



## JURIDICAL ANALYSIS OF APPLICATION OF NARCOTIC REHABILITATION THROUGH INTEGRATED ASSESSMENT OF NARCOTICS ABUSERS IN THE RIAU ISLANDS

(Research Study at the National Narcotics Agency of the Riau Islands Province)

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### Abstract

*The aspect of punishment given to Narcotics Addicts is intended to provide treatment (treatment) and improvement (rehabilitation) not just punishment. Because basically narcotics abusers or addicts are perpetrators of narcotics abuse crimes as well as victims of their own actions. the legal arrangement for the application of narcotics rehabilitation through an integrated assessment of narcotics abusers in the Riau Islands (Research Study at the National Narcotics Agency of the Riau Islands Province) has been running as expected, but the facts on the ground still encounter obstacles. , especially in law enforcement. Therefore, it is hoped that law enforcers can carry out their duties optimally so that the obstacles they face can be minimized.*

Keywords: *Narcotics, Assessment, Rehabilitation*

### 1. INTRODUCTION

Integrated assessment is a stage carried out by investigators to conduct an assessment to prove a narcotics abuser is classified as an addict or a victim of narcotics abuse in law enforcement of narcotics abuse crimes. The integrated assessment of drug abusers is like a visum et repertum. Visum et repertum is used by investigators to complete the Minutes of Investigation (BAP) which contains information on the causes of the action. In the case of drugs, visum et repertum can be called an assessment. Memorandum of Understanding/Joint Regulations of 7 (seven) State Institutions, namely between the Chief Justice of the Supreme Court of the Republic of Indonesia Number 01/PB/MA/III/2014, the Minister of Law and Human Rights of the Republic of Indonesia Number 03 of 2014, the Minister of Health of the Republic of Indonesia Number 11 /Year 2014,

The purpose of the Joint Regulation of 7 (seven) State Institutions is to guarantee efforts to regulate medical and social rehabilitation for narcotics abusers and addicts and to realize optimal coordination and cooperation between law enforcement agencies in the context of solving narcotics problems and eradicating narcotics illicit trafficking through handling suspects, defendants or convicts of narcotics abuse with treatment, care and recovery programs. This is suspected to be an easy choice for law enforcers in dealing with narcotics abuse crimes, rather than having to go through a long process of law enforcement to place a suspected abuser into the rehabilitation system through an integrated assessment process. An Integrated Assessment Team consisting of a Doctor Team and a Legal Team.

While the legal team consists of 1 (one) person each consisting of an element of the Indonesian National Police (appointed by the Director IV of Drugs, the Director of Drugs at the Regional Police, or the Head of the Narcotics Unit of the Resort Police), elements of the National Narcotics Agency (other investigators appointed by the Deputy for Eradication/Head of BNNP / BNNK), elements of the Prosecutor's Office (appointed prosecutor), and Kemenkumham (BAPAS) if the suspect is a child. This Integrated Assessment Team works under the coordination of the National Narcotics Agency at the central level or the Central National Narcotics Agency at the regional/provincial level. The Integrated Assessment Team starts work after a written request from the investigator is copied to the head of the National Narcotics Agency at the scene of the case. The team of doctors examined aspects related to the addiction level of a drug abuser,

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The results of the examination by the Integrated Assessment Team are in the form of recommendations which are then included in the Minutes of Investigation (BAP) of suspected narcotics abusers. The results of this recommendation can be in the form of determining rehabilitation if the suspect can be proven as a victim of narcotics abuse or in the form of court documents that are part of the judge's consideration in deciding the punishment for narcotics abusers in accordance with the direction of Article 103 of the Narcotics Law. Based on data from the Ministry of Law and Human Rights, until 2020 there are 20,000 narcotics abusers or addicts sentenced to prison. So far, in law enforcement of the crime of narcotics abuse,

## 2. IMPLEMENTATION METHOD

In writing this research, the author uses empirical or sociological legal research methods. This research is based on primary data / basic data, namely data obtained directly from the community as the first source through field research. Primary data was obtained through field research, for example through observation, interviews and distributing questionnaires. Sociological legal research can be realized in research on the effectiveness of the current law or research on legal identification.

## 3. RESULTS AND DISCUSSION

Legal Arrangements for the Implementation of Narcotics Rehabilitation through an Integrated Assessment of Narcotics Abusers in the Riau Archipelago Region that is in accordance with the applicable rules for law enforcement of criminal acts. Articles are layered starting from the Indonesian criminal law code, the Criminal Code (KUHP); the Criminal Procedure Code (KUHP); Law Number 35 of 2009 concerning Narcotics which was revised over Law Number 22 of 1997 concerning Narcotics and also covers the classification of narcotics groups I and II in Law Number 5 of 1997 concerning Psychotropics, was promulgated on October 12, 2009 and placed in (State Gazette of the Republic of Indonesia Year 2009 Number 143 and an additional Sheet of the Republic of Indonesia numbered 5062); Government Regulation of the Republic of Indonesia Number 25 of 2011 concerning Implementation of Compulsory Reporting of Narcotics Addicts; Supreme Court Circular No. 04 of 2010 jo. Circular Letter of the Supreme Court Number 03 of 2011 concerning Placement of Victims of Abuse in Medical Rehabilitation and Social Rehabilitation Institutions; Circular Letter of the Attorney General Number 02 of 2013 concerning Placement of Victims of Abuse to Social Rehabilitation Institutions; Joint Regulation of the Chief Justice of the Republic of Indonesia, the Minister of Law and Human Rights of the Republic of Indonesia, the Minister of Health of the Republic of Indonesia, the Minister of Social Affairs of the Republic of Indonesia, the Attorney General of the Republic of Indonesia, the Head of the Police of the Republic of Indonesia and the Head of the National Narcotics Agency of the Republic of Indonesia; Regulation of the Minister of Health of the Republic of Indonesia Number 80 of 2014 concerning Technical Guidelines for the Implementation of Medical Rehabilitation for Addicts, Abusers and Victims of Narcotics Abuse who are in the Process of Investigation, Prosecution and Trial or Have Obtained a Court Decision; Regulation of the Head of the National Narcotics Agency Number 11 of 2014 concerning Procedures for Handling Narcotics Addicts and Victims of Narcotics Abuse in Rehabilitation Institutions. This can be seen from the number of cases that have been handled by the National Narcotics Agency of the Riau Islands Province in the last four years with the number of cases increasing every year. Prosecution and Trial or Have Obtained a Court Decision / Decision; Regulation of the Head of the National Narcotics Agency Number 11 of 2014 concerning Procedures for Handling Narcotics Addicts and Victims of Narcotics Abuse in Rehabilitation Institutions. This can be seen from the number of cases that have been handled by the National Narcotics Agency of the Riau Islands Province in the last four years with the number of cases increasing every year. Prosecution and Trial or Have Obtained a Court Decision / Decision; Regulation of the Head of the National Narcotics Agency Number 11 of 2014 concerning



Procedures for Handling Narcotics Addicts and Victims of Narcotics Abuse in Rehabilitation Institutions. This can be seen from the number of cases that have been handled by the National Narcotics Agency of the Riau Islands Province in the last four years with the number of cases increasing every year.

Implementation of the Implementation of Narcotics Rehabilitation through Integrated Assessment of Narcotics Abusers in the Riau Islands Region (Research Study at the National Narcotics Agency of Riau Islands Province) that the implementation of the Implementation of Integrated Assessment in Law Enforcement Against Narcotics Abusers in the Riau Islands Region (Research Study at the National Narcotics Agency Riau Archipelago Province) is in accordance with the rules established by law, but the reality on the ground is that there are still many obstacles.

Factors Constraints/Barriers and Solutions to Implementing Narcotics Rehabilitation through an Integrated Assessment of Narcotics Abusers in the Riau Archipelago Region (Research Study at the National Narcotics Agency of Riau Islands Province) The things that become obstacles in the implementation of overcoming narcotics abuse which in this study are specifically carried out by the National Narcotics Agency of the Riau Islands Province are as follows:

#### 1. Public

The Law on Narcotics also specifically regulates the provisions on community participation in carrying out efforts to prevent narcotics abuse in the community, namely in Chapter XIII concerning community participation. As in Article 104 which states that the community has the widest opportunity to participate in helping the prevention and eradication of abuse and illicit trafficking of Narcotics and Narcotics Precursors. Article 106 of the Law on Narcotics states that the rights of the community in efforts to prevent and eradicate abuse and illicit trafficking of narcotics and narcotics precursors are realized in the form of:

- a. Seek, obtain, and provide information on allegations of criminal acts of Narcotics and Narcotics Precursors;
- b. Obtaining services in searching for, obtaining, and providing information regarding allegations of Narcotics and Narcotics Precursor criminal acts to law enforcement or BNN handling narcotics and narcotics precursor criminal cases;
- c. Delivering suggestions and opinions responsibly to law enforcement or BNN which handles narcotics crime cases and narcotics precursors;
- d. Obtain answers to questions about their reports submitted to law enforcement or BNN;
- e. obtain legal protection when the person concerned exercises his/her rights or is asked to be present in the judicial process.

#### 2. Family

The factor that can also be an obstacle to overcoming narcotics abuse is the family, because many parents or other family members are reluctant to report their children or family members who are known to consume or even become narcotics dealers. This is to protect family members or to avoid being ridiculed or socially sanctioned from other communities if one of their families is a drug user or dealer. And it is also possible that the act of drug abuse was carried out by one family.

#### 3. Narcotics Supplies

The large number of requests for narcotics by the public causes the perpetrators to continue to seek the availability of the narcotics themselves, because these narcotics can cause high dependence so that many users will continue to seek narcotics because in Indonesia alone narcotics can only be given to certain patients in accordance with the doctor's provisions and only for development. science and technology.

#### 4. Advances in Science and Technology

Along with the development of science and technology in today's era where it is very easy for people to be able to connect with each other, the modes of crime are increasingly diverse, including narcotics. Narcotics transactions are currently very sophisticated, the perpetrators take advantage of internet facilities using the latest social media such as Whatsapp, Line, Blackberry

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Messenger, or it can also be via SMS or telephone and send the money through the perpetrator's account, if the money has been sent the perpetrator will notify the buyer and put the narcotics in a place so that the buyer can take it, so that the dealer and the user do not meet face to face. This of course will hinder the prevention of narcotics abuse, especially for investigators because they cannot immediately arrest both perpetrators at once.

5. Coordination with related institutions

The National Narcotics Agency of the Riau Archipelago Province in carrying out each of its activities must first coordinate with related institutions, this will certainly add to the long process, but if it does not coordinate then this will certainly have an impact such as wasting the budget, because each institution, both BNN and the police will both carry out investigations, which will cost money in intelligence activities to reveal the case, but without clear coordination, each of them may have the same target of operations.

6. Facilities and infrastructure

Facilities and infrastructure at the BNN in the Riau Islands Province are still very limited, starting from a place of detention at the BNN in the Riau Islands Province which is still limited so that it is not sufficient to accommodate narcotics abusers who are still in the legal process, for example in a legal process it takes a long time while in Usually new cases have entered so that it is not sufficient to accommodate the increasing number of perpetrators.

7. Human Resources at BNN Riau Islands Province

Human resources at BNN Riau Islands Province are also still very limited. The number of Human Resources at the start of its formation there were only eight personnel. They were determined by the Decree of the Head of the National Narcotics Agency Number: Kep/51/IV/2011/BNN dated April 19, 2011, concerning Appointments in Positions within the National Narcotics Agency, which among others appointed Echelon II-A, III-A and IV-Structural Officials. A at BNN Riau Islands Province. The decision is a follow-up to the Legislation by considering the proposal of the Governor of the Riau Islands.

8. Rehabilitation and Post-rehabilitation

The rehabilitation program, both medically and socially, carried out by the BNN in the Riau Islands Province also faced obstacles, including the lack of willingness to self-report narcotics users to want to carry out medical or social rehabilitation because they were afraid that later they would receive criminal penalties as well. Then the number of narcotics users who were rehabilitated turned out to have exceeded the capacity of the rehabilitation center.

9. Budget

The problem that is also a major obstacle in overcoming narcotics abuse, especially that carried out by the Riau Islands Province BNN is the problem related to budget funds. Budget planning cannot be determined directly for a certain period because in one period it is impossible to know how many cases will be revealed, the number of perpetrators because of this cannot be ascertained. Meanwhile, in one case for one perpetrator of a criminal act, it usually requires a large amount of funds, plus costs for rehabilitation, both medical rehabilitation and social rehabilitation.

**4. CONCLUSION**

The legal arrangement for the application of narcotics rehabilitation through an integrated assessment of narcotics abusers in the Riau Archipelago (Research Study at the National Narcotics Agency of the Riau Islands Province) is in accordance with the applicable laws in Indonesia, namely based on the 1945 Constitution of the Republic of Indonesia, the Indonesian Book of - Criminal Law (KUHP); the Criminal Procedure Code (KUHAP); Law Number 35 of 2009 concerning Narcotics which was revised over Law Number 22 of 1997 concerning Narcotics and also covers the classification of narcotics groups I and II in Law Number 5 of 1997 concerning



Psychotropics, was promulgated on October 12, 2009 and placed in (State Gazette of the Republic of Indonesia Year 2009 Number 143 and an additional Sheet of the Republic of Indonesia numbered 5062); Government Regulation of the Republic of Indonesia Number 25 of 2011 concerning Implementation of Compulsory Reporting of Narcotics Addicts; Supreme Court Circular No. 04 of 2010 jo. Circular Letter of the Supreme Court Number 03 of 2011 concerning Placement of Victims of Abuse in Medical Rehabilitation and Social Rehabilitation Institutions; Circular Letter of the Attorney General Number 02 of 2013 concerning Placement of Victims of Abuse to Social Rehabilitation Institutions; Joint Regulation of the Chief Justice of the Republic of Indonesia, the Minister of Law and Human Rights of the Republic of Indonesia, the Minister of Health of the Republic of Indonesia, the Minister of Social Affairs of the Republic of Indonesia, the Attorney General of the Republic of Indonesia, the Head of the Police of the Republic of Indonesia and the Head of the National Narcotics Agency of the Republic of Indonesia; Regulation of the Minister of Health of the Republic of Indonesia Number 80 of 2014 concerning Technical Guidelines for the Implementation of Medical Rehabilitation for Addicts, Abusers and Victims of Narcotics Abuse who are in the Process of Investigation, Prosecution and Trial or Have Obtained a Court Decision; Regulation of the Head of the National Narcotics Agency Number 11 of 2014 concerning Procedures for Handling Narcotics Addicts and Victims of Narcotics Abuse in Rehabilitation Institutions.

Implementation of the Implementation of Narcotics Rehabilitation through an Integrated Assessment of Narcotics Abusers in the Riau Islands Region (Research Study at the National Narcotics Agency of the Riau Islands Province) has been going well but in reality in the field there are still many cases of criminal acts of narcotics abuse in the Riau Islands.

Factors that become obstacles/obstacles as well as solutions in the application of narcotics rehabilitation through an integrated assessment of drug abusers in the Riau Archipelago Region (Research Study at the National Narcotics Agency of the Riau Islands Province), as for the factors that become obstacles in implementing the Integrated Assessment of Abuse Narcotics are as follows: Society, Family, Narcotics Supplies, Narcotics Network and Advances in Science and Technology.

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