintang, 1997). The definition of criminal acts in the Criminal Code (KUHP) by the legislators is called *strafbaarfet*, *strafbaarfeid* is often used by criminal law experts in terms of criminal acts, criminal acts, criminal events, and offenses.

Criminology is the study of crime. The name criminology was discovered by P.

Topinard (1830-1911) a French anthropologist, and literally comes from the word "crimen" which means crime or criminals and "logos" which means science, so criminology can mean the science of crime or criminals (Santoso & Zulfa, 2001). Criminology refers to the scientific study of the nature, level, causes, and control of criminal behavior both in individuals and in social, cultural, political, and economic life.

According to Paul Moedigdo Moeliono Criminology is a science supported by various sciences that discuss crime as a human problem. WE Noach divides the notion of criminology into two categories:

1. Criminology in the narrow sense is a science that studies the forms of incarnation, the causes and consequences of crime (crimes and bad deeds).
2. Criminology in the sense of criminalism is a science that studies crime as a technical problem, as a tool for pursuing or investigating criminal cases technically using chemical natural sciences and others such as the science of judicial medicine.

In criminology there is an approach used to study crime, Herman Mannheim put forward 3 opinions. First, a descriptive approach where the approach is carried out by means of observation and data collection relating to facts about crimes and criminals such as forms of criminal behavior, how crimes are committed, frequency of crimes at different times and places, the characteristics of the perpetrators of crime, such as age, gender and so on, as well as the career development of a criminal.

Several conditions must be met when using a descriptive opinion:

- a. Data collection cannot be done randomly. Therefore, the facts must be done selectively.

- b. Interpretation, evaluation and provide a general understanding of the facts must be carried out. Without interpretation, evaluation and giving a general understanding, these facts will have no meaning.

Second, a cause-and-effect approach, the facts contained in society can be interpreted to find out the causes of crime, both in individual and general cases. In criminology, a cause-and-effect relationship is sought in the context of the question of why the person commits a crime. In order to know the crime by using a causal approach, this is considered as the etiology of crime.

Third, the normative approach. Criminology is said to be idiographic-discipline because it studies facts, causes and effects, and possibilities in individual cases. And nomothetic-discipline is the aim of finding and expressing scientific laws, which are recognized for their uniformity and inclinations (Utari, 2012).

In essence, humans are not free from an error, this error can be a result of negligence or deliberate factors committed by the humans themselves. One of the mistakes committed by humans can occur in a form of crime, such as murder, theft, maltreatment, and so on. So that people can feel the loss due to this crime.

Of the several criminal acts mentioned above, one of them is drug abuse. In essence, drugs themselves are very much needed for treatment and health services, but if they are misused at doses that are not in accordance with the standard of treatment and their distribution is illicit, it can cause detrimental consequences for individuals and society, especially for the next generation of the nation. doctor's instructions create obstacles in activities both at home, school, campus and other public places.

In a study conducted by Dr. SJ Jachuck in 1980 proved that drugs have several impacts and influences on human nature to become more frontal when speaking, cry easily and lose wisdom. In addition, there is a decline in energy stamina after treatment such as general activities, sexual activity and irritability. In addition, there is an abnormality in slow walking, drowsiness and impotence (Jachuck, Brierley, & Willcox).

Narcotics crime has long been an enemy of the Indonesian nation. In Indonesia, the facts on the ground show that 50% of prison inmates are drug abusers (Eleanora, 2019). Various attempts were made to prevent drugs from spreading and rampant, not a few world bodies were involved, but still the drug trafficking was still rampant. Drugs themselves in various countries have been designated as extraordinary crimes where this crime has a large and multi-dimensional impact on the social, cultural, economic and political aspects as well as the negative impact caused by this crime (Silaban, Erwina, & Mulyadi, 2013).

Law enforcement on Narcotics Crime has been carried out by law enforcers, this is expected to be an antidote factor for the increase in trafficking and illicit narcotics trafficking, but in reality the more intensive law enforcement is carried out, the circulation and illicit trafficking of narcotics are also increasing.

In its own countermeasures, the Indonesian government has carried out several policies called criminal policies on various occasions, namely by issuing a special drug law, one of which is Law no. 35 of 2009 concerning Narcotics. In its own application, drug users who receive rehabilitation are not included in the category of criminals where they must be sanctioned by imprisonment (criminal

justice system), but are included in the addict group who will receive rehabilitation and are categorized as victims of their own actions (self-victimization). So that the government's criminal policy for victims, namely placing drug addicts as sick victims, must receive help to recover (decriminalization) (Siagian, 2017).

Method

According to Sugiyono (2016), the research method is a scientific way to obtain the necessary data for specific purposes and uses. As for the definition of research methods according to Abdul Kadir is a scientific activity based on methods, systematics, and certain thoughts that aim to study a phenomenon of law by analyzing it.

1. Types and Research Approaches

In discussing the research approach, there are two methods that can be used. Namely the quantitative research approach and qualitative research approach. Actually the two methods cannot be separated because sometimes the two methods can complement each other. However, if you look at it, the quantitative method relies more on the strength of its analysis which is carried out by testing data through statistics. Meanwhile, the qualitative method relies more on its analysis using qualitative data explanations.

When conducting a study, the activities carried out in these two methods are the same, there is no difference. However, when it has entered the data collection stage, there are differences in these two methods. There are differences between the two quantitative and qualitative methods

No.	Difference	Quantitative Methods	Qualitative Methods
1	The use of theory as a theoretical reference	Theoretical references have been selected and presented since the research activities were first carried out. Researchers in this case rely on theoretical references.	New theoretical references are selected and formed after obtaining data sources from the field.
2	Collected data	Data were collected by chopping and measuring using units of count.	Data is the result of transformations and descriptions of observations, interviews or results from written materials.
3	Testing data	Data testing uses the results of existing statistics. So that each data collected is tested statistically and then an interpretation is made.	Testing data using trends. The trend that appears can be seen from the prepositions of the respondents' answers to the total number.
4	Representation of research objects	The amount is determined based on the size of the population and determined since the researcher conducted his research.	Sample size was not discussed. Representation of research results to the study population is measured by the researchers' beliefs supported by various theoretical references, whether the number of information providers is considered sufficiently representative of that population.

So that when viewed from the differences above, there will also be different characteristics in the two studies. For quantitative research itself has characteristics such as:

- 1) Using a deductive (i.e. rational - empirical) mindset in which this study tries to understand a phenomenon by using general concepts to explain specific concepts.
- 2) The logic used in this study is positivistic and avoids subjective things.
- 3) The research process uses a planned procedure.
- 4) Researchers place themselves separately from the object of research. So that in this case the researcher does not use his emotional sense of the object of research.
- 5) The subject under study, the data collected, and the source of the data needed, as well as the data collection

tools used in accordance with what was planned beforehand.

Qualitative research has characteristics such as:

- 1) Using an inductive mindset (empirical - rational).
- 2) The perspective of the object of research is highly valued so that much of the researcher's interest is devoted to how the perception and meaning is from the point of view of the research object.
- 3) Data analysis can be carried out as long as the research is and has been in progress.
- 4) The subject under study, the data collected, and the source of the data required, as well as the data collection tools used can vary according to the required needs.

- 5) The results of the research are descriptions and interpretations in the context of a certain time and situation.

The method used in this research is descriptive qualitative. The qualitative descriptive research method itself was chosen because it fits the research object and also the results of this study. Because the descriptive method itself aims to explain how things happen at this time. And qualitative methods are very appropriate because researchers really appreciate the point of view of the research object.

2. Types and Sources of Data

According to Soetopo, data sources are places where data is obtained using certain methods, whether humans, documents, artifacts, or other sources. Data sources are divided into two, namely primary data sources and secondary data sources.

- a. Primary data sources are data sources that are directly obtained from the parties directly involved in the research. Examples of primary data are sources.
- b. Secondary data sources are data sources that are not directly obtained from the parties involved in the research. Examples of secondary data sources are scientific magazines and books.

In this study, the data source used is the primary data source, where the primary data is obtained directly from the sources involved in the research. Namely the resource person, Mas Dedy, where he is a methamphetamine drug user. Who comes from West Kalimantan and is currently in the rehabilitation phase, and also a secondary data source where researchers use books and scientific journals in analyzing cases being studied.

3. Data Collection Techniques

In accordance with the approach used, namely the qualitative descriptive research approach and the data sources used, the data collection techniques used were conducting interviews with resource persons and analyzing documents in the form of criminology books and scientific journals on themes related to this research.

4. Research Location

The research location is a place where the researcher conducts his research in order to obtain the data he needs accurately. The location of this research is the Rumah Damai Foundation which is located on Jalan Cepoko, Gunung Pati District, Semarang City, Central Java.

Theoretical Basis

1. Definition of Criminology

Etymologically, criminology itself comes from the words *crimen* and *logos* which mean science that studies crime. So that criminologists study what factors cause a crime to arise and also learn how to eradicate it. There are several definitions of criminology according to experts, namely:

- 1) According to Bongger, criminology is a science that has the aim of investigating all crimes as widely as possible (theoretical or pure criminology) (Abintoro, 2017: 13-14).
- 2) According to Wolfgang Savitr and Jahnston, criminology is a science that uses scientific methods in studying and analyzing the order, uniformity, patterns and facts of cause and effect related to crime as well as criminals and social

reactions to these causes and effects (Simanjuntak, 1981).

- 3) According to Edwin H. Sutherland, criminology is the body of knowledge regarding delinquency and crime as social phenomena (criminology is a collection of knowledge that discusses juvenile delinquency and crime as social symptoms) (Nature, 2010).
- 4) According to J. Constant, criminology is empirical knowledge, which means that based on experience, it determines the factors causing a crime and a criminal by paying attention to sociological, economic, and individual factors (Aziz, 2014).

Therefore, it can be concluded in general that criminology can be defined as a science that discusses crime in which it discusses how a crime arises, how the pattern of a crime is, and also how to overcome a crime. So criminology and criminal law are different because criminology will prioritize preventive action (prevention) so that criminology is more looking for reasons why a crime arises in the fields of economy, politics, socio-culture, law, or a person's natural factors. Meanwhile, criminal law as a normative discipline studies actions or actions that are expressly stated in legislation as crimes or violations which can later be subject to criminal sanctions or criminal penalties.

2. Existence of Criminology

The existence of criminology is a science that can be understood and practiced for the interest of understanding various crimes and deviant behavior so that it is not only a means applied in the judiciary but as a pure science whose research results can be utilized in practical interests. Such as for input of material for the preparation of

criminal legislation, and as a police strategy to prevent certain crimes.

3. Purpose of Criminology

Criminology has several objectives which include:

- a. Criminology has a purpose, namely as an indication of how society can eliminate a crime and it would also be great if society was able to prevent it.
- b. Criminology aims to anticipate and act against all policies in the field of criminal law, so that in the future, the possibilities that will arise are losses for the perpetrator, the victim, and for the surrounding community.
- c. Criminology aims to identify the identity of criminals and their criminological causes so that they can be used for social development planning.
- d. According to Soerjono Soekanto, the purpose of criminology is to develop a common basic unit as well as other types of knowledge about the course of legal proceedings, crimes and reactions to a crime (Soekanto, et.al, 1986).

4. Scope of Criminology

In the narrow sense of criminology, its scope is the study of a crime in which criminology studies certain forms of criminal behavior so that it always fits the limits in law. Whereas in the broadest sense of criminology, its scope is the study of penology or the study of punishment and also the ways related to non-punitive actions.

Meanwhile, according to Walters C. Reckless, he revealed that there are 10 scopes of criminology (Bawengan, 1977), namely:

- 1) Criminology studies how a crime is reported by the authorities and how it acts in response to that report.
- 2) Criminology studies the development and changes of criminal law in the context of economic, political and societal responses.
- 3) Criminology studies specifically the circumstances of criminals and compares them to non-criminals. In this case, for example, such as gender background, economy, work, or hobbies.
- 4) Criminology studies areas associated with crime in a particular area, where a crime occurs.
- 5) Criminology provides an explanation of the factors of the emergence of crime and puts it in the form of a theory
- 6) Criminology studies the types of crimes that are especially manifest. Usually the form of crime is modern.
- 7) Criminology studies the relationships that are closely related to a crime such as drugs, prostitution and robbery.
- 8) Criminology also studies whether an existing legislation can be declared effective or not.
- 9) Criminology studies the benefits of authorized institutions in handling crime cases.
- 10) Criminology studies all efforts to prevent a crime from occurring.

5. Narcotics Abuse

According to Hawari (1999), narcotics abuse can be divided into three major groups, namely:

- a. Primary dependence, in which the user or user is characterized by a psychiatric disorder such as excessive anxiety and depression, which are usually symptoms in people who have an unstable personality. Where they usually try to

heal themselves without help from an expert or doctor.

- b. Systematic dependence, in which the user or the user is someone who has an antisocial personality in society. So that the result of this abuse is the emergence of acts of free sex and other deviant actions are followed.
- c. Reactive dependence, where in this case dependence occurs on users who want to satisfy their curiosity, because of the influence of their environment, or from peer pressure.

The word narcotics itself is known in Indonesia from the English word "Narcotics" which means drug, the meaning is the same as the word "Narcosis" in Greek which means to put to sleep or anesthetize (Zainal, 2013).

In Article 1 Paragraph 1 of the Law of the Republic of Indonesia No 35 of 2009 concerning Narcotics, it is explained that *"Narcotics are substances or drugs derived from plants or non-plants, both synthetic and semisynthetic, which can cause a decrease or change in consciousness, loss of taste, reduce to eliminate pain, and can cause dependence, which are differentiated into groups as attached in the Law. -Invite this. "*

So it can be concluded that what can be said to be a narcotics crime is importing, exporting, planting, buying, producing, distributing, or using narcotics without supervision from the competent authority and these activities are contrary to existing laws in Indonesia.

There is a classification for narcotics according to the law, namely:

- 1) Group I: narcotics whose use can only be used as a scientific development and cannot be used as a medical therapy. And have a very high risk of dependence. Examples of gologan I

include opium plants (papaver somniferum L), opium mentan, coca plants, and cannabis plants.

- 2) Group II: are narcotics that can be used as treatment and can be used in therapy. Which has the goal of developing science and has a very high risk of dependence. Examples of group II include Alfasetil methadol and morphine.
- 3) Group III: are narcotics that can be used as treatment and can be used in therapy. Which has the goal of developing science and has a low risk of dependence. Examples of group III include codeine and propiram.

Whereas in the types of narcotics, as explained by Syafii (2009), there are:

- 1) Opium: a type of narcotic that is used using a suction pipe. From opium itself can produce morphine, where morphine is very dangerous for the heart because it can slow down the heart rate so that someone who uses it will feel weak.
- 2) Heroin: a type of narcotic that is used by smoking it. Heroin itself comes from morphine (through a chemical process). The impact of using heroin based on NIDA (National Institute on Drug Abuse)

Short-term	Long-term
<i>Rush</i> (faster sensation in the brain)	Prolonged addiction
Suppressed breathing	Infected with HIV / AIDS and hepatitis B and C
Mental function begins to fall apart	Nervous disorders
Nausea and vomiting	Bacterial infection
A pressing pain	There is swelling
Spontaneous abortion	Infection of the heart valves

- 1) Shabu-shabu: is a type of class 2 heroin which is smoked with a special tool called "Bong".
- 2) Ecstasy: is a type of narcotic in pill form that can cause blood pressure to rise. So that the effect is like talking, feeling anxious and restless.
- 3) Marijuana: is a type of narcotic that is often used because the results of using marijuana are not too harmful to the body.

When discussing what narcotics are and types of narcotics, it cannot be separated from the effects resulting from the use of narcotics itself. The effects resulting from the use of narcotics themselves are:

- 1) Depressants: when a person uses narcotics it can suppress the central nervous system leading to mild depression. So that it can make users feel calm, make users fall asleep, and even make users lose consciousness.
- 2) Stimulants: when a person uses narcotics it can make the organs work. Like the heart and brain that work faster than usual so that it will make users feel more energetic for a while and can make users feel happy for a while.
- 3) Hallucinogens: when a person uses narcotics in excessive doses it can make users hallucinate. Where as if there is something real but the fact is not there.
- 4) Addiction: when a person uses narcotics that can make someone addicted to the drug, it can make the user tend to be

passive because the substance indirectly cuts the nerves in his brain.

There are many factors why someone abuses narcotics. Usually, these factors are due to peer pressure, sadness, trauma, and home (family) problems (Kelly, et. al., 2011). One of the facts is that it comes from yourself. In this case it is seen from how much a person is likely to use narcotics. Is someone curious to try narcotics or not. So that in this factor the determinant is yourself.

There are also family factors, where in this case someone misuses narcotics because of disharmonious family conditions. In this case, most users come from broken home families, this is because divorce is seen as a disturbing event during childhood (Bernadi, et.al., 1989). So that in this case the role of parents is very important in looking after their children.

Then there is the friendship scope factor, in this case someone can become a user because of the role of a friend to use narcotics. Mostly, in this case someone used narcotics because of the prestige of his friend. Finally, there are environmental factors, where in this case the environment in which a person is very influential on a person's desire to use narcotics. In this case someone who lives in an environment where most of them use narcotics, the greater the desire for someone to use narcotics.

Broadly speaking, there are three impacts of narcotics abuse, namely physical impacts, non-physical impacts, and social impacts. Another concern is that the impact of the rampant abuse of narcotics is that in the end there will be a lost generation (loss of one generation) (Purwatiningsih, 2011).

a. Physical impact is the impact that can be felt on a person's body. Like many diseases that arise after using narcotics, for example, kidney failure, liver, lung cancer, even HIV / AIDS.

- b. Non-physical impacts are impacts that cannot be felt on a person's body. Examples include excessive anxiety, depression, and extreme fear.
- c. Social impact, is the impact felt by users in interacting with other people. Like most users will distance themselves from society so that they don't want to interact with other people, don't care about the existing rules, and do what they want.

Result and Discussion

1. Criminology Relationship with Criminal Law

Criminology is a science that aims to investigate the broadest possible symptoms of crime (theoretical criminology or purely criminological). Theoretical criminology is a science based on experience which, like other similar sciences, looks at phenomena which tries to investigate the causes of these phenomena in the ways that exist in them (Santoso & Zulfa, 2003). A discipline must have a meaning and a purpose, even its use. The same is true of criminology. However, in its development criminology must rely on the discoveries of other disciplines, such as anthropology, medicine, psychology, sociology, law, economics, and statistics.

The beginning of the existence of criminology is a scientific study of crime which is something unexpected or something that is not intentional. Initially, criminological investigations were only shown for the benefit of scientific development, especially the study of crime. The meaning of criminology itself cannot be separated from the development of the structure of society. That crime which is the focus of the discussion of criminological theory is no longer value free, in this case it means that crime is always the result of the

influence and interaction of various factors such as social, cultural, economic and political. In this period of the 20th century, crime can be said to be the result of a process of engineering society in the social, cultural, economic, and political fields. The consequence of the process in question is that the purpose of criminology is no longer science for science, but science for the welfare of society or even can be said to be science for the interest of the power elite.

Criminology in the 20th century is in line with the theory put forward by Marc Ancel, who argues that criminology must constitute a social control over policy in the implementation of criminal law. So that by doing so, the possibility of adverse consequences can be prevented, both for the perpetrator, victim, and society as a whole. Criminology in the 20th century is in line with the theory put forward by Marc Ancel, who argues that criminology must constitute a social control over policy in the implementation of criminal law. So that by doing so, the possibility of adverse consequences can be prevented, both for the perpetrator, victim, and society as a whole. Criminology in the 20th century is in line with the theory put forward by Marc Ancel, who argues that criminology must constitute a social control over policies in the implementation of criminal law. So that by doing so, the possibility of adverse consequences can be prevented, both for the perpetrator, victim, and society as a whole (Atmasasmita, 2013).

Criminology belongs to a new branch of science. Starting from the idea that humans are wolves for other humans (*homo homini lupus*), always selfish and not concerned with the interests of others, a norm is needed to regulate their lives. This is important so that humans do not always fight with each other to maintain their survival and are not

always on guard from other human attacks. The purpose of norms is to be obeyed, therefore sanctions are treated. In the science of law itself there are various forms of norms that apply in society, including norms of decency, norms of morality, customary norms, religious norms, and legal norms. Among these norms the form of the most severe sanctions is contained in criminal law.

Criminal law already exists with such severe sanctions, but crimes still occur. Basically, the formers of the criminal law hope that one day the crime will disappear and this is where criminology plays an important role. In reality, criminal law is not effective. This is proven by Thomas More that heavy sanctions are not the main factor driving the effectiveness of criminal law. Thomas proved based on real cases that pickpockets were still in action in a crowd of people who were witnessing the execution of the death penalty for 24 criminals. This is considered to be an illustration that people are ignorant of criminal law. In its development, there are two factors that can trigger the development of criminology, namely:

Dissatisfaction with Criminal Law, Criminal Procedure Code, and the Sentencing System. Criminal laws in the 16th to 16th centuries to the 18th centuries were solely implemented as a deterrent by imposing very heavy sentences. The death penalty is carried out in various ways, which are generally carried out in an anarchic manner, which is usually imposed on crimes that exist in society. The goal in this case is a way that society in general can be protected from crime. The same is true of criminal procedural law. Bonger described that the defendant was treated like an item to be examined. This examination is carried out

in secret, so it is also up to the will of the examiner to do so.

In later times, there were movements against the system. One of these was noted by Montesque who opposed arbitrary action, cruel punishment and the multitude of sentences imposed. In Cesare Beccaria's writing, eight principles are described as the basis for criminal law, criminal procedure law, and the sentencing process, including:

- a. It is necessary to form a community based on the social contract principle.
- b. The source of law is the law and not the judge. Sentencing by judges must be based on law.
- c. The judge's job is simply to determine a person's fault.
- d. Punishing is a state right, and that right is necessary to protect society from individual unrest.
- e. A scale of comparison between crime and punishment must be established.
- f. Human motives are based on advantages and disadvantages, meaning that humans in carrying out actions will always weigh the pleasure or misery they will get.
- g. In determining the harm caused by a crime, the basis for determining the punishment is the act, not the intention.
- h. The principle of criminal law is that there are positive sanctions.

These principles were then applied by Napoleon as outlined in his law known as the Napoleonic Civil Code. The 3 principles adopted in the law are:

- a. Legal certainty
This principle states that the law must be in writing. Beccaria even forbids judges from interpreting the law because it is not a legislative body.
- b. Equations Before the Law
This principle opposes taking sides before the law, so this principle

demands to equalize everyone before the law.

- c. Balance Between Crime and Punishment

Beccaria sees that in experience there are judges' decisions that are not the same as one another against the same crime.

Application of Statistical Methods. Statistics are observations using numbers which were one of the driving factors for the development of social science in the 17th century. Quetelet, an exact science and sociologist from Belgium, first applied statistics to his observations of crime. Criminal statistics were made the main tool in criminal sociology by Quetelet, and he proved for the first time that crime is a social fact. Quetelet concluded that crime could be eradicated by improving people's lives.

Theoretically, the two disciplines, namely criminology and criminal law can be linked, because the results of criminological analysis have many benefits in the framework of the investigation process for the occurrence of an individual crime, but in practice the linkages and effects are very limited (Atmasasmita, 2013). H. Bianchi stated the relationship between criminology and criminal law, namely criminology as a metascience of criminal law. Criminology is a broader science than criminal law, where its definitions can be used to clarify the concepts and problems contained in criminal law. It is clear that the metascience above is not only a complement to criminal law but is even the main discipline thereof.

Criminal law and criminology have a positive correlation with several considerations as an instrument as well as a means of state power in carrying out its duties and powers. Some of these considerations include that both (criminal law and criminology) are based on the same

premise, as explained by Atmasasmita (1984):

- 1) The state is the source of power and all state equipment is the exercise of state power;
- 2) Criminal law and criminology have the same perception that the wider community is part of the object of regulation by state power and not subject (law) which has the same position as the state;
- 3) Criminal law and criminology still place the role of the state more dominant than the role of individuals in creating order and security as well as destroying order and security itself.

Criminology is an empirical science that is related to the rule of law. This science examines crime and the formal and informal processes of criminalization and decriminalization. Apart from that, it also studies the conditions of the groups who are criminals and who are victims of crime, the causes of crime, formal and informal reactions to crime and other parties related to the criminal process. In relation to the dogmatics of criminal law, criminology contributes in determining the scope of crime or punishable behavior. Thus, criminal law is not a syllogism of prevention, but an answer to the existence of crime (Soekanto, 1986).

2. Case Study of Rumah Damai Foundation

On Sunday, April 28, 2019, the author made observations at the Rumah Damai Foundation. Rumah Damai is a drug rehabilitation house located in Semarang. Rumah Damai was established on July 28, 1999. It started in 1998 when the nephew of the owner of Rumah Damai had an overdose because of drugs. This made the owner of Rumah Damai moved his heart to create a

Foundation to accommodate drug addicts who want to recover. The foundation is called the Peace House. The Rumah Damai Foundation is located in Mount Pati, Cepoko Village, Semarang, Central Java. Rumah Damai Foundation has more than 480 alumni spread throughout Indonesia and appointed by the government as IPWL (Obligatory Recipient Institution).

When he came to Rumah Damai, the writer met the resource persons consisting of one of Rumah Damai's mentors, Mr. Rudi and one of Rumah Damai's clients, Mas Dedy. When the author met Mas Dedy, he was someone who was communicative enough to talk to. Before the author asks about Mas Dedy 's problem, the writer first asks Mr. Rudi as the mentor of Rumah Damai. Mr Rudi himself has the same background as the clients at Rumah Damai. Mr. Rudi is a former drug addict whose heart was moved to help people who fell into drugs like he was before, and tried to motivate the drug addicts at Rumah Damai to get up and start a new life. In the House of Peace there are four mentors.

Mr. Rudi said that the majority of clients at Rumah Damai use narcotics of the type of crystal methamphetamine either in small amounts or just experimenting or in large quantities. In Rumah Damai there is a classification between heavy addicts, light addicts, and addicts who experience depression. Addicts are placed in different places according to their categories. Normal addicts and those with mental disorders are separated from their place of rehabilitation. The approach taken by the mentor to addicts with mental disorders is always invited to communicate even though they are not communicative, so that the addict does not feel isolated. Most clients who are rehabilitated at Rumah Damai are suggestions from addict families, because

according to Mr Rudi the client is reluctant to be rehabilitated. Because there is encouragement from the family, the addicts are finally willing to be rehabilitated.

Even during rehabilitation, some of the clients did not want to be open with their mentors. The client did not want to reveal when he first started using narcotics and how long the addict took the item. Rumah Damai has a rehabilitation program for at least one year, with the program in which it includes healing concentrating on physical healing, recoveryconcentration on restoring soul and character, and socialization concentrating on physical preparation to return to society. But Pak Rudi said that it all depends on the client's family, whether they are ready to accept the child or not. Because most of the family members are still afraid that the child will fall into the same hole again, and the influence of the environment is still willing to accept the former drug addict or not. There is a client from Rumah Damai who has been rehabilitated since 2005 until now. According to Pak Rudi, he himself actually did not have the heart to that person, because the family was not ready to accept him, and with the client remaining at Rumah Damai the family felt less burdened and more calm and comfortable.

Rehabilitation activities in the House of Peace are more religious activities / closer to their God. Every morning they wake up to pray (Al-Kitab) together then continue with breakfast together. After that a morning meeting was held, discussing the feelings that are felt today and learning to be an open person sharing feelings about their daily lives, but these activities at Rumah Damai are not going well because many clients at Rumah Damai are not willing to be open to telling themselves and what are that has been experienced by them. Then every Friday there are routine activities such as cleaning

the existing facilities at the Peace House such as gardens, fish ponds, swimming pools, and so on. Then for the evening watching movies together using the LCD. For Saturdays the activities at Rumah Damai are more relaxed, usually filled with futsal, swimming, exercising and so on. Then it is Sunday for mentors, administrators and clients to go to church to worship together.

After returning from church every Sunday, we continue to study English, Mandarin, training on health science, and so on. It is hoped that with this training, after leaving Rumah Damai, the former addicts will have the provisions to plunge back into society. According to Pak Rudi, if clients want to recover from drugs, the internal factor is very influential. A strong desire from oneself to recover is the main key in healing, because mentors only provide encouragement and motivation, except for clients who suffer from mental illness or disorders, there will be treatment. If there is a client in Rumah Damai who is sick because of the effects of not taking drugs, the method must be fought and starting from yourself who fight it. Although according to Pak Rudi, people who have taken drugs cannot completely recover. There is a possibility that he will return to using the item, because he has used it before. In essence, it returns to each other's self, to stay away or will return to consuming it.

After conducting an interview with Pak Rudi as a mentor at Rumah Damai, then the author continued the interview with Mas Dedy as a drug addict who was rehabilitated at Rumah Damai. Mas Dedy is a 23-year-old male who lives in Pontianak, Central Kalimantan. According to the author, Mas Dedy is a person who is communicative enough to talk to. Mas Dedy has been at Rumah Damai for 6 months, he came to Rumah Damai in November 2018. The

family advised Mas Dedy to be rehabilitated at Rumah Damai Semarang. The family knows the Semarang Damai House because one of Mas Dedy's brothers knows the owner of the Damai House.

In the beginning, Mas Dedy used drugs, the one who introduced him was his friend. However, his friend never forced Mas Dedy to use these items. Until one day, Mas Dedy found out himself about drugs and then used them. Mas Dedy did this because it was a form of escape in search of happiness. Mas Dedy's father worked in Pelayaran, he rarely gets the attention of his parents, especially from his father. Everything Mas Dedy wanted was never given by his father, while Mas Dedy 's brother when asking for something was immediately given by his father. Mas Dedy felt that his parents didn't care about him and he felt lonely, not knowing who else he wanted to tell about the problems he was experiencing. Finally, at the age of 15 (fifteen) he made an escape by consuming drugs, according to Mas Dedy, maybe in that way he would get his own happiness even though only temporarily. At first Mas Dedy just wanted to experiment with drugs, but the longer he felt more addicted. The type of drug that was consumed by Mas Dedy was shabu. After consuming shabu, Mas Dedy felt calm and he got his own happiness.

Mas Dedy bought methamphetamine through a drug dealer. He told me that in Pontianak there is a place called Narcotics Village. In that village everyone sells drugs. The local police were aware of the place, but were left alone. Mas Dedy revealed that the police carried out raids or searches in the village one to two times a year, and according to Mas Dedy these raids or searches were carried out only when the police were about to be promoted. This was considered normal, even before the raids or

searches were held, the people in the village had already known about it, and there would have been one or two people who would be arrested by the police. Mas Dedy also became a drug dealer for two to three years when he was about to enter university. He said that the money given by his parents was actually sufficient, but according to him if he was addicted to drugs, he would always feel less and dissatisfied with the money given by his parents. Mas Dedy offered the item to his friends, but he never forced his friends to buy it. Mas Dedy took drugs from the age of fifteen to twenty-three years. At the ages of fifteen to twenty-three he took drugs two to three times a week. Then at the age of eighteen to twenty three years he almost consumed methamphetamine almost every day. Because according to Mas Dedy, he is getting older and going to university, so he starts to be far from his parents and out of control.

Mas Dedy did not take drugs because he was trapped from a criminal environment, but purely from himself. According to Mas Dedy, the environment is also very influential for people to use drugs. Mas Dedy knows that these items are from the environment, but he looks for these items himself, they are not obtained from other people. Mas Dedy said that he had received social sanctions, namely being ostracized and viewed as bad by the surrounding environment. Many of the parents whose children were not allowed to play with Mas Dedy and were kept away from him. Their parents think that a drug addict should hang out with fellow addicts too, because they have a world of their own. In the beginning, Mas Dedy's parents found out that their son became a drug addict in November 2018. They found out that Mas Dedy was a drug addict after eight years of using it. Finally, the family brought Mas Dedy to Rumah

Damai to be rehabilitated. Mas Dedy's family knew about Rumah Damai in Semarang because one of Mas Dedy's brothers knew the owner of Rumah Damai.

After Mas Dedy was at Rumah Damai and the first time he started to stop consuming shabu, the first effect he felt was sleep and eating patterns. Mas Dedy sleeps and eats more often, then if someone tells him about drugs, Mas Dedy will feel his hands turn cold and vibrate. This happened during the first one to two months that he came to the House of Peace, but now the effect is starting to fade. Mas Dedy's feelings when he was in Rumah Damai, he felt much calmer than outside. If outside, he feels a lot of pressure and still wants to consume the forbidden item. In addition, his life pattern became better, eating and sleeping became more regular. Mas Dedy plans after leaving Rumah Damai that he has a goal to continue his studies again, which was delayed. He wanted to continue his education in Semarang and did not want to return to Pontianak, because Mas Dedy was afraid he would fall into the same hole again and he chose to stay in Semarang.

The drug village referred to by the resource person is Kampung Beting. When they hear this name, what comes to the mind of Pontianak residents are negative things. Kampung Beting is located in East Pontianak District, precisely in the area where the Kapuas River and Landak River meet. This village is built on a wooden bridge that connects house to house. The residents of this village use water for their daily lives, such as for fishing, transportation, bathing, washing and so on. Kampung Beting is located near the Kraton Kadriah Palace and the Pontianak Jami Mosque. Like in Texas, a place with high crime rates, Kampung Beting can also be said to be like that. Kampung Beting is a

place that is rarely touched by police officers because the community there can be said to be anti-police considering that the criminals live there. This place is inhabited by drug dealers.

There have been many drug traffickers there who have been arrested by the police along with drug evidence. The criminals there thrive and are considered haunted areas prone to crime. The National Narcotics Agency (BNN) of Pontianak City estimates that from more than 3,000 residents of Kampung Beting, East Pontianak District, at least 200 of them have fallen into a circle of drug abuse. This area is considered as one of the pockets of drug trafficking in Pontianak City. So it is not surprising that Kampung Beting has been placed as a drug-prone area (Kompasiana, 2019).

From the events that occurred where there was a Narcotics Village which in other words could be referred to as a Narcotics Market that sold illegal drugs. Meanwhile, criminological studies examining the economic structure of the distribution of illegal drugs have focused on different market typologies, showing that there is not one drug market but a group of market types. Individual markets are dynamic and function differently from one another depending on drug type, national drug control policy, and enforcement intensity. This is largely a preventive function. If sellers are not concerned about law enforcement, they will publicly sell drugs on the open market where they are most easily accessible to buyers (Moeller, 2018). Things like this will become a natural thing if it is not stopped immediately and the eradication of drug crimes only becomes something that cannot be realized.

A person who is a substance abuse actor, has a psychiatric disorder and the course of treatment can be successful if treated

appropriately. Biology is an approach to treating someone who abuses drugs. There are several psychological factors that cause them to become exposed to drug abuse, including frustration, unable to make good use of free time, choosing wrong friends to hang out with, stress because they have many needs so they need entertainment or happiness (Deitch, Koutsenok, Ruiz, 2015). The same is the case with what happens to clients who undergo treatment at the Rumah Damai Foundation. Some of the psychological factors that arise from someone consuming drugs are also experienced by clients at the Rumah Damai Foundation. The recovery system and approach taken by the Rumah Damai Foundation are appropriate because the approach used does not necessarily judge the client, on the contrary, such as nurturing and motivating clients to recover quickly.

Several studies have concluded that drugs and crime are related. In research conducted at the UCLA Drug Abuse Research Center, it was concluded that crime is an inherent part of drug abuse and its use is always increasing in dependence on heroin, cocaine, amphetamines, and marijuana. Drug Treatment Courts (DTC) combine sanctions, drug treatment, and probation services for offenders who engage in drug abuse in an effort to reduce rates of drug use and crime (Gottferdson, Kearley, & Bushway, 2008). The Arrestee Drug Abuse Monitoring Program (ADAM) has data showing that cocaine is the type found among adult prisoners in large cities (McBride, VanderWaal, & Terry-McElrath, 2001). In addition, based on research conducted on students in the Lampung area, the type of drug that is often used by students is marijuana (Pandiangan, Sunarto, & Fathonah, 2017). It can be concluded that it has been strongly argued that crime is easy,

requires no special skills, and is driven largely by a lack of self-control and quick rewards. Drug abuse is one of the most typical violations of the law according to some investigators' debate (Nee, van Gelder, Otte, Vernham, & Meenaghan, 2019).

3. Case Correlation with The Theory of Criminology

Legislative provisions regulating the problem of narcotics and psychotropic substances have been drafted and enforced, however these crimes relating to narcotics and psychotropic substances cannot yet be mitigated. Narcotics and psychotropic crime as referred to in Law No. 5 of 1997 concerning Psychotropics, and Law No. 35 of 2009 concerning Narcotics provides quite heavy criminal sanctions, however in reality the perpetrators of crime are increasing, and for the convicts in reality are not deterred and there is a tendency to repeat them again. This can be caused by the existence of a criminal imposition factor that does not have a deterrent effect on the perpetrators.

Law enforcement with the aim of making people obey the law. Public obedience to the law is due to three things, namely: (1) fear of committing sins; (2) fear because the power of the authorities is related to the imperative nature of the law; (3) fear because of shame to do evil. Law enforcement by means of non-penal means has goals and objectives for internalization purposes (Lestari & Wahyuningsih, 2017).

Article 4 letter b of Law Number 35 Year 2009 concerning Narcotics has emphasized: "The Law on Narcotics aims to prevent, protect and save the Indonesian people from the abuse of Narcotics." The thing that should be desired through this Law is "to prevent, protect, and save the Indonesian people from the abuse of Narcotics." But in

reality (das sein), the aim of the Narcotics Law is not the case. The purpose of the Narcotics Law has not been successful in preventing, protecting and saving the Indonesian nation from the abuse of Narcotics.

Criminology is a science that has a scope of studies, among others; a. of people who commit crimes; b. cause of committing a crime; c. prevent crime; and D. ways of healing people who have done evil (Sutherland, 1969). From the research that the author has done, it can be found that there are studies related to the causes of committing crimes and ways to cure people who have committed crimes.

From the story that happened to the Rumah Damai Foundation client that the author has met, it is related to criminological theories. In which there are several kinds of criminological theories that have a correlation with case studies that have been conducted by writers at the Rumah Damai Foundation based on the perspective of modern criminal law science (Hagan, 1987), as follows:

1. *Differential Association Theory*

According to the ecological data of the Chicago School (Chicago School) and statistical data, in addition to being seen as a part of biology or sociology, crime is also viewed as a sociological field. In American society there is even a depression so that crime can arise from situations, opportunities, and values. In short, this differentiation association theory has two versions. The first version is presented in the third edition of the Principle of Criminology which describes its aspects as follows:

- a. Everyone will follow and accept behavior patterns that can be implemented.
- b. Failure to follow behavioral patterns creates inconsistencies and disharmony.

- c. Cultural conflict is a basic principle in explaining crime.

According to Edwin H. Sutherland, who put forward the second version of this theory, said that all behavior can be learned, meaning that nothing is inherited from parents. In the case experienced by Mas Dedy, the reason he was able to enter the world of drugs was because there was no inheritance from his parents. But it arose from his heart to use drugs because of depression due to the unfair treatment of his parents. In getting to know something related to drugs, Mas Dedy does not get influence from other people. But learn on their own. The statement regarding this theory is that this theory is able to explain how someone can be evil. In this case the correlation with Mas Dedy is that over time he takes drugs, there is a desire to keep on trying what is known as addiction. Therefore, he needed additional money to buy drugs. As a result, he had been a drug dealer or dealer for about two years. This is where the evil side of Mas Dedy is.

2. *Labeling Theory*

In this labeling theory distinguishes three forms of deviation. There are two forms of irregularities related to the case studies that the authors have done. The first is individual deviation, which is a deviation caused by internal psychological pressure. This is clear in fact, Mas Dedy has psychological pressure because of his parents' unfair treatment. The second is situational deviation, which is the result of stress or pressure from the situation. In this case stress is the result of the psychological pressure that Mas Dedy has experienced. In this theory it also explains why someone is labeled, there are two aspects that have been suggested by Howard S. Becker. The first is to explain why and how certain people are labeled. Mas Dedy was labeled as a drug

addict by some residents because of his frequent drug use. Residents think that drug addicts should only hang out with drug addicts. The second is the effect of the label as a consequence of behavioral deviations. This caused Mas Dedy to become a person who was shunned by some residents.

3. *Anomie Theory*

According to Emile Durkheim, this anomie theory is a state without norms. Where the community is not obeying the rules contained in society. This theory consists of three perspectives, namely:

- a. Humans are social creatures
- b. The existence of humans as social creatures
- c. Humans tend to live in society and its existence is very dependent on that society.

The prohibition related to drug abuse has been recognized in the laws and regulations. However, there are still many people who ignore these regulations so that a situation arises without norms because of the case experienced by Mas Dedy, he does not comply with the existing norms (Willian & McShane, 1988).

duties and powers. Some of these considerations include that both (criminal law and criminology) are based on the same premise. In Law no. 35 of 2009 on Narcotics, it is concluded that what can be said to be a narcotics crime is importing, exporting, planting, buying, producing, distributing, or using narcotics without supervision from the competent authority and these activities are contrary to the existing laws in Indonesia. From the case it can be concluded that the magnitude of the family's influence on a person's personality where the lack of attention or affection of parents for their children can cause the child to feel alienated, not feel loved, and choose other ways to vent the anger, anger that is too buried will make depression for the child so he is looking for ways how he can relieve the feeling of pressure / depression, so that one of the ways he takes is drugs. Another factor is the environment at play or a supportive friend to fall deeper into a drug black hole. In addition, easy access to drugs due to lack of supervision and weak law enforcement is another factor, which indirectly supports drug users to fall deeper.

Conclusion

Criminology can be defined as a science that discusses crime in which it discusses how a crime arises, how the pattern of a crime is, and also how to deal with a crime. Criminal law as a normative discipline studies actions or actions that are expressly stated in legislation as crimes or violations which can later be subject to criminal sanctions or criminal penalties. Criminal law and criminology have a positive correlation with several considerations as an instrument as well as a means of state power in carrying out its

Suggestion

An improvement should be made to the drug prevention and control system, seeing that the existing law enforcement officers do not make more efforts. Based on the statement we got from the source, where the victim of drugs, the apparatus only allowed the Narcotics Village in Pontianak, while the raids were only carried out as a formality by scapegoating only one of the many drug sellers there. With the discovery of the causal factors of Narcotics crimes and efforts to overcome them, the police and BNN should know the criminogen factors of

Narcotics crimes so that they can identify the causes of the increasing number of perpetrators.

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QUOTE

The mentality and behavior of drug addicts and alcoholics is wholly irrational until you understand that they are completely powerless over their addiction.

Russell Brand

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