

## **JURIDICAL ANALYSIS OF HANDLING VICTIMS OF NARCOTICS ABUSE THROUGH REHABILITATION IN A LAW ENFORCEMENT PERSPECTIVE (RESEARCH STUDY AT THE NATIONAL NARCOTICS AGENCY RIAU ISLANDS PROVINCE)**

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### **Abstract**

The practice of rehabilitation for narcotics abusers is still not in accordance with existing laws and regulations, namely that existing regulations are supposed to rehabilitate users who abuse narcotics, but this provision is never implemented, more perpetrators/victims are convicted than rehabilitated. Bearing in mind that Articles 56, 57, 58, 59 concerning Narcotics require that narcotics addicts and victims of narcotics abuse must undergo medical rehabilitation and social rehabilitation, so that narcotics abusers do not experience narcotics addiction again, both mentally and socially. The results of the research found that the Riu Islands Province National Narcotics Agency (BNN) carried out rehabilitation efforts according to applicable regulations, namely that there were still many addicts who refused to be isolated in a rehabilitation center. This happens because most narcotics addicts consider life in rehabilitation to be suffering for those who are still in the addiction stage, especially when going through a state of withdrawal. It turns out that the addict has experienced a semi-insane condition (dual diagnosis) or has experienced a serious illness that requires special medical treatment.

**Keywords:** *Rehabilitation, Narcotics Abuse, Law Enforcement*

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### **1. INTRODUCTION**

Law number 35 of 2009 concerning narcotics regulates 2 (two) provisions for narcotics abusers, the first provision is the obligation of rehabilitation and the second is the sanction of imprisonment, medical rehabilitation according to article 1 paragraph 16 of Law number 35 of 2009 concerning Narcotics is an integrated activity to free addicts from narcotics dependence, meanwhile social rehabilitation according to article 1 paragraph 17 of Law number 35 of 2009 concerning narcotics is an integrated process of recovery activities, both physical, mental and social so that former narcotics addicts can return carry out social functions in community life. In response to this, the government in formulating the narcotics law has included rehabilitation in the law. can be seen in article 54 of Law Number 35 of 2009 on Narcotics which states "narcotics addicts and victims of narcotics abuse are required to undergo medical rehabilitation and social rehabilitation. A part from that, in the form of medical rehabilitation which can be obtained in hospitals and certain rehabilitation institutions appointed by the minister (article 56), social rehabilitation which can be obtained in government agencies or the community (article 58). In this case what is meant by government agencies is, for example, narcotics correctional institutions. The formulation of the articles is sufficient. The only thing that needs to be examined is whether in practice in the field they are ready to accept the judge's decision, decision and order as mandated in the article.

This shows that basically all laws aim to create harmony, order, legal certainty and so on in social life. However, in one case, criminal law shows that there is a difference from other laws in general, namely that in it people recognize that there is an intention to give a legal consequence in the form of a bijzondere leed or a special suffering in the form of a punishment to them. who has committed a violation or prohibition specified therein. This proaction was symbolized by the

publication of Law Number 7 of 1997 concerning the ratification of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 (United Nations Convention on Eradicating Illicit Traffic in Narcotics and Psychotropic Substances, 1988) as well as laws law number 8 of 1976 concerning the ratification of the 1961 single narcotics convention and the 1972 protocol which amended it. The aim of criminal law to improve human behavior is quite conflicted with the current conditions in Indonesia.

When deciding cases as intended in paragraph (1), the judge is obliged to pay attention to the provisions as intended in article 54, article 55 and article 103. (2) in the event that the abuser as intended in paragraph (1) can be proven or proven to be a victim of narcotics abuse. These persons are required to undergo medical rehabilitation and social rehabilitation, because in the articles relating to Article 127, there is also the possibility of imposing sanctions for rehabilitation measures by a judge. The article in question is Article 54 of Law no. 35 of 2009 concerning Narcotics, which states, "narcotics addicts are obliged to undergo medical rehabilitation and social rehabilitation in narcotics addiction rehabilitation centers. Furthermore, article 103 of Law No. 35 of 2009 concerning Narcotics states: (1) judges who examine cases of narcotics addicts can :

- a. Decide to order the person concerned to undergo treatment and/or care through rehabilitation if the narcotics addict is proven guilty of committing a narcotics crime; or
- b. Determine to order the person concerned to undergo treatment and/or care through rehabilitation if the narcotics addict is not proven guilty of committing a narcotics crime. (2) the period undergoing treatment and/or care for narcotics addicts as referred to in paragraph (1) letter a is counted as the period serving a sentence.

Always a concern in efforts to implement the law is law enforcement, which gets a lot of attention, especially the role of the state in taking responsibility for fighting narcotics crimes. Based on this background of thought, the problem can be formulated as follows:

- a. How does law enforcement handle victims of narcotics abuse through rehabilitation from a law enforcement perspective?
- b. How is the implementation of handling victims of narcotics abuse through rehabilitation from a law enforcement perspective?
- c. What factors are the obstacles/obstacles and solutions to the treatment of narcotics abuse victims through rehabilitation from a law enforcement perspective?

## **2. IMPLEMENTATION METHOD**

The research method explains the entire series of activities that will be carried out in order to answer the main problem to prove the assumptions put forward. The research method used in this research is combined normative and empirical research with a juridical approach.

## **3. RESULTS AND DISCUSSION**

### **Legal Regulations Law Enforcement Handling Victims of Narcotics Abuse Through Rehabilitation from a Law Enforcement Perspective**

Provisions regarding rehabilitation of narcotics addicts are regulated in Law Number 22 of 1997, Supreme Court Circular Letter Number 07 of 2009 and Law Number 35 of 2009 and the most recent is the issuance of Supreme Court Circular Letter Number 04 of 2010 which is a revision of Supreme Court Circular Letter Number 07 of 2009. Before the issuance of Law Number 35 of 2009, provisions regarding the rehabilitation of narcotics addicts were regulated in Articles 45 and 47 of Law Number 22 of 1997: Article 45 "Narcotics addicts must undergo treatment and/or care". Article 47 explains 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 narcotics crime: or

- b. Determine to order the person concerned to undergo treatment and/or care, if the narcotics addict is not proven guilty of committing a narcotics crime.
2. The period undergoing treatment and/or care for narcotics addicts as referred to in paragraph (1) letter a, is counted as the period serving a sentence.

Then, in the Supreme Court Circular Letter Nornor 07 of 2009, he appealed to judges who examine the cases of narcotics addicts to apply the provisions of Article 47 of Law Nornor 22 of 1997 concerning Narcotics which contains rehabilitation measures that are ordered to be undertaken by narcotics addicts. This is based on the consideration that the majority of convicts and detainees in drug cases fall into the category of users or even victims who, if seen from the aspect of their health, are actually people who are suffering from illness, therefore imprisoning the person concerned is not an appropriate step for the purposes of care and treatment.

The Indonesian state, in achieving its legal ideals, is in accordance with Article 27 paragraph (I) of the 1945 Constitution of the Republic of Indonesia which reads, "All citizens of the same position in the law and government are obliged to uphold the law and government without exception." In this way, every attitude, policy and behavior of state agents and residents (citizens and foreigners) must be based on and in accordance with the law. The difference between criminal law and other areas of law is that criminal law sanctions are the deliberate threat of suffering. Crime is a reaction to an offense, and this takes the form of suffering that the state deliberately inflicts on the perpetrator of the offense.

Treatment through rehabilitation methods is confirmed in Law no. 35 of 2009 concerning Narcotics clearly states that for the purposes of treatment and medical indications, the only types of narcotics that can be owned, stored or carried are Class II and Class III narcotics. Then Law no. 35 of 2009 also states that those who are obliged to carry out medical rehabilitation and social rehabilitation are not only narcotics addicts as in Law No. 35 of 2009 but also victims of abuse. Then in Article 55 paragraph (2) it is stated that Narcotics Addicts who are old enough are obliged to report themselves or be reported by their families to public health centers, hospitals, and/or medical and social rehabilitation institutions appointed by the Government to receive treatment and/or treatment through medical rehabilitation and social rehabilitation

The judge's authority to hear cases submitted to him originates from the provisions in Article 10 paragraph (1) of Law no. 48 of 2009 on Judicial Power, which states that, "Courts are prohibited from refusing to examine, try and decide on a case submitted on the pretext that the law does not exist or is unclear, but is obliged to examine and try it, on the shoulders of judges there are obligations and responsibilities responsible for ensuring that law and justice are upheld, whether based on written law or unwritten law, nothing should conflict with the principles and principles of justice based on God Almighty. Seekers of justice come to him to ask for justice. If he does not find written law, he obliged to explore unwritten laws, to make decisions based on the law as a wise person and fully responsible to God Almighty, oneself, society, nation and state." The judge is a central figure in judging and imposing sanctions on perpetrators of criminal acts. Adjudicating is a series of actions by judges to receive, examine and decide criminal cases based on the principles of freedom, honesty and impartiality in court hearings. In accordance with Law no. 48 of 2009 concerning Judicial Power", Article 5 paragraph (1) states that, "Constitutional judges and justices are obliged to explore, follow and understand the legal values and sense of justice that exist in society. In Article 5 paragraph (2), "Constitutional judges and justices must have integrity and a personality that is beyond reproach, honest, fair, professional and experienced in the legal field.

Based on this article, it is the main foundation for judges in deciding a case to provide decisions that are objective, authoritative and acceptable to the public. The criminal act of abusing narcotics for oneself is regulated in Article 127 of Law no. 35 of 2009 concerning Narcotics, which reads: (1) Every Abuser:

1. Class I narcotics for oneself is punishable by a maximum imprisonment of 4 (four) years;
  2. Class II Narcotics for oneself is punishable by a maximum imprisonment of 2 (two) years;
- And

3. Class III narcotics for oneself is punishable by a maximum imprisonment of 1 (one) year.

In deciding cases as intended in paragraph (1), the judge is obliged to pay attention to the provisions as intended in Article 54, Article 55 and Article 103. (2) In the event that the abuser as intended in paragraph (1) can be proven or proven to be a victim of Narcotics abuse, Abusers are required to undergo medical rehabilitation and social rehabilitation. Criminal sanctions are in the form of imprisonment which can be imposed by a judge. However, the judge is also given the possibility not to impose a prison sentence, because in the articles relating to Article 127, there is also the possibility of imposing sanctions for rehabilitation measures by the judge.

The article in question is Article 54 of Law no. 35 of 2009, which states, "Narcotics addicts are required to undergo medical rehabilitation and social rehabilitation in narcotics addiction rehabilitation centers. Furthermore, Article 103 of Law No. 35 of 2009 states: (1) Judges who examine cases of Narcotics Addicts can:

- a. Decide to order the person concerned to undergo treatment and/or care through rehabilitation if the Narcotics Addict is proven guilty of committing a Narcotics crime; or
- b. Determine to order the person concerned to undergo treatment and/or care through rehabilitation if the Narcotics Addict is not proven guilty of committing a Narcotics crime.

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

Always a concern in efforts to implement the law is law enforcement, which gets a lot of attention, especially the role of the State in taking responsibility for fighting narcotics crimes. In the process of examining narcotics crime cases at trial, it is very necessary for the judge's confidence to be supported by 2 (two) valid pieces of evidence, namely the correspondence between the evidence and the evidence, as well as the evidence and the evidence, so that the correspondence between the evidence, evidence, and the judge's belief are a very important organ in resolving narcotics crime cases, they cannot be separated from each other. Handling of narcotics evidence at the court examination stage according to the provisions of the Criminal Procedure Code relating to evidence Instructions with large or small amounts included to be presented at trial are one of the bases for the Panel of Judges in making a decision whether the defendant is proven to be a narcotics dealer or user.

Furthermore, in the new Law on Narcotics, namely Law no. 35 of 2009 provisions regarding personal abuse of narcotics are regulated in Article 127 which states:

1. Any Abuse:
  - a. Class I narcotics for oneself is punishable by a maximum imprisonment of 4 (four) years:
  - b. Class II narcotics for oneself is punishable by a maximum imprisonment of 2 (two) years:  
And
  - c. Class III narcotics for oneself is punishable by a maximum imprisonment of I (one) year.
2. In deciding cases as intended in paragraph (1) the judge is obliged to pay attention to the provisions as intended in Article 54, Article 55 and Article 103.
3. In the event that the abuser as intended in paragraph (1) can be proven or proven to be a victim of narcotics abuse, the abuser is obliged to undergo medical rehabilitation and social rehabilitation.

Then, the provisions regarding the imposition of rehabilitation sentences on narcotics addicts are regulated in Article 103, namely that

1. The judge who examines the case of a Narcotics Addict can:
  - a. Decide to order the person concerned to undergo treatment and/or care through rehabilitation if the Narcotics Addict is proven guilty of committing a Narcotics crime: or
  - b. Determine to order the person concerned to undergo treatment and/or care through rehabilitation if the Narcotics Addict is not proven guilty of committing a Narcotics crime.

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

Double in the formulation of sanctions for narcotics abuse is criminal law policy in the formula: provisions governing sanctions given to perpetrators of narcotics abuse, namely in the form of criminal sanctions and action sanctions considering that perpetrators of narcotics abuse have a slightly different position from perpetrators of other criminal acts.

On the one hand, he is the perpetrator of a criminal act that must be punished, but on the other hand, he is the victim of the criminal act he himself committed, so action in the form of rehabilitation needs to be taken. Determining sanctions for narcotics addicts, whether criminal sanctions or action sanctions will be applied, is in the hands of the judge. Because based on the provisions of the narcotics law which gives the im the right to determine whether to impose a prison sentence or rehabilitation measures on the narcotics addict.

### **Implementation of Handling Victims of Narcotics Abuse Through Rehabilitation from a Law Enforcement Perspective**

The provisions for the issuance of Law Number 35 of 2009 which regulates provisions regarding decisions ordering narcotics users to undergo rehabilitation are explained in article 54 and article 103 which read, among other things:

Article 54 explains: Narcotics addicts and victims of narcotics abuse are required to undergo medical rehabilitation and social rehabilitation. And Article 103 explains:

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

#### **a. Mechanisms and Stages for Narcotics Addicts and Victims of Narcotics Abuse**

The Narcotics Abuse Rehabilitation Stage is the stage where Narcotics Addicts and Narcotics Abuse Victims receive medical rehabilitation and social rehabilitation with several integrated treatment processes and integrated recovery carried out by rehabilitation institutions in order to free Narcotics Addicts and Narcotics Abuse Victims from Narcotics dependence and can carry out social function returns in society. Regarding the issue of rehabilitation being implemented, Article 57 of Law Number 35 of 2009 concerning Narcotics also explains, apart from through rehabilitation and social rehabilitation, Narcotics Addicts and Narcotics Abuse Victims also by government agencies or the community through religious and traditional approaches. This means that religious and traditional approaches are also very important to apply to Narcotics Addicts and Victims of Narcotics Abuse.

This rehabilitation treatment is a stage where Narcotics Addicts and Victims of Narcotics Abuse receive counseling and education from the authorities, so that they can understand the dangers of Narcotics themselves, and can recover from Narcotics dependence, and can return to carrying out social functions in society, as intended. from the rehabilitation process itself for Narcotics Addicts and Victims of Narcotics Abuse. In terms of stages regarding rehabilitation, in this stage counseling and education is implemented.

The treatment in the rehabilitation stage for Narcotics Addicts and Victims of Narcotics Abuse is:

1. Initial Acceptance Stage

This is the examination stage to determine the diagnosis and treatment plan. Services provided include: interviews (can be carried out with families), physical examinations, psychological examinations, and laboratory examinations.

2. Detoxification Stage

This is the stage of eliminating toxins (drug effects) in the client's body. In this stage, medical therapy is more dominant. In several community-based rehabilitation services, the common therapeutic modalities are cold turkey, traditional, spiritual.

3. Pre-Rehabilitation Stage

This is a preparatory stage for clients to enter the next rehabilitation program. In this stage, testing (assessment) is carried out, in the form of psychological tests, anamnesis and individual counseling, which can support the diagnosis, prognosis and action plan (treatment plan).

4. Coaching and Guidance Stage

The goal of this stage is to change maladaptive behavior into addictive behavior. The coaching includes physical, mental/psychological, social/spiritual guidance, through individual, group and family counseling.

5. Reintegration Stage

The preparation stage before the client is returned to the family and community. In this stage, clients are included in social activities and are directly involved with the community.

6. Advanced Guidance Stage

The client has returned to home or the community, and is still required to make contact with the relevant counselor as needed to monitor the progress of recovery.

7. Integration Stage into Society

This is the final stage for clients after being deemed capable of standing independently and carrying out their functions in society without guidance. After looking at the rehabilitation stages of narcotics abuse, the rehabilitation stages are an effort to process treatment and recovery for narcotics addicts and victims of narcotics abuse carried out by the authorities in the rehabilitation institution to achieve the goal of the rehabilitation so that narcotics addicts and victims of narcotics abuse can recover from narcotics dependence and be able to carry out their functions in society again, and not use narcotics again.

This stage is an effort to handle rehabilitation for Narcotics Addicts and Victims of Narcotics Abuse carried out by the Integrated Assessment Team for Narcotics Addicts and Victims of Narcotics Abuse so that they can recover from dependence on Narcotics themselves. And a Narcotics Addict and Victim of Narcotics Abuse can be said to have recovered if he or she has fulfilled the requirements given by the authorized institution as explained in the previous chapter. Rehabilitation treatment is also an action carried out by the authorities here in the form of assistance to Narcotics Addicts and Victims of Narcotics Abuse to free them from Narcotics dependency itself and to protect human resources from Narcotics abuse and illicit traffickers, so that they can recover from Narcotics dependency itself, so that they can live a better life and not repeat their actions in terms of Narcotics Crimes.

The recovery of Narcotics Addicts and Victims of Narcotics Abuse is a goal of the rehabilitation process. However, Narcotics Addicts must meet several benchmarks in terms of being able to be said to have recovered from the Narcotics substance itself, regarding the benefits of the rehabilitation decision in Narcotics Crimes, namely not using Narcotics again (Drugs Free), meaning that the Narcotics Addict and Victim of Narcotics Abuse is free from the substance. Narcotics and not taking them again. Then next, do not commit criminal acts (Criminalize Free), meaning that Narcotics Addicts and Narcotics Abuse Victims who have recovered no longer

commit criminal acts related to Narcotics crimes, for example an addict abuses other people because he wants to get money which he intends to buy drugs. the. Next, live a healthy life (Healthy Life Style), meaning that Narcotics Addicts and Narcotics Abuse Victims who have been said to have recovered have returned to their normal lives as usual. And the last one is more productive (Productivity), meaning that Narcotics Addicts who have recovered must be able to stand on their own and be able to carry out their functions again in society and normal life, and can be more beneficial for themselves, their families and the surrounding community.

#### **b. Rehabilitation Determination Through a Non-Judicial Process (Assessment Process)**

According to Government Regulation Number 25 of 2011 concerning the Implementation of Mandatory Reporting for Narcotics Addicts, mandatory reporting is the activity of self-reporting carried out by Narcotics Addicts who are of legal age or their families, and/or parents or guardians of Narcotics Addicts who are not yet old enough to the receiving institution. must report to receive treatment and/or care through medical rehabilitation and social rehabilitation.

The implementation of mandatory reporting is an action that requires every Narcotics Addict and Narcotics Abuse Victim, who here can also be considered an addict because they consume Narcotics, to be rehabilitated, as an effort to recover Narcotics Addicts and Narcotics Abuse Victims from Narcotics addiction. Apart from that, this mandatory reporting also serves as protection for Narcotics Addicts and Victims of Narcotics Abuse so that it can help reduce Narcotics abuse and imprisonment.

Because of course the participation of oneself, family and society itself is very important in eradicating narcotics, and if narcotics addicts and victims of narcotics abuse report themselves voluntarily, they will not be imprisoned, but will be rehabilitated. This Government Regulation also explains the Government Institution for Mandatory Reporting (IPWL), which is appointed by the government to carry out the implementation of the mandatory reporting of narcotics addicts. As explained in this Government Regulation, IPWL itself is a public health center, hospital, and/or medical rehabilitation and social rehabilitation institution, which is authorized and appointed by the government to carry out the implementation of this mandatory reporting of Narcotics Addicts, in this Government Regulation it is also explained regarding the mandatory reporting procedures that were explained in Chapter 2 previously. This procedure involves reporting to IPWL. There is also monitoring and evaluation carried out by the Minister, as is the aim of rehabilitation to eradicate narcotics abuse.

#### **c. Determination of Rehabilitation Based on the Judicial Process**

Narcotics abuse is a form of crime. But the crime here is a crime committed by someone who is said to be an addict in the event that it is illegal for the addict to consume narcotics, as well as against the law, because regulations have been regulated regarding the illegal consumption of narcotics. In Article 127 paragraph (3) of Law Number 35 of 2009 concerning Narcotics, it is explained that in the case of abusers who are caught in Article 127 paragraph (1) of Law Number 35 of 2009 concerning Narcotics, they are required to undergo rehabilitation. This means that rehabilitation decisions must also be handed down to abusers who are caught red-handed and are caught in Article 127 paragraph (1) of Law Number 35 of 2009 concerning Narcotics. The decision handed down to Narcotics Addicts and Victims of Narcotics Abuse for medical rehabilitation or social rehabilitation who are proven guilty can only be handed down by the Court, namely by a judge. It's different with those who become volunteers or who voluntarily want to be rehabilitated.

Criminal law is a rule consisting of norms containing obligations and prohibitions which have been linked to a sanction in the form of punishment, namely a special suffering imposed on the perpetrator in order to obtain a deterrent effect from the act he has committed. . So it can be said, criminal law is a sanction imposed on the perpetrator in order to have a deterrent effect. Criminal law itself has several forms of sanctions. Sanctions in this crime consist of the main punishment, including the death penalty, imprisonment, confinement, fines, and imprisonment, as

well as additional penalties, including the revocation of certain rights, confiscation of certain goods, and the announcement of the judge's decision. . The punishment imposed on the perpetrator depends on the crime committed against the perpetrator in order to get a deterrent effect from his actions.

If it is related to Narcotics Crime, the punishment here, especially imprisonment, can be imposed on Narcotics Addicts and Narcotics Abuse Victims if the Narcotics Addicts and Narcotics Abuse Victims are caught consuming Narcotics illegally, so it is said to be against the governing law. But still, when the prison sentence process is underway, rehabilitation is also implemented, apart from getting a deterrent effect from their actions, Narcotics Addicts and Victims of Narcotics Abuse must also receive counseling and education about the dangers of Narcotics themselves, by carrying out their obligations for rehabilitation, so that Narcotics Addicts and the victim of narcotics abuse understands the dangers of narcotics and does not repeat the action again.

So it can be said, it is better for Narcotics Addicts to report themselves (non-judicially), because Narcotics Addicts and Narcotics Abuse Victims are better rehabilitated than imprisoned. Because of course it is very detrimental to Narcotics Addicts and Narcotics Abuse Victims if they have to be in contact with prison, apart from being labeled by society if the Narcotics Addicts and Narcotics Abuse Victims are prisoners, the Narcotics Addicts and Narcotics Abuse Victims also have to undergo the process of being imprisoned in addition to being imprisoned. must undergo a rehabilitation process that has been determined by the applicable law.

### **Obstacles/Constraints and Solutions to Handling Victims of Narcotics Abuse Through Rehabilitation in a Law Enforcement Perspective**

BNN based on Law Number 35 of 2009 as a Government Institution has launched a Program for Prevention and Eradication of Illicit Drug Trafficking (P4GN). In 2014, BNN's concentration was prioritized on saving victims of narcotics users, so that 2014 was declared the year of Saving Drug Users. The mindset used by BNN is to make 2014 the year of saving drug users, based on empirical experience where drug users who have been caught in prison have so far.

It cannot be denied that while they are in prison, instead of being free to consume narcotics, the narcotics supply is still running in prison. This means that the victims, who mostly consisted of young people, were not saved, but instead their health conditions worsened. For this reason, BNN changed its strategy from imprisoning victims to a program to rehabilitate drug users. This mindset is actually quite logical in terms of the intention to reduce the amount of drug consumption. If the victims are rehabilitated in a recovery center either owned by the BNN or owned by another party, then indirectly these victims will stop consuming drugs (total abstinence).

So, the number of drug users (demand) on the market has indirectly fallen drastically. Medical rehabilitation runs simultaneously in line with social rehabilitation. When in the first 3 months the users start to get used to not using drugs, in the sense that their health condition begins to gradually recover, they will begin to experience social rehabilitation. Social rehabilitation is intended for nothing other than that these young people gain skills that will later give rise to self-confidence so that when they have finished the rehabilitation process they can live a social life like other citizens. There are several factors that become obstacles and obstacles, including:

#### **1. Individual Factors**

The abuse and distribution of narcotics is an urgent problem and needs to be immediately limited and efforts to overcome it through a social approach and if this method is not successful then a juridical approach needs to be taken and the participation of all members of society is needed. The fatal consequences of narcotics abuse are at least aimed at the narcotics addict himself because not all narcotics addicts always disturb society. If the narcotics addict is someone who is rich (has money) or has a large income, then when the time of addiction comes, he can just buy the



narcotics he wants. For him, there is no need to commit crimes or other actions that could disturb society in an effort to obtain narcotics to meet their needs.

It can be concluded that what is dangerous is if addicts consist mostly of people with small incomes who, if addicted, cannot meet their needs from their own money, so they are forced to carry out actions that disturb society, which is sometimes (mostly) outside his wish. Apart from the real disturbances mentioned above that are experienced by society, the social consequences of narcotics abuse are the destruction of potential future leaders in society because teenagers are haunted by narcotic substances and are apathetic, ignorant without thinking about the future." Narcotics abuse by children. young people/adolescents, cannot be classified as normal juvenile delinquency, because the act has led to violation of law. The consequences of narcotics abuse by teenagers will be prolonged and very worrying, because teenagers are the future generation of the nation in the future. The destruction of the young generation/adolescents who are the next generation means the weakness of the country's resilience and defense. According to their nature, teenagers who abuse narcotics can be grouped into three groups as follows:

a. Those Who Want to Experience (The experience seekers)

Those who are interested in something new or a new experience, it is possible that this sensation will be known from friends on a chain, from those who have, from films, from newspapers, magazines or from other mass media. Among those who have tried it, talk about it with other people, even their parents, and sometimes with the intention of surprising their parents in order to attract special attention. Most of them are lively in nature, like to talk and don't hesitate to do mischief and can be classified as extroverts, namely the type of people who like to open themselves up in social situations, some of whom don't want to be ridiculed or teased by their friends with nicknames. cornered him and didn't want to be isolated from his friends. In many cases, teenagers like this can be immediately directed back to the right path, by channeling their attention to productive things that can provide them with useful experiences and satisfaction. They are among people who need listeners who show attention and sympathy towards them.

b. Which Avoids or Avoids Reality

In this group we find people who consider the state of anesthesia as a safe and comfortable escape to avoid the pressures that come from the world of reality. Many of them have or suffer from feelings of insecurity, doubt and tend to trust other people. They are classified as an introvert type, that is, they feel isolated and unloved, so they tend to close off and withdraw from the environment.

c. Those Who Want to Change Personality

People who belong to this group want to rid themselves of the weaknesses related to their personality. For example; from a timid person to become a brave person, from being shy in order to lose his shyness, from a stiff person wanting to become someone who is skilled and agile in socializing, or feeling inferior. They then experience that the anesthetic they are using does not have the desired effect and therefore they increase the dose, or increase to even stronger psychotropic substances. Research conducted by various experts shows that the causes that make adults become dependent are because:

1) Chronic disease

Those who have chronic illnesses or physical disorders that require medicines that can temporarily relieve the pain they suffer. At first it was possible with a doctor's prescription, but over time, due to the restrictions set by the doctor, they bought it on the black market or faked the doctor's prescription with their own efforts. In the end it causes addiction. Opium smokers, especially among the Chinese, are still found in big cities.

2) Habit

Apart from the above, there are many adults who use drugs out of habit, at first perhaps because they are sick, but after the illness goes away, the person continues the

habit, perhaps because they are afraid that the illness or health problem will recur. Bad habits can also cause psychological and physical dependence.

3) Frustrating

People who feel unable to solve the problems they face are often overwhelmed by anxiety which can cause the person to drug themselves as a way of escape. By using narcotics, there is a feeling of freedom from all responsibilities, but only for a while, that is, as long as the substance that has entered the body has power. After that, his frustration will come back and his body feeling unwell will make him run back to using narcotics. This incident continues until it finally causes dependency.

4) Increasing Ability to Achieve

By using stimulants, people can use energy for certain jobs, for example: a) truck drivers, to be able to travel long distances, b) athletes, to improve performance, c) artists, to get new creations or inspiration, d) soldiers, for heavy duty, holding guard at the front and so on.

## **2. Social, Cultural and Environmental Factors**

The increase in the abuse and distribution of narcotics by young people (students) can also be caused by a product of social upheaval, a product of the transition period, because this period produces many "displaced individuals and misplaced individuals who are unable to adapt to economic pressures and environmental demands as a result of which they commit deviant actions to obtain the desired object, especially those who are one of the factors consisting of family conditions and social influences. Family is meant as a disharmonious factor such as parents who are divorced, parents who are busy and rarely at home, as well as a family economy that is completely lacking. Social influence, meant because they want to be accepted in the narcotics group. Apart from that, environmental factors, these factors are meant to be bad or unsupportive, and accommodate everything that concerns the child's psychological development and lack of attention to the child to become a narcotics user who is unable to adapt themselves to the social changes occurring in society. When there are changes and deviations in moral values and there is a process of erosion of values in all areas of life, many human attitudes and behavior also change so that people tend to use their own methods in an effort to achieve the desired goals.

Changes in family structure with the endemic discipline that should be enforced, which can give rise to a family climate that is intimate, mutually cooperative and united, experiences a process of change. This is because parents have their own busy lives, activities and professions so that the family structure experiences many cracks. Each family member, especially teenagers, uses their own habit patterns, ignoring the interests of family members, this lifestyle is what drives teenagers to become wild and uncontrolled who ultimately become narcotics users. This is due to :

- a. Material luxury.
- b. Lack of self-discipline and self-control, spoiled.
- c. Their inability to find life experiences that give weight and meaning to their personality.

Narcotics are consumed by this group to stimulate courage and relieve feelings of depression, which are easily influenced by certain individuals to commit crimes. From the data below, it can be seen that suspects in narcotics cases have no age, even though most of them are teenagers. To be able to carry out efforts to control narcotics well, the response must be multidisciplinary, comprehensive and carried out with a balanced approach between a welfare approach aimed at emphasizing the supply of narcotics and including community participation. It was further stated that narcotics have not only entered entertainment venues but have also entered the work environment and not only hit the children of pedicab drivers or the children of professors regardless of age or profession.

#### 4. CONCLUSION

Based on the results of research conducted by the author, the author can draw conclusions including:

1. That it can be concluded that community compliance with the law is still not optimal, for example in Law Number 35 of 2009 concerning Narcotics that addicts or narcotics users are not imprisoned (punished) by the police if the family reports/brings their children who are victims/perpetrator of narcotics abuse. to the rehabilitation center, parents are afraid that their image will be damaged if it is discovered that their child is a drug addict and the cultural values that underlie the law in force in society, namely the abstraction of the law in playing an active role in supporting the implementation of rehabilitation for children who abuse narcotics, have not been realized.
2. The practice of rehabilitation for narcotics abusers is still not in accordance with existing laws and regulations, namely that the existing regulations are supposed to rehabilitate users who abuse narcotics, but this provision is never implemented, more perpetrators/victims are convicted than rehabilitated. Bearing in mind that Articles 56, 57, 58, 59 concerning Narcotics require that narcotics addicts and victims of narcotics abuse must undergo medical rehabilitation and social rehabilitation, so that narcotics abusers do not experience narcotics addiction again, both mentally and socially. Apart from that, coordination with BAPAS, which was formed by order of the law, cannot take more action because the results of the BAPAS report are only recommendations to investigators and are not binding, so that sometimes we still find children's cases continuing and being decided in court without any research from BAPAS.
3. The obstacle for the Riau Islands National Narcotics Agency (BNN) in carrying out rehabilitation efforts according to applicable regulations is that there are still many addicts who refuse to be isolated in a rehabilitation center. This happens because most narcotics addicts consider life in rehabilitation to be suffering for those who are still in the addiction stage, especially when going through a state of withdrawal. It turns out that the addict has experienced a semi-insane condition (dual diagnosis) or has experienced a serious illness that requires special medical treatment. Addicts don't want to open up and realize that narcotics are very dangerous. Addicts are afraid of being targeted for operations. The police's view is that they still apply prison sentences for narcotics addicts. Police investigators still maintain the view that rehabilitation places are inadequate and the numbers do not meet needs.

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