

IMPLEMENTATION OF REHABILITATION FOR ADDICTS, ABUSERS AND VICTIMS OF NARCOTICS.

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IMPLEMENTATION OF REHABILITATION FOR ADDICTS, ABUSERS AND VICTIMS OF NARCOTICS.

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Abstract

Implementation of Rehabilitation Narcotics refer to the provisions of Article 127 Jo Article 54 of the Law of the Republic of Indonesia Number 35 Year 2009 on Narcotics pronouncing that abusers can be proved or proved to be the victim of abuse of narcotics, Abuse Guna shall undergo medical rehabilitation and social rehabilitation and addict narcotics and victims the abuse of drugs required to undergo medical rehabilitation and social rehabilitation rehabilitation instituted both provided by the government or private parties to cooperate with the government. Implementation of rehabilitation should be qualified from the other Implementing Regulations, including already has Recommendation Integrated Assessment Team, but still banya recommendations are not running as they should. This type of research can be classified sociological law research, because this research author directly conduct research on the location or point examined in order to provide a complete and clear picture of the issues examined. This research was conducted at the National Narcotics Agency of Riau Province and the State Attorney Siak.

Keywords: *Rehabilitation, narcotics Team Assessment-Recommendation*

A. Background

Policies in preventing the abuse and illicit trafficking of narcotics, apart from using repressive and preventive theories, are no less important than using treatment and rehabilitation strategies. This contains the idea that victims of narcotics abuse are not only considered perpetrators of criminal acts, but are also considered crime victims who need healing and rehabilitation.¹ Various policies were born from the government to prevent, overcome, treat and eradicate narcotics itself, as well as various statutory regulations that have been issued, including treatment of narcotics addicts and abusers. Narcotics addicts and victims of narcotics abuse are required to undergo medical rehabilitation and social rehabilitation.² Medical Rehabilitation is a process of integrated treatment activities to free addicts from

¹ Siswanto. S, 2012, *Legal Politics in the Narcotics Law (RI Law Number 35 of 2009*, PT. Rineka Cipta, Jakarta, page. 29

² Article 54 of the Republic Law Indonesia Number 35 of 2009 concerning Narcotics

narcotics dependence,³ Meanwhile, Social Rehabilitation is a process of integrated recovery activities, both physical, mental and social, so that former narcotics addicts can return to carrying out social functions in community life.⁴

The implementation of treatment, care and/or recovery efforts as the aim of rehabilitation is still based on the type and/or severity, because the qualifications that can be rehabilitated are in accordance with applicable regulations, in Article 127 of Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics.

Law Number 35 of 2009 concerning Narcotics has provided different treatment for perpetrators of narcotics abuse, before this law came into effect there was no difference in treatment between drug dealers, dealers and producers. On the one

³ Article 1 number 16 of the Law Republic of Indonesia Number 35 of 2009 concerning Narcotics.

⁴ Article 1 number 17 of the Law Republic of Indonesia Number 35 of 2009 concerning Narcotics.

hand, narcotics users or addicts are perpetrators of criminal acts, but on the other hand they are victims. From the description above, the author formulates the problem statement as follows:

1. What are the implementation and obstacles to implementing Rehabilitation for Narcotics Addicts, Abusers and Victims based on the Recommendations of the Integrated Assessment Team in the Legal Area of the Riau Province National Narcotics Agency in Judicial Practice Based on Article 127 in conjunction with Article 54 of the Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics?

2. What is the ideal concept for implementing rehabilitation for Narcotics Addicts, Abusers and Victims based on the recommendations of the Integrated Assessment Team in the Legal Area of the Riau

Province National Narcotics
Agency Judicial Practice
Based on Art 127 Jo Article 54
Law of the Republic of
Indonesia Number 35 of 2009
concerning Narcotics?

B. Research Methods

This type of research is sociological legal research, namely research on the effectiveness of laws currently in force in society or research on legal identification.⁵ Sociological legal research is research that looks at the correlation between law and society, so that it is able to reveal the effectiveness of the application of law in society.

C. Research Results and Discussion

1. **Implementation and obstacles to the implementation of Rehabilitation for Narcotics Addicts, Abusers and Victims based on the**

⁵ Bambang Waluyo, 2002, Legal Research in Practice, Sinar Graphics, Jakarta, page. 16.

Recommendations of the Integrated Assessment Team in the Legal Area of the Riau Province National Narcotics Agency in Judicial Practice Based on Article 127 in conjunction with Article 54 of the Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics.

The relationship between law enforcement cannot be separated from the punishment. Law Enforcement, in Indonesian there are several terms outside of law enforcement, such as application of the law. However, it seems that the term law enforcement is the one most frequently used and thus in the future this term will become more established or become a term that is incorporated into the habits of the justice system.⁶

Laws must be

implemented and enforced. Everyone hopes that laws can be established in the event of concrete events. It is how the law must apply; basically it should not be deviated: (even though this world is collapsing the law must be enforced). That is what legal certainty wants. Legal certainty is protection against arbitrary actions, which means that someone will be able to obtain something that is expected under certain circumstances. The public expects legal certainty because with legal certainty, society will be more orderly. Law is tasked with creating legal certainty because it aims for public order. On the other hand, society expects benefits in implementing and enforcing the law. Law is for humans, so the implementation of law or law enforcement must provide benefits or usefulness for society. Don't let it happen just because the law is implemented or

⁶ Satjipto Rahardjo, 1996, Legal Studies, PT. Citra Aditya Bakti, Bandung, Page. 181

enforced unrest arises in society.⁷

The main aim of law is to create an orderly society, to create order and balance. In the literature, there are several theories about the purpose of law:⁸

a. Ethical Theory

According to ethical theory, law aims solely at justice. The content of the law is determined by our ethical beliefs about what is fair and what is not. In other words, law according to this theory aims to realize or realize justice

b. Utilistic Theory

According to this theory, the law wants to guarantee the greatest happiness for the greatest number of people. In essence, according to this theory, the purpose of law is

benefit in producing the greatest pleasure or happiness for the greatest number of people.

c. Mixture Theory

According to Mochtar Kusumaatmadja, the main and first goal of law is order. The need for order is a basic (fundamental)

requirement for the existence of an orderly human society. Besides order, another goal of law is the achievement of justice, which varies in content and lack of content according to society and the era. Meanwhile, regarding the punishment system or the sentencing system according to L.H.C. Hulsman is the statutory rules relating to criminal sanctions and punishment (the statutory rules relating to penal sanctions and

⁷ Sudikno Mertokusumo, 2010, Getting to Know the Law, Atma Jaya University Yogyakarta, Yogyakarta, Page. 207-208

⁸ Sudikno Mertokusumo, 2005, Getting to Know the Law, an Introduction, Liberty, Yogyakarta, Page. 77-80.,

punishment).⁹ Then Andi Hamzah gave the meaning of the criminal and punishment system as the structure (criminal) and method (sentence).¹⁰ According to Barda Nawawi Arief, if the definition of the criminal system is interpreted broadly as a process of giving or imposing a sentence by a judge, then it can be said that the criminal system includes the meaning of:¹¹

1. The entire system (legislation) for punishment.
2. The entire system of statutory regulations for the imposition/imposition and execution of

⁹ Lilik Mulyadi, 2012, Anthology of General and Special Criminal Law, Pt. Alumni, Bandung, Page. 58

¹⁰ Andi Hamzah, 1986, Indonesian Criminal and Sentencing System, From Retribution to Reform, Pt. Pradnya Paramita, Jakarta, Page. 1

¹¹ Barda Nawawi Arief, 1996, Anthology of Criminal Policy, Pt. Citra Aditya Bakti, Bandung, Pg 136

criminal penalties.

3. The entire system of applicable laws and regulations is useful for the functionalization/operationalization/concretization of criminal justice.
4. The entire system (legislation) that regulates how criminal law is enforced or operationalized concretely so that someone is given sanctions (criminal law).

Referring to the phenomenon of narcotics circulation, many policies that have been issued in the form of laws and other statutory regulations address that narcotics are not only a criminal act, but on the other hand there are also certain categories which are classified as addicts, abusers and narcotics victims. These policies were born because

the conditions of narcotics circulation were very worrying at all ages and in all sectors.

Rehabilitation of narcotics addicts is a treatment process to free addicts from dependence, and the period undergoing rehabilitation is counted as a period of serving a sentence.¹² Rehabilitation of narcotics addicts is also a form of social protection that integrates narcotics addicts into social order so that they no longer abuse narcotics.

The term rehabilitation in Law Number 35 of 2009 concerning Narcotics consists of 2 (two), namely:¹³

a. Medical rehabilitation is the process of integrated treatment activities to free addicts from narcotics dependence, in

accordance with Article 1 number 16 of Law Number 35 of 2009 concerning Narcotics.

b. Social Rehabilitation is a process of integrated recovery activities both physical, mental and social, so that former narcotics addicts can return to carrying out social functions in community life, in accordance with Article 1 number 17 of Law Number 35 of 2009 concerning Narcotics.

Implementation of Rehabilitation for Narcotics Addicts, Abusers and Victims based on the Recommendations of the Integrated Assessment Team in the Legal Area of the National Narcotics Agency of Riau Province in Judicial Practice Based on Article 127 in conjunction with Article 54 of Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics which

¹² Article 103 Paragraph (2) of the Law Number 35 of 2009 concerning Narcotics

¹³ Ar. Sujono, Tony Daniel, 2011 Comments and Discussion on Law Number 35 of 2009 concerning Narcotics, Sinar Graphics, Jakarta, Pg. 74.

has clearly outlined the existence of rehabilitation obligations for addicts, abusers and victims of narcotics.

The rehabilitation provisions must have a classification. First, when he was arrested by Police investigators and National Narcotics Agency investigators he was caught red-handed. Second, when caught red-handed, evidence of 1 (one) day's use was found with details including:¹⁴

- a. Methamphetamine (shabu) group: 1 gram
- b. MDMA (ecstasy) group: 2.4 grams = 8 pills
- c. Heroin group: 1.8 grams
- d. Cocaine Group: 1.8 grams
- e. Marijuana Group: 5 grams
- f. Coca Leaves: 5 grams

- g. Mescaline: 5 grams
- h. Psilosybin group: 3 grams
- i. LSD group (d-lysergic acid diethylamide): 2 grams
- j. PCP group (phencyclidine): 3 grams
- k. Fentanyl Group: 1 gram
- l. Methadone group: 0.5 grams
- m. Morphine Group: 1.8 grams
- n. Pethidine Group: 0.96 grams
- o. Codeine Group: 72 grams
- p. Buprenorphine group: 32 mg

Narcotics Addicts and Victims of Narcotics Abuse who are caught red-handed, either without evidence or with a certain amount of evidence, can be placed in a rehabilitation institution with the guidance of Laboratory Examination Minutes, Examination Minutes by Investigators and accompanied by the previous Integrated Assessment Team Recommendation Letter. has

¹⁴ Circular Letter of the Supreme Court of the Republic of Indonesia Number: 04 of 2010 concerning the Placement of Abuse, Abuse Victims and Narcotics Addicts into Medical Rehabilitation and Social Rehabilitation Institutions.

been submitted by Investigators to the National Narcotics Agency.

The next process is that Narcotics Addicts and Victims of Narcotics Abuse who have no rights and are against the law as Suspects and/or Defendants in Narcotics Abuse who are currently undergoing the process of investigation, prosecution and trial in court are given treatment, care and recovery in rehabilitation institutions.¹⁵

2. Obstacles in implementing Rehabilitation for Narcotics Addicts, Abusers and Victims based on the Recommendations of the Integrated Assessment Team in the Legal Area of the Riau Province National

¹⁵ Article 3 Regulation of the Head of Agency National Narcotics Number 11 of 2014 concerning Procedures for Handling Suspects and/or Defendants of Narcotics Addicts and Victims of Narcotics Abuse in Rehabilitation Institutions.

Narcotics Agency in Judicial Practice Based on Article 127 in conjunction with Article 54 of the Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics.

Actualizing legal rules so that they are in accordance with what is envisioned by the law itself, namely realizing human attitudes or behavior in accordance with the frame (frame work) that has been established by a statute or law, harmonizing the relationship of values described in rules or views and attitudes act as a series of final stage value translations, to create (as social engineering), maintain and maintain (as social control) peaceful social life.

The implementation of statutory regulations and implementing regulations are

rules and norms and normative realities such as what should be done (Das Sollen) do not always correspond to everything which is the implementation of all things or concrete events that occur (Das Sein).

The legal system theory was put forward by Lawrence M. Friedman. Lawrence M. Friedman as quoted by Otje Salman and Anton F. Susanto, the legal system includes: First, the legal structure, namely the parts that move within a system mechanism or facilities that exist and are prepared in the system. For example the police, prosecutor's office, court. Second, Legal Substance, namely the actual results published by the legal system, for example a judge's decision based on a law. Third, Legal Culture, namely public attitudes or values, moral commitment and awareness that encourage the operation of the legal system,

or the overall factors that determine how the legal system obtains a logical place within the cultural framework of society.¹⁶

In connection with this, the provisions of Article 54 of Law Number 35 of 2009 concerning Narcotics, explain that Narcotics Addicts and Victims of Narcotics Abuse are required to undergo medical rehabilitation and social rehabilitation. For Narcotics Addicts and Narcotics Abuse Victims who are designated as Suspects or Defendants in Narcotics and Narcotics Precursor Crime cases, they need special treatment by placing them in a Rehabilitation institution to receive treatment and care in the context of recovery, but in reality the rehabilitation process at every level of the justice subsystem is not

¹⁶ Otje Salman and Anton F. Susanto, 2004, *Legal Theory of Remembering, Collecting and Reopening*. Pt Refika Aditama, Bandung, Pg. 153.

running optimally, there are many obstacles that prevent the rehabilitation stage from continuing after the issuance of the Integrated Assessment Team's Recommendation Letter. (20)

Several obstacles that result in the medical and social rehabilitation processes not progressing at every level of the justice subsystem include:

1. The Recommendation Letter from the Integrated Assessment Team consisting of the Medical Team and Legal Team is only a recommendation so that rehabilitation can be carried out, but for this implementation it is returned to the investigator, prosecutor and court at each level of the judicial sub-system, the recommendation is used by the judge only for matters which relieves the defendant, while its implementation

in each trial does not work; (21)

2. The implementation of rehabilitation must of course be compatible with the same view between law enforcers, but its implementation is currently not compatible with each other for rehabilitation of drug addicts, abusers and victims, this is due to the implementation of techniques that do not support it, such as there is no budget for transportation for each summons and repatriation of the defendant while undergoing the legal process, the Integrated Assessment Team in the Regional Districts is not running optimally, and Rehabilitation Places in each region have not been met (none). (22)
3. Weak coordination between law enforcement, health

services and social services, resulting in obstacles to the implementation of medical rehabilitation and social rehabilitation.(23)

A. The ideal concept for implementing rehabilitation for Narcotics Addicts, Abusers and Victims based on the Recommendations of the Integrated Assessment Team in the Legal Area of the Riau Province National Narcotics Agency in Judicial Practice Based on Article 127 in conjunction with Article 54 of the Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics.

The definition of narcotics rehabilitation is a repressive action carried out for narcotics addicts. Rehabilitation measures are aimed at victims of narcotics abuse to restore or develop the physical, mental and social abilities of the sufferer concerned. Apart from recovery, rehabilitation is also a treatment

or care for narcotics addicts, so that addicts can recover from their addiction to narcotics.

The large circulation of narcotics is the result of a process of technological progress which then develops in social norms to be used for medical and scientific purposes. The phenomenon of narcotics abuse and illicit trafficking occurs, so real action is needed to eradicate the abuse and illicit trafficking of narcotics.(24)

Narcotics crimes such as narcotics abuse in criminological studies can be classified as victimless crimes. This classification refers to the nature of the crime, namely that there are two parties who carry out a transaction or relationship (which is prohibited) but both feel that they have not suffered any loss to the other party.(25)

Narcotics users are actually victims of narcotics crimes, but the user does not feel like a victim, because he or she deliberately uses the narcotics, whether because of a friend's recommendation or because he or

she wants to try it. Narcotics users can be included as victims of narcotics abuse. This is because they will become dependent on these haram (narcotics). Narcotics abuse, apart from being dangerous for the user himself, is also dangerous for the community environment, where in order to fulfill his desire to obtain narcotics, the narcotics user of course uses all means to obtain them. For people who do not earn enough, they will try to steal, rob and commit various other criminal acts. (26) In connection with the problem of narcotics abuse, a criminal law policy is needed that positions narcotics addicts as victims, not perpetrators of crime.

Narcotics addicts are self-victimizing victims because narcotics addicts suffer from narcotics dependence syndrome as a result of their own narcotics abuse. The way that is considered appropriate to cure this addiction is by rehabilitating victims of narcotics abuse. Because rehabilitation can release drug

dependence so that you can enjoy a free life without narcotics. (27)

Rehabilitation is one way to save victims of narcotics users from dependence. Because the meaning of rehabilitation is an effort to recover to make addicts addicted to narcotics and live a normal, physically and mentally healthy life so that they can adapt and improve their skills, knowledge, intelligence, relationships in the living environment or with their families, which is also called resocialization. (28)

Rehabilitation of narcotics users is a series of coordinated and integrated efforts, consisting of medical efforts, mental guidance, psychosocial, religious, educational and vocational training to improve self-adjustment, independence and self-help as well as achieving functional abilities in accordance with one's potential, both physical, mental, social and economic. In the end, they are expected to be able to overcome the problem of narcotics abuse

and return to interacting with society properly.(29)

Law Number 35 of 2009 concerning Narcotics is designed to reduce the number of transnational narcotics circulation in Indonesia and to reduce the number of victims of narcotics abuse, especially among teenagers, who endanger people's lives. This can be seen in the preamble to Law Number 35 of 2009 concerning Narcotics. With the aim of reducing the number of victims of narcotics abuse, Law Number 35 of 2009 concerning Narcotics has created a special chapter, namely Chapter IX, which includes rehabilitation sentences for addicts and victims of narcotics abuse. The inclusion of this chapter is intended so that victims of narcotics abuse can be subject to rehabilitation sentences rather than imprisonment or imprisonment.(30)

The use of rehabilitation is considered to be more able to help victims of narcotics abuse than the imposition of prison or imprisonment. This rehabilitation

is in accordance with the Supreme Court Circular Number 04 of 2010 concerning Placing Narcotics Users in Therapy and Rehabilitation Homes which states that those detained in narcotics cases are actually sick people so that rehabilitation measures should be more appropriately imposed and the conditions of the correctional institutions (Penitentiary) are not supportive. It is feared that it will actually have an adverse effect on them because it could further worsen the health and mental condition of those who abuse narcotics.(31)

Narcotics addicts and victims of narcotics abuse who have no rights and are against the law as suspects and/or defendants in narcotics abuse who are currently undergoing the process of investigation, prosecution and trial in court are given treatment, care and recovery in rehabilitation institutions.

The stages of rehabilitation for drug addicts: (32)

- a. Medical rehabilitation stage (detoxification), in this stage the addict has his entire health both physical and mental checked by a trained doctor. It is the doctor who decides whether the addict needs to be given certain drugs to reduce the withdrawal symptoms (sakau) he is suffering from. Medication administration depends on the type of drug and the severity of the withdrawal symptoms. In this case, doctors need sensitivity, experience and expertise to detect the symptoms of drug addiction;
- b. Non-medical rehabilitation stage, this stage the addict participates in a rehabilitation program. In Indonesia, rehabilitation places have been built, for example under BNN there are rehabilitation places in the Lido (Unitra Campus), Baddoka (Makassar) and Samarinda areas. In this rehabilitation center, addicts undergo various programs

including the therapeutic communities (TC) program, 12 steps (twelve steps, religious approaches, etc.);

- c. Advanced development stage (after care), this stage addicts are given activities according to their interests and talents to fill their daily activities, addicts can return to school or work but remain under supervision.

At each stage of rehabilitation, continuous monitoring and evaluation of the recovery process of an addict, drug abuser and victim is required. The concept in the form of a policy to rehabilitate addicts, drug abusers and victims of narcotics is legally material and very good, if the management of an addict, abuser or narcotics victim is supported by fulfilling or completing all the needs for rehabilitation, then the rehabilitation will run well and it is hoped that it can cure those who are rehabilitated to return to normal.(33)

Disadvantages include obstacles that often arise,

such as the Letter of Recommendation from the Integrated Assessment Team consisting of the Medical Team and Legal Team, which is only a recommendation for rehabilitation to be carried out, but in the future this implementation can be carried out properly by investigators, prosecutors and the court at each level of the justice sub-system, These recommendations are not only used by judges to relieve the accused, but every legal process in court can also fulfill the suspect's or accused's right to undergo rehabilitation.(34)

The implementation of rehabilitation must of course also align the same views between law enforcement, supported by all the needs of addicts, drug abusers and victims, including meeting technical needs, providing an adequate budget for transportation for each summons and repatriation of defendants while undergoing the legal process, the Integrated Assessment Team in Regional districts must also maximize or

take an active role in the availability of rehabilitation places in each region so that rehabilitation goals can be fulfilled. (35) Strengthen coordination between law enforcement, health services and social services so as to provide full rights for suspects and/or defendants to carry out rehabilitation. medical and social rehabilitation.(36)

D. Conclusion

Implementation of Rehabilitation for Narcotics Addicts, Abusers and Victims based on the Recommendations of the Integrated Assessment Team explains that Narcotics Addicts, Narcotics Abusers and Victims of Narcotics Abuse are without rights and against the law as Suspects and/or Defendants in Narcotics Abuse who are currently undergoing the process of investigation, prosecution and trial in court, they are given treatment, care and recovery in a rehabilitation institution. This is obtained if the suspect and/or accused, when caught red-handed

by the National Police, National Narcotics Agency investigators find evidence of 1 (one) day's use in accordance with the provisions of Circular Letter of the Supreme Court of the Republic of Indonesia Number: 04 of 2010 concerning the Placement of Abuse, Victims of Abuse and If Narcotics Addicts are admitted to a Medical Rehabilitation and Social Rehabilitation Institution, they can be submitted to the Integrated Assessment Team to carry out an assessment or research on the suspect through a study by the Medical Team and Legal Team to issue a Rehabilitation Recommendation, so that the suspect can undergo medical rehabilitation and social rehabilitation at that time. undergo legal processes in the judiciary/every level of the judicial subsystem. However, there are obstacles to its implementation, including: First, the Letter of Recommendation from the Integrated Assessment Team consisting of the Medical Team and Legal Team is only a recommendation so that

rehabilitation can be carried out, but for this implementation it is returned to the investigator, prosecutor and court at each level of the justice subsystem, recommendations This is used by judges only to relieve the defendant, while its implementation in every trial does not work. Second, the implementation of rehabilitation must of course be compatible with the same view between law enforcers, but its implementation is currently not compatible with each other for rehabilitation of drug addicts, drug abusers and victims, this is due to unsupportive technical implementation, such as there is no budget for transportation for each summons and repatriation of the defendant while undergoing the legal process, the Integrated Assessment Team in the Regional Districts is not running optimally, and Rehabilitation Places in each region have not been met (none). Third, weak coordination between law enforcement, health services and social services has resulted in obstacles to the

implementation of medical rehabilitation and social rehabilitation.

The ideal concept of implementing rehabilitation for addicts, drug abusers and victims based on the recommendations of the Integrated Assessment Team is actually good in terms of normative policy, but it needs to meet or complete all the needs for rehabilitation, then the rehabilitation will run well and the hope is that it can heal those being rehabilitated to return to normal. Disadvantages in the form of obstacles that often arise, such as the Letter of Recommendation from the Integrated Assessment Team consisting of the Medical Team and Legal Team, which is only a recommendation so that rehabilitation can be carried out, but in the future this implementation can be carried out properly by investigators, prosecutors and the court at each level of the justice subsystem, recommendations This is not only used by judges to relieve the defendant, but every legal process

in court can also fulfill the suspect's or accused's right to undergo rehabilitation. The implementation of rehabilitation must of course also align the same views between law enforcement, supported by all the needs of addicts, drug abusers and victims, including meeting technical needs, providing an adequate budget for transportation for each summons and repatriation of defendants while undergoing the legal process, the Integrated Assessment Team in Regional districts must also maximize or take an active role in the availability of rehabilitation places in each region so that rehabilitation goals can be met. Strengthen coordination between law enforcement, health services and social services so as to provide full rights for suspects and/or defendants to carry out medical rehabilitation and social rehabilitation.

Suggestion

The implementation of rehabilitation for narcotics addicts, abusers and victims has

been regulated in detail in Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics and other implementing regulations which specifically explain the existence of procedures to determine whether someone is worthy of undergoing rehabilitation or not, the presence or existence of The Integrated Assessment Team is of course the earliest starting point in determining a narcotics suspect and/or defendant, so the Integrated Assessment Team consisting of a Legal Team and a Medical Team is not only at the provincial level, it is mandatory to form an Integrated Assessment Team at the district level for each region, so that does not cause technical obstacles in the implementation of rehabilitation. Likewise, the existence of Rehabilitation Recommendation letters from the Integrated Assessment Team must continue to be implemented in all legal processes in the judiciary, the

fulfillment of rehabilitation needs and supporting infrastructure must be actively coordinated with regional heads who do not yet have rehabilitation facilities, the strengthening of each relevant agency in implementing rehabilitation must remain well accommodated. so as not to cause errors in the implementation of rehabilitation.

Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics is a material and formal concept, both for preventing the development of narcotics networks and distribution, eradicating and taking action as well as carrying out rehabilitation. This regulatory guide is of course very good, but if it is related to its implementation, especially in terms of rehabilitation provisions, it needs to be used as evaluation material whose purpose is to create a balance between regulations and implementation (Das sollen das sein).

Bibliography

Book

- Kusno Adi, 2009, *Diversion as an Alternative Effort to Handle Narcotics Crimes by Children*, Umm Press, Malang.
- Moh. Taufik Makarao, Suhasril, and Moh. Zakky A.S, 2003, *Narcotics Crime*, Ghalia Indonesia, Jakarta.
- J.P. Caplin, 1995, *Complete Dictionary of Psychology*, PT. Raja Grafindo Persada, Jakarta.
- Sudarsono, 1990, *Islamic Ethics Regarding Juvenile Delinquency*, Rineka Cipta, Jakarta.
- O.C. Kaligis, 2002, *Drugs and Justice in Indonesia*, Alumni, Bandung.
- Siswanto. S, 2012, *Legal Politics in the Narcotics Law (RI Law Number 35 of 2009)*, PT. Rineka Cipta, Jakarta.
- Rena Yulia, *Victimology*, Graha Ilmu, Yogyakarta.
- Gatot Supramono, 2004, *Indonesian Drug Law*, Djangkat, Jakarta.
- P.A.F. Lamintang, 1997, *Basics of Indonesian Criminal Law*, PT. Citra Adya Bakti, Bandung.
- Bambang Sunggono, 2007, *Legal Research Methodology*, PT Raja Grafindo Persada, Jakarta.
- Amir Ilyas, 2012, *Principles of Criminal Law*, Rangkang Education Yogyakarta and Pukap Indonesia, Yogyakarta.
- Adami Chazawi, 2010, *Legal Learning, Crime Part 1*, Raja Grafindo Persada, Jakarta.
- I Made Widnyana, 2010, *Principles of Criminal Law*, PT. Fikahati Aneska, Jakarta.
- Satjipto Raharjo, 2000, *Legal Studies*, Alumni, Bandung.
- Munir Fuady, 2010, *Dynamics of Legal Theory*, Ghalia Indah Indonesia, Bogor.
- W. Friedman, 1990, *Legal Theory and Philosophy. Composition I. Critical Study of Legal Theory*, PT RajaGrafindo Persada, Jakarta.

Lawrence M. Friedman, 1975, *The Legal System; A Social Science Perspective*, Russell Sage Foundation, New York.

Lamintang, P.A.F, 2010, *Indonesian Penitentiary Law*, Sinar Graphics, Jakarta.

Leden Marpaung, 2005, *Principles-Theory-Practice of Criminal Law*, Sinar Graphics, Jakarta.

Adami Chazawi, 2008, *Criminal Law Lessons*, PT. Raja Grafindo, Jakarta. Widodo, 2009, *Punishment System in Cyber Crime*, Laksbang Mediatama, Yogyakarta.

Bambang Waluyo, 2002, *Legal Research in Practice*, Sinar Graphics, Jakarta.

Bambang Sunggono, 2007, *Legal Research Methodology*, PT Raja Grafindo Persada, Jakarta.

Soerjono Soekanto, 1982, *Introduction to Legal Research*, UI-Press, Jakarta.

Satjipto Rahardjo, 1996, *Legal Studies*, Pt. Citra Aditya Bakti, Bandung.

Sudikno Mertokusumo, 2010, *Getting to Know the Law*, Atma Jaya University, Yogyakarta.

Sudikno Mertokusumo, 2005, *Getting to Know the Law, an Introduction*, Liberty, Yogyakarta.

Lilik Mulyadi, 2012, *Anthology of General and Special Criminal Law*, PT. Alumni, Bandung.

Andi Hamzah, *Indonesian Criminal and Sentencing System, From Retribution to Reform*, Jakarta: PT. Pradnya Paramita, 1986,

Barda Nawawi Arief, *Anthology of Criminal Policy*, Pt. Citra, Bandung.

Ar. Sujono, Bony Daniel, 2011, *Comments and Discussion on Law Number 35 of 2009 concerning Narcotics*, Sinar Graphics, Jakarta.

Erdianto Effendi, 2011, *Indonesian Criminal Law*, Refika Aditama, Bandung.

Otje Salman and Anton F. Susanto, 2004, *Remembering Legal Theory, Collecting And Reopening*. Pt Refika Aditama, Bandung.

Siswanto S, 2012, *Legal Politics in Narcotics Law*. PT. Rineka Cipta, Jakarta.

Makaro, Moh. Taufik, et al, 2005, *Narcotics Crime*, Ghalia Indonesia, Jakarta.

Joko Suyono, 1980, *Problems with Narcotics and Similar Substances*, Kanisius Foundation, Yogyakarta.

Martono, Lydia Harina and Satya Joewana, 2006, The Role of Parents in Preventing and Overcoming Narcotics Abuse, Balai Pustaka, Jakarta.

National Narcotics Agency, 2008, Guide to Implementing Community-Based Therapy and Rehabilitation, National Narcotics Agency of the Republic of Indonesia Center for Therapy and Rehabilitation Laboratory, Jakarta.

Journal

Ida Bagus Putu Swadharma Diputra, Rehabilitation Policy for Narcotics Abusers in Law Number 35 of 2009 concerning Narcotics, Legal Journal Vol. I, Udayana University, Denpasar

Internet

M. Tavip, "Implementation of Therapeutic Community and Integrated Rehabilitation for Narcotics and Psychotropic Convicts in Medan Class I Correctional Institutions Linked to the Goals of the Correctional System", <http://www.ma-ri.go.id/info/lapas/rehabilitasi>, accessed February 2, 2011.

Legislation

Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics Joint Regulation of the Chairman of the Supreme Court of the Republic of Indonesia, Minister of Law and Human Rights of the Republic of Indonesia, Minister of Health of the Republic

Indonesia, Minister of Social Affairs of the Republic of Indonesia, Attorney General of the Republic of Indonesia, Head of the National Police of the Republic of Indonesia and Head of the National Narcotics Agency of the Republic of Indonesia Number 01/PB/M/III/2014 concerning Handling of Narcotics Addicts and Victims of Narcotics Abuse in Rehabilitation Institutions.

Circular Letter of the Supreme Court of the Republic of Indonesia Number: 04 of 2010 concerning the Placement of Abuse, Abuse Victims and Narcotics Addicts into Medical Rehabilitation and Social Rehabilitation Institutions.

Regulation of the Head of the National Narcotics Agency Number 11 of 2014 concerning Procedures for Handling Suspects and/or Accused Narcotics Addicts and Victims of Narcotics Abuse in Rehabilitation Institutions.

IMPLEMENTATION OF REHABILITATION FOR ADDICTS, ABUSERS AND VICTIMS OF NARCOTICS.

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