

## The Role of Government Institutions in Rehabilitation of Handling Victims of Narcotic Abuse

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**Abstract :** *The purpose of this study is to find out the regulations of rehabilitation for victims of narcotics abuse carried out by rehabilitation institutions as well as to analyze the role of Rehabilitation Institution in handling victims of narcotics abuse in Kuningan District. This study employed an evaluative method of analysis which is a method of collecting and presenting data to analyze actual situation and then rational analysis was carried out based on juridical references through library research and field research. The results indicated that the rehabilitation is regulated in Law No. 35 of 2009 concerning Narcotics, Government Regulation No. 25 of 2011 concerning Implementation of Mandatory Self-Reporting of Narcotics Addicts, Regulation of the Minister of Social Affairs of the Republic of Indonesia No. 08 of 2014 concerning Guidelines for Social Rehabilitation of Narcotics Addicts and Victims of Narcotics Abuse Confronting the Law in Social Rehabilitation Institutions, and Regulation of the Minister of Social Affairs of the Republic of Indonesia No. 03 of 2012 concerning the Standard of Social Rehabilitation Institutions for Victims of Narcotics, Psychotropic, and other Addictive Substances. Meanwhile, the role of rehabilitation institution, such as Mandatory Report Recipient Institution (IPWL), is to carry out social rehabilitation programs for victims of narcotics abuse by applying therapeutic community and counseling methods.*

**Keywords:** *Institution; Rehabilitation; Narcotics.*

### Peran Lembaga Pemerintah dalam Rehabilitasi Penanganan Korban Penyalahgunaan Narkotika

**Abstrak :** Tujuan penelitian ini adalah untuk mengetahui bagaimana pengaturan rehabilitasi bagi para korban penyalahgunaan narkotika oleh lembaga rehabilitasi dan untuk menganalisis bagaimana peran Lembaga Rehabilitasi dalam penanganan korban penyalahgunaan Narkotika di Kabupaten Kuningan. Metode penelitian yang digunakan oleh peneliti dalam pembahasan penelitian ini adalah metode evaluatif analisis, yaitu suatu metode mengumpulkan dan menyajikan data yang diperoleh untuk menganalisis keadaan yang sebenarnya dan selanjutnya dilakukan analisa rasional berdasarkan acuan yuridis melalui penelitian kepustakaan dan penelitian lapangan. Hasil penelitian yaitu bahwa pengaturan mengenai rehabilitasi diatur dalam Undang-Undang No 35 Tahun 2009 Tentang Narkotika, Peraturan Pemerintah No 25 Tahun 2011 Tentang Pelaksanaan Wajib Laport Pecandu Narkotika, Peraturan Menteri Sosial Republik Indonesia Nomor 08 Tahun 2014 Tentang Pedoman Rehabilitasi Sosial Pecandu Narkotika Dan Korban Penyalahgunaan Narkotika Yang Berhadapan Dengan Hukum Di Dalam Lembaga Rehabilitasi Sosial, Peraturan Menteri Sosial Republik Indonesia Nomor 03 Tahun 2012 Tentang Standar Lembaga Rehabilitasi Sosial Korban Penyalahgunaan Narkotika, Psikotropika, Dan Zat Adiktif Lainnya. Peran lembaga rehabilitasi sebagai Institusi Penerima Wajib Laport (IPWL) adalah melaksanakan program rehabilitasi sosial bagi korban penyalahgunaan narkotika dengan menggunakan metode terapi komunitas, dan konseling.

**Kata Kunci:** Lembaga; Rehabilitasi; Narkotika.

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## INTRODUCTION

In this modern era, there are various phenomena faced in everyday life in society, including phenomena in economic field, socio-cultural field, political field as well as legal field. Among these

phenomena, the phenomena in legal field always become the main focus. One of the phenomena in the field of law is the phenomenon of narcotics abuse. Although narcotics abuse is not yet a common phenomenon among the majority of Indonesian people, this issue is crucial to be analyzed as it is closely related to the young generation as spearhead of future nation. From the news broadcasted in mass media, it can be seen that the phenomenon of narcotics abuse in Indonesia is developing each year<sup>1</sup>. Initially, narcotics were only used as a tool for religious rituals and medical treatments where narcotics are used in anesthesia process before a patient has a surgery. Yet, nowadays, narcotics are widely used for negative purposes. In social life, there are many people who were initially unfamiliar with narcotics turned into narcotics addicts. Basically, from a legal point of view, narcotics trafficking in Indonesia is legitimate. Narcotic is one of the crimes classified as extra ordinary crimes. As it is known that cases of narcotics trafficking and narcotics abuse in Indonesia are increasingly widespread, ranging from illicit trafficking that enters through ports and spreads among the community to law enforcement officers (*rechts affaraat*) who consume as well as circulate narcotics so that students as young generation of the nation have access to narcotics<sup>2</sup>.

As an archipelago country that has a strategic location, both in terms of economic, social, and politics, Indonesia has participated in handling narcotics crime through the enactment of Law No. 35 of 2009 concerning Narcotics. The aims of the formation of Law No. 35 of 2009 are to:

1. Ensure the availability of Narcotics for the purpose of health and/or the development of science and technology;
2. Prevent, protect and save the people of Indonesia from the abuse of narcotics;
3. Eradicate illicit trafficking of narcotics and narcotics precursors, and;
4. Ensure the regulation of the medical and social rehabilitation efforts for narcotics abusers and narcotics addicts<sup>3</sup>.

In its development, Law on Narcotics has been influenced by the issuance of Law No. 35 of 2009 concerning Narcotics. There has been a legal renewal in the provisions of this law, namely the existence of discrimination against narcotics abusers. In this case, narcotics addicts and victims of narcotics abuse must undergo medical and social rehabilitation. In addition, Article 3 paragraph (1) of the Regulation of the Head of the National Narcotics Board No. 11 of 2014 concerning Procedure for Handling Suspects and/or Defendants of Narcotics and Victims of Narcotics Abuse in Rehabilitation Institutions (BNN Regulation 11/2014) states that Narcotics Addicts and Victims of Narcotics Abuse without right or against the law as Suspects and/or Defendants in Narcotics abuse who are undergoing the process of investigation, prosecution and trial in a court are given treatments in a rehabilitation institution. Further, Circular Letter of the Supreme Court No. 4 of 2010 concerning Placement of Victims of Narcotics Abuse in Medical and Social Rehabilitation Institutions tries to re-use Article 103 of Law No. 35 of 2009 concerning Narcotics stating that judges may decide upon narcotics addicts to undergo treatment through rehabilitation<sup>4</sup>. Narcotics addicts are basically victims of narcotics abuse who violate government regulations. They are Indonesian citizens who are expected to develop this country from adversity in almost all fields.<sup>5</sup>

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<sup>1</sup> I Dewa Putu Ekasasnanda, *Fenomena Kecanduan Narkotika*, Jurnal Sejarah dan Budaya, Vol. 8 Nomor 1 Juni 2014. pp. 4.

<sup>2</sup> Endri, *Problematisa Penegakan Hukum Tindak Pidana Narkotika dan Obat/Bahan Berbahaya (Narkoba) di Indonesia*, Jurnal Unifikasi, ISSN 2354-5976 Vol. 03 Nomor 01 Januari 2016.p. 2.

<sup>3</sup> Aziz Syamsuddin, *Tindak Pidana Khusus*, Sinar Grafika, Jakarta, 2011.hlm. 90.

<sup>4</sup> Juventhy M Siahaan, *Pengguna Narkoba Dipenjara Atau Direhabilitasi*, diakses dari <http://lbhamin.org/pengguna-narkoba-dipenjara-atau-direhabilitasi/>, 28 March 2019 : 21:09

<sup>5</sup> Ibrahim Fikma Edrisy, *Implementasi Rehabilitasi Terhadap Anak Penyalah Guna Narkotika (Studi Di Wilayah Kepolisian Daerah Lampung)*, Jurnal Univesitas Lampung, ISSN 1978-5186 Vol 10 April 2016.p. 319.

Illicit trafficking and narcotics abuse targeting young generation have reached various parts of region and its misuse is evenly distributed across all social strata of the society. Basically, narcotics have various benefits in the fields of health and science, but it becomes dangerous if someone misuses it<sup>6</sup>. Thus, narcotics abuse is a major problem faced by the Indonesian state and government. The high cases of narcotics abuse and state losses occurring as a result of these cases as well as its wide impact for Indonesian citizens have encouraged the Indonesian government to declare a drug emergency. This case has implications for the state, government and all elements of society to synergistically work against the cases of narcotics abuse in Indonesia.

Viewing from the aspects existed in narcotics abuse cases, it can be said that narcotics abuse is multidimensional in nature. Those aspects include medical, social, cultural, economic, political and legal aspects. These aspects are interrelated with one another. A society that cannot be separated from drugs is called as drug oriented society<sup>7</sup>, where narcotics abuse is spread evenly across all levels of society. Hence, the case of narcotics abuse requires a great attention from the state and the government, both the central government and the regional government as narcotics has become an issue for all nations.<sup>8</sup> The losses of the state due to these narcotics abuse cases cannot be counted, such as the costs for procurement as well as treatment and mitigation, including in Kuningan District. The number of narcotics abuse cases in West Java has increased by 75% during the period of 2017 in which there were 73 narcotics cases involving 105 suspects that have been revealed by the Provincial National Narcotics Agency (BNNP) of West Java. This number is a combination of City and District BNN in West Java<sup>9</sup>. The implementation of criminal law in the form of imprisonment for victims of narcotics abuse is proven to have been failed as the number of victims of narcotics abuse entering prison is increasing in each year. Similar policy that has been implemented in several countries, such as Portugal, Luxembourg and Thailand, has been success in decreasing the number of narcotics abusers.<sup>10</sup> Hence, in an effort to handle narcotics abuse cases, the government has established many rehabilitation institutions for victims of narcotics abuse.

These rehabilitation institutions can be in the form of medical treatment or mental and moral guidance, such as in Rehabilitation Institution of Yayasan Rumah Tenjo Laut. This rehabilitation institution applies a combination of the two methods of treatment and rehabilitation for narcotics abusers entering their rehabilitation institution. Yayasan Rumah Tenjo Laut aims to restore the mental and moral condition of narcotics abusers so that they can return to be normal and moral people and are ready to re-implement a social function in society. Based on the background previously described, the problem discussed in this study is formulated into the following questions: How are the regulations of rehabilitation for victims of narcotics abuse carried out by rehabilitation institution? and What is the role of Rehabilitation Institution in handling victims of narcotics abuse in Kuningan District?

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<sup>6</sup> Tatas Nur Arifin, *Implementasi Rehabilitasi Pecandu Narkotika Dalam Undang-Undang Republik Indonesia Nomor. 35 Tahun 2009 Tentang Narkotika Sebagai Upaya Non Penal Badan Narkotika Nasional*, Artikel Ilmiah Universitas Brawijaya, 2013.p. 7.

<sup>7</sup> Sugiyanto. *Peran Lembaga Rehabilitasi Kunci Dalam Penanganan Korban Penyalahgunaan Napza Di Daerah Istimewa Yogyakarta*, Sosio Informa Vol. 1, No. 03, September - Desember, 2015.p. 262.

<sup>8</sup> Ahmad Hunaeni Zulkarnaen and Akbar Sanjaya. "The Effectiveness of Prison Sentences on Narcotics Addicts". *UNIFIKASI : Jurnal Ilmu Hukum*. 6(1). 2019. 83-93

<sup>9</sup> Daniel Andreand Damanik, "Kasus Penyalahgunaan Narkotika Meningkat 75 Persen di Jawa Barat pada 2017", diakses dari <http://jabar.tribunnews.com/2017/12/28/kasus-penyalahgunaan-narkotika-meningkat-75-persen-di-jawa-barat-pada-2017>, 15 April 2018. 22:20

<sup>10</sup> Hafied Ali Gani, Nurini Aprilianda,, Ardi Ferdian, *Rehabilitasi Sebagai Upaya Depenalisasi Bagi Pecandu Narkotika*. Jurnal Ilmiah Fakultas Hukum Universitas Brawijaya, Mei 2015. pp. 6.

## RESEARCH METHODS

This descriptive-analytical study applied an empirical juridical approach. The stages of this study involved field research and library research. Basically, in empirical legal research, the data used was primary data. In this study, the data were collected through interview and document analysis. The collected data were then analyzed by applying descriptive analysis method.

## RESULTS AND DISCUSSION

### A. The Regulations of Rehabilitation for Victims of Narcotics Abuse Carried out by Rehabilitation Institutions

#### 1. Based on Law No. 35 of 2009 concerning Narcotics

Law No. 35 of 2009 which was enacted on September 14, 2009 is a revision of Law No. 22 of 1997 concerning Narcotics. Article 4 of Law No. 35 of 2009 concerning Narcotics states that Law on Narcotics has the objectives to:

1. Ensure the availability of Narcotics for the purpose of health and/or the development of science and technology;
2. Prevent, protect and save the people of Indonesia from the buse of narcotics;
3. Eradicate illicit trafficking of narcotics and narcotics precursors, and;
4. Ensure the regulation of the medical and social rehabilitation efforts for narcotics abusers and narcotics addicts.

From these objectives, it can be seen that one of the objectives of Law on Narcotics is to ensure the regulation of the medical and social rehabilitation efforts for narcotics abusers and narcotics addicts. It means that the objective of Law on Narcotics is not only for Narcotics eradication, but also to ensure the regulation of the medical and social rehabilitation efforts. In Law No. 35 of 2009 concerning Narcotics, there are two types of narcotics rehabilitation, namely:

1. Medical Rehabilitation which is a process of integrated medical activities to free addicts from narcotics addiction.
2. Social Rehabilitation which is a process of integrated recovery activities, both physically, mentally and socially, so that former Narcotics addicts can re-implement a social function in society.

The obligation for narcotics addicts and victims of narcotics abuse to undergo rehabilitation is regulated in Article 54 of Narcotics Law stating that narcotics addicts and victims of narcotics abuse shall undergo medical rehabilitation and social rehabilitation. Rehabilitation is an obligation for narcotics addicts and victims of narcotics abuse because it has been regulated in Law on Narcotics. Besides, referring to the rule of law theory, it is stated that in a state based on the rule of law, peoples' rights are fully guaranteed by the state and against the state. Thus, as Indonesia is a state based on the rule of law, narcotics addicts and victims of narcotics abuse are required to undergo rehabilitation because they must comply with regulations made by the state.

A narcotics addict and narcotics abuser can make a mandatory self-reporting before being arrested by the police. The obligation to make a mandatory self-reporting is regulated in Article 55 of Narcotics Law stating that the parent or guardian of the Narcotics addicts who are not old enough shall report to the community health centers, hospitals, and/or medical and social rehabilitation institutions appointed by the Government to obtain treatment and/or rehabilitation care through medical and social rehabilitation. If we refer to the theory of legal compliance in which legal compliance is an awareness of the usefulness of the law resulting in people's loyalty to the legal values enacted in a society, then the victims should comply with the provision in Article 55 so that the victims will get special treatment

to be able to cure themselves from narcotics addiction through rehabilitation. Besides, it would be better if the compliance is internalization in which a person obeys a rule because he feels that the rule is in accordance with the intrinsic values that he adopts, not because he fears of being sanctioned. This provision confirms that to assist the Government in handling the issue of Narcotics abuse, especially for Narcotics addicts, the participation of parents/guardians as well as the community are needed to provide supervision and guidance for their children. The term “not old enough” in this provision refers to someone who has not reached the age of 18 (eighteen) years old. Meanwhile, a mandatory self-reporting, according to Article 1 of Government Regulation of the Republic of Indonesia No. 25 of 2011 concerning Implementation of Mandatory Self-Reporting of Narcotics Addicts is a self-reporting activity carried out by narcotics addicts who are old enough or their families, and/or parents or guardians of narcotics addicts who are not old enough to *Mandatory Report Recipient Institution* (IPWL) to undergo treatment and/or care through medical rehabilitation and social rehabilitation. A mandatory self-reporting of narcotics addicts is done at *Mandatory Report Recipient Institution* (IPWL). The IPWL can be in the form of community health centers, hospitals, medical rehabilitation institutions established by the Ministry of Health, and social rehabilitation institutions established by the Ministry of Social Affairs.

Yet, if narcotics addicts and victims of narcotics abuse do not make a mandatory self-reporting and they are caught red-handed by the police, the status of the narcotics addicts and victims of narcotics abuse will be a suspect and must go through a trial process and is threatened with criminal offenses stipulated in Article 127 of Narcotics Law, namely:

(1) Every Abusers:

- a. Narcotics Category I for themselves shall be punished with imprisonment of 4 (four) years;
- b. Narcotics Category II for themselves shall be punished with imprisonment of of 2 (two) years; and
- c. Narcotics Category III for themselves shall be punished with imprisonment of 1 (one) year.

The judge’s decision will determine whether the suspect (in this case Narcotics addicts) can undergo rehabilitation or not. It means that there will be a trial process, before the judge decides whether a person is rehabilitated or not. This issue is regulated in Article 103 of Narcotics Law, namely:

(1) The judge who examined the case of Narcotics addict may:

- a. decide to order the person concerned to undergo medication and/or treatment through rehabilitation, if the Narcotics addict is proven guilty of a crime of Narcotics; or
- b. set out to order the person concerned to undergo medication and/or treatment through rehabilitation, if the Narcotics addict is not proven guilty of a crime of Narcotics.

(2) The period of medication and/or treatment for Narcotics Addicts as referred to in paragraph (1) letter a is calculated as the time serving his sentence.

Thus, it is clear that it is the judge’s decision that determines whether a suspect must undergo rehabilitation as the case has gone through several stages before entering the judicial process. In a case where the suspect is proven to have committed a narcotics crime, not only as a user, he will undergo rehabilitation as well as criminal sanctions as regulated in Article 127 of Narcotics Law.



2. Based on Government Regulation of the Republic of Indonesia No. 25 of 2011 concerning Implementation of Mandatory Self-Reporting of Narcotics Addicts

Article 55 of Law No. 35 of 2009 concerning Narcotics requires narcotics addicts who are old enough or parents or guardians of narcotics addicts who are not old enough to report to the community health centers, hospitals, and/or medical and social rehabilitation institutions appointed by the Government to obtain the treatment and/or rehabilitation care through medical rehabilitation and social rehabilitation. As mandated by Law No. 35 on 2009 concerning Narcotics, on April 18, 2011, President Soesilo Bambang Yudhoyono signed Government Regulation No. 25 of 2011 concerning Implementation of Mandatory Self-Reporting of Narcotics Addicts. With the ratification of Government Regulation No. 25 of 2011 concerning Implementation of Mandatory Self-Reporting of Narcotics Addicts, there is an obligation for narcotics addicts to report themselves and undergo rehabilitation.

The efforts to place narcotics abuser as a party that must be recovered from the effects of narcotics use have strengthened. However, these efforts were conflicted with Law No. 35 of 2009 concerning Narcotics and the applicable legal system. Until now, narcotics abusers only have the right to get rehabilitation after getting a judge's decision that has permanent legal force. Although there is an effort to place narcotics abusers in rehabilitation during the legal process, there are still obstacles because victims of narcotics abusers have to go through such a long legal process to obtain rehabilitation clarity. In the legal system theory, it is included as legal substance which is the actual rules and norms used by institutions. This type of rule is used by IPWL institutions in implementing mandatory self-reporting for victims of narcotics abuse and narcotics addicts.

The term "mandatory self-reporting", according to Article 1 of Government Regulation of the Republic of Indonesia No. 25 of 2011 concerning Implementation of Mandatory Self-Reporting of Narcotics Addicts, is a self-reporting activity carried out by narcotics addicts who are old enough or their families, and/or parents or guardians of narcotics addicts who are not old enough to *Mandatory Report Recipient Institution* (IPWL) to undergo treatment and/or care through medical rehabilitation and social rehabilitation. A mandatory self-reporting of narcotics addicts is done at *Mandatory Report Recipient Institution* (IPWL). The IPWL can be in the form of community health centers, hospitals, medical rehabilitation institutions established by the Ministry of Health, and social rehabilitation institutions established by the Ministry of Social Affairs. The *Mandatory Report Recipient Institution* is appointed by two relevant ministries, namely the Ministry of Health and the Ministry of Social Affairs. The Ministry of Health specifically appoints health institutions, namely Hospitals and Health Centers. The ideal theory of the Mandatory Self-Reporting Program is:

1. Narcotics Users, Victims of Narcotics Abuse, and Narcotics Addicts come to the appointed Medical or Social Institutions to make a mandatory self-reporting
  2. The first mechanism is that the Narcotics Users, Victims of Narcotics Abuse, and Narcotics Addicts conduct the initial screening (identity, brief history of use, history of treatment)
  3. The assessment (semi-structured interview with a special format) which aims to see the severity of the client is carried out
  4. The assessment results will be used as a basis in the preparation of therapeutic plans for the client.
3. Based on Circular Letter of the Supreme Court of the Republic of Indonesia No. 4 of 2010 concerning Placement of Victims of Narcotics Abuse in Medical Rehabilitation and Social Rehabilitation Institutions

Circular Letter of the Supreme Court of the Republic of Indonesia No. 4 of 2010 concerning Placement of Victims of Narcotics Abuse in Medical Rehabilitation and Social Rehabilitation Institutions is formulated by considering the fact that the enactment of Law No. 35 of 2009 concerning Narcotics is not effective in decreasing the number of cases of narcotics addicts and narcotics abusers. Besides, the treatment through rehabilitation process have not been optimal as its implementation has not yet been integrated among law enforcers. Circular Letter of the Supreme Court of the Republic of Indonesia No. 4 of 2010 concerning Placement of Victims of Narcotics Abuse in Medical Rehabilitation and Social Rehabilitation Institutions aims to reinforce the application of criminal acts as referred to in Article 103 letters a and b of Law No. 35 of 2009 concerning Narcotics which can only be imposed on the following classification of criminal acts:

- a. The defendant was arrested by national police investigators and BNN investigators in the condition of being caught red-handed;
- b. When being caught red-handed as referred to point a, there is evidence of usage of 1 (one) day, with the following details:
  1. Group of methamphetamine (shabu) : 1 gram
  2. Group of MDMA (ecstasy) : 2,4 gram
  3. Group of Heroin : 1,8 gram
  4. Group of Cocaine : 1,8 gram
  5. Group of Marijuana : 5 gram
  6. Coca Leaf : 5 gram
  7. Mescaline : 5 gram
  8. Group of Psilocybin : 3 gram
  9. Group of LSD (d-lysergic acid diethylamide) : 2 gram
  10. Group of PCP (phencyclidine) : 3 gram
  11. Group of Fentanyl : 1 gram
  12. Group of Methadone : 0,5 gram
  13. Group of Morphine : 1,8 gram
  14. Group of Petidin : 0,96 gram
  15. Group of Codeine : 72 gram
  16. Group of Buprenorfin : 32 mg
- c. The laboratory test letter declaring that defendant is positive using Narcotics based on the request of the investigators.
- d. There is a Certificate from a government psychiatrist appointed by the Judge.
- e. There is no evidence that the defendant was involved in illicit trafficking of Narcotics.

Thus, based on the Circular Letter of the Supreme Court, the judge can decide narcotics addicts and victims of narcotics abuse to undergo rehabilitation if they are caught red-handed and there is evidence that they have narcotics with an amount not exceeding the provision in point b.

4. Based on the Regulation of the Head of the National Narcotics Board No. 11 of 2014 concerning Procedure for Handling Suspects and/or Defendants of Narcotics and Victims of Narcotics Abuse in Rehabilitation Institutions

Article 4 of the Regulation of the Head of the National Narcotics Board No. 11 of 2014 concerning Procedure for Handling Suspects and/or Defendants of Narcotics and Victims of Narcotics Abuse in Rehabilitation Institutions emphasizes on the Circular Letter of the Supreme Court of the Republic of Indonesia No. 4 of 2010 concerning Placement of Victims of Narcotics Abuse in Medical Rehabilitation and Social Rehabilitation Institutions, namely:

Based on Article 4 Paragraph 2, Narcotics addicts and victims of Narcotics Abuse without right and against the law as suspects who are arrested or caught red-handed with evidence of a certain amount and are proven positive to use Narcotics in accordance with urine, blood, hair and/or DNA test results, as long as the judicial process takes place within a certain period of time, can be placed in rehabilitation institutions managed by the government, after Police Investigation Report (BAP) of Laboratory Results and Police Investigation Report (BAP) of National Police Investigators and/or BNN Investigators as well as the assessment results from the Integrated Assessment Team were issued.

Meanwhile, narcotics addicts and victims of narcotics abuse who are arrested without evidence, but proven positive to use narcotics in accordance with urine and blood tests can be placed in rehabilitation institutions as regulated in Article 4 paragraph 1 of the Regulation of the Head of the National Narcotics Board No. 11 of 2014 concerning Procedure for Handling Suspects and/or Defendants of Narcotics and Victims of Narcotics Abuse in Rehabilitation Institutions.

Based on Article 4 Paragraph 1, Narcotics Addicts and Victims of Narcotics Abuse without right and against the law as Suspects of Narcotics Abuse who are arrested or caught red-handed without evidence, but are proven positive to use Narcotics in accordance with urine, blood and/or hair test results are placed in rehabilitation institutions managed by the government, after Police Investigation Report (BAP) of Laboratory Results and Police Investigation Report (BAP) of National Police Investigators and/or BNN Investigators as well as the assessment results from the Integrated Assessment Team were issued. Yet, the detention of narcotics addicts and victims of narcotics abuse will continue as they are proven positive to use narcotics in accordance with urine or blood tests and there was found evidence exceeding the amount stated in point b of the Circular Letter of the Supreme Court of the Republic of Indonesia No. 4 of 2010 concerning Placement of Victims of Narcotics Abuse in Medical Rehabilitation and Social Rehabilitation Institutions as well as Article 4 Paragraph 3 of the Regulation of the Head of the National Narcotics Board No. 11 of 2014 concerning Procedure for Handling Suspects and/or Defendants of Narcotics and Victims of Narcotics Abuse in Rehabilitation Institutions.

## **B. The Role of Rehabilitation Institution of Yayasan Rumah Tenjo Laut in Handling Victims of Narcotics Abuse in Kuningan District**

Role is a system of rules that contains standards of behavior. At certain position in society, positions that can be owned by individuals or groups have their own roles which can be in accordance with or may be contrary to what is determined in a system of rules. The role of Rehabilitation Institution of Yayasan Rumah Tenjo Laut as a *Mandatory Report Recipient Institution* (IPWL) is to carry out rehabilitation by applying social rehabilitation method for victims of narcotics abuse. As mandated in Articles 54 and 103 of Law No. 35 of 2009 concerning Narcotics that narcotics abusers must undergo rehabilitation. It implies that the government and the community are obliged to carry out therapeutic and rehabilitation management for victims of narcotics abuse.

The implementation of social rehabilitation carried out in rehabilitation institutions refer to the following regulations:

1. Government Regulation of the Republic of Indonesia No. 25 of 2011 concerning Implementation of Mandatory Self-Reporting of Narcotics Addicts
2. Circular Letter of the Supreme Court of the Republic of Indonesia No. 4 of 2010 concerning Placement of Victims of Narcotics Abuse in Medical Rehabilitation and Social Rehabilitation Institutions.



In Section Two of Law No. 35 of 2009 concerning Narcotics, Article 54 states that Narcotics addicts and victims of narcotics abuse shall undergo medical rehabilitation and social rehabilitation. Based on Article 54, narcotics addicts and victims of narcotics abuse are required to undergo rehabilitation, especially for Category I. Meanwhile, Article 55 of Law No. 35 of 2009 concerning Narcotics states that:

- 1) The Parent or guardian of the Narcotics addicts who are not old enough shall report to the community health centers, hospitals, and/or medical and social rehabilitation institutions appointed by the Government to obtain treatment and/or rehabilitation care through medical and social rehabilitation.
- 2) Narcotics addicts who are old enough are required to report themselves or be reported by their families to the community health centers, hospitals, and/or medical and social rehabilitation institutions appointed by the Government to obtain treatment and/or rehabilitation care through medical and social rehabilitation.

Based on these provisions, it is clear that the rehabilitation institution of Yayasan Rumah Tenjo Laut as a *Mandatory Report Recipient Institution (IPWL)* is one of social rehabilitation institutions that carries out social rehabilitation for victims of narcotics abuse as it has obtained approval from the Ministry of Social Affairs by the issuance of a Decree of the Minister of Social Affairs No. 35/HUK/2017 on March 30, 2017 concerning the Establishment of Yayasan Rumah Tenjo Laut as a *Mandatory Report Recipient Institution (IPWL)* for victims of narcotics abuse.

Meanwhile, based on the interview conducted with the chairman of Yayasan Rumah Tenjo Laut, Juju Junaedi, it was found that in 2008, the victims of narcotics abuse in Kuningan District were basically people in their productive age and even underage children. Basically, there are two social rehabilitation programs at Yayasan Rumah Tenjo Laut, namely inpatients and outpatients. Here, a client must firstly go through an assessment process. Assessment is an activity that aims to find out whether the client has been convicted or not, to what extent his narcotics use is, and what kind of narcotics he has used so that the assessors and counselors team can determine which programs should be taken, whether outpatients or inpatients<sup>11</sup>. The duration of outpatient rehabilitation program is a maximum of 3 months and 3 to 4 months for inpatients depending on how severe the use of narcotics<sup>12</sup>. Before undergoing an inpatient program, there is an initial stage that must be done by a client in which the client shall come for further medical check up. The stages of social rehabilitation at Yayasan Rumah Tenjo Laut are:

#### 1. Initial approach

The initial approach which is the initial activity of the entire social rehabilitation process begins with the introduction of the program followed by screening and assessment activities. This initial activity aims to identify client's problems as well as to build client's confidence in explaining his problems. The obligation of IPWL to conduct assessment activity is regulated in Article 7 of Government Regulation of the Republic of Indonesia No. 25 of 2011 concerning Implementation of Mandatory Self-Reporting of Narcotics Addicts, namely:

- (1) *Mandatory Report Recipient Institution (IPWL)* as referred to in Article 6 must conduct an assessment to find out the condition of Narcotics Addicts.
- (2) Assessment as referred to in Paragraph (1) covers medical aspects and social aspects.

Further, the procedure of the assessment is regulated in Article 8 of Government Regulation of the Republic of Indonesia No. 25 of 2011 concerning Implementation of Mandatory Self-Reporting of Narcotics Addicts, namely:

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<sup>11</sup> Interview with Juju Junaedi, 05 August 2019

<sup>12</sup> *Ibid*,

- (1) Assessment as referred to in Article 7 Paragraph (2) shall be carried out through interview, observation, and physical and psychological tests towards Narcotics addicts.
- (2) Interview as referred to in Paragraph (1) includes medical history, narcotics use history, treatment history, criminal acts history, psychiatric history, and family and social history of Narcotics addicts.
- (3) Observation as referred to in Paragraph (1) includes observation of the behavior of Narcotics addicts.
- (4) Further provisions regarding the assessment as referred to in Paragraph (1) shall be regulated by a Ministerial Regulation.

## 2. Disclosure and Problem Solving

This stage aims to collect, analyze, and formulate problems, needs as well as potentials in order to find out the root of the problems experienced by a client. Based on the interview conducted with Juju Junaedi, it was found that this stage tries to find out the factors causing the client to commit narcotics abuse, whether the environmental factor, family factor or other factors. If the factor causing the client to commit narcotics abuse is the family factor, the assessment team will then talk to the client's family concerning the triggering factors causing the client to commit narcotics abuse. The stage of disclosure and problem solving will not only observe the client, but also the client's response. In this case, the client's family also plays an important role in identifying the client's problem.

After undergoing the initial approach, the client will carry out an inpatient program. Yayasan Rumah Tenjo Laut has scheduled daily activities that must be followed by all clients. These activities have been arranged from waking up to resting at night<sup>13</sup>.

## 3. Preparation of Problem Solving Plan

Problem solving plan which is prepared based on the results of disclosure and problem solving stage involves determining the objectives, activities, methods, strategies, time and indicators of success. The preparation of problem solving plan aims to provide services that are in accordance with the actual conditions of a client. Based on the interview conducted with Juju Junaedi, it was revealed that the problem solving plan is prepared by conducting cases management and determining a priority scale of the problem through counseling with the client and counselors in case conference to provide advice and input in solving client's problems. All aspects are discussed in case conference in order to produce a good problem solving plan. In this case, each counselor provides a client observation report.

## 4. Problem Solving

This stage is an implementation of problem solving plan through social services and therapeutic community which includes these following activities:

### a. Physical and Health Guidance:

#### 1) Medical Check Up

Medical check up is the client's health check carried out by doctor and medical department. It is done to ensure that the client is physically and mentally healthy in undergoing rehabilitation. Thus, if the client is mentally ill, he must firstly enter to a mental hospital, because rehabilitation will not succeed if the client suffers from mental illness.

#### 2) Urine Test

Urine test is carried out monthly to the client.

#### 3) Detoxification

Detoxification is a process of removing toxins from the body of a narcotics addict.

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<sup>13</sup> Interview with Dadan Purqon, 05 August 2019

b. Main Stage

1) Counseling

Counseling is carried out by applying Motivational Interviewing (MI) method which aims to improve the the client's perspective on life and narcotics as well as to solve the problems faced. Meanwhile, the use of Cognitive Behavior Therapy (CBT) method aims to change the client's behavior as narcotics abuse is a kind of behavior deviations.

Counseling is done at least 4 times in which the counselors will continue to monitor the progress of the client in each counseling session because the client's recovery will highly depend on the client's willingness to recover<sup>14</sup>.

2) Therapeutic Community

According to the Elucidation of Article 12 Paragraph 2 of Government Regulation of the Republic of Indonesia No. 25 of 2011 concerning Implementation of Mandatory Self-Reporting of Narcotics Addicts, the term "therapeutic community" is a type of therapy where the surrounding community of the client plays the role of carrying out therapy. Thus, it can be said "from addicts, by addicts, and to help addicts".

Therapeutic community is used to change client's behavior. Basically, this activity aims to stop narcotics abuse by encouraging the client to know more about themselves emotionally, intellectually and spiritually because, in essence, the recovery comes from each individual<sup>15</sup>.

3) Final Asessment

After the client goes through counseling with MI and CBT methods and conducts therapeutic community, the assessment team will then observe the extent to which the client's development in terms of the way the client views narcotics, whether the client has been able to fully recover from narcotics addiction or not. The client's developments are written in a report created by the assessment team based on the client's activity. If the client is considered to have recovered, the assessment team will state that the client has fully recovered from narcotics addiction and has successfully undergone the rehabilitation program.

5. Advanced Guidance

Advanced guidance is a part of social rehabilitation process done as an effort targetted at clients who have participated in social rehabilitation process. Even though the client is no longer bound by the program regulations, the client will be continuously observed by the program team through social media, family and therapeutic community.

Based on the interview conducted with Juju Junaedi, there are 3 main obstacles faced by Yayasan Rumah Tenjo Laut in handling victims of narcotics abuse, namely;

- a. Community, especially parents of narcotics abusers, are not aware of the importance of rehabilitation and feel they can solve the problem by themselves;
- b. Parents of narcotics abusers consider that having a child who commits narcotics abuse is a disgrace that must be covered so that they are reluctant to register their child to participate in a rehabilitation program;
- c. The society still considers that narcotics abuser is a criminal, not a victim who must be helped in order to recover;

These three main obstacles come from the community and cultural factors. If it is related to the theory of legal obedience, there are 3 criteria of obedience, namely:

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<sup>14</sup> Interview with Juju Junaedi, 05 August 2019

<sup>15</sup> Interview with Dadan Purqon, 05 August 2019

1. Obedience that is compliance in nature, i.e. someone obeys to a rule only because he is afraid of being sanctioned.
2. Obedience that is identification in nature, i.e. someone obeys to a rule only because he is afraid that his good relationship with someone will be broken.
3. Obedience that is internalization in nature, i.e. if someone obeys to a rule because he feels the rule is in accordance with the intrinsic values that he adheres to.

Thus, it is clear that many parents do not obey to the rules because in most cases, parents will register their children to undergo rehabilitation after being arrested by the police. It means that the parents' obedience refers to point 1 where someone obeys to a rule only because he is afraid of being sanctioned.

The more people who obey to a law only with obedience that is compliance or identification in nature show that the effectiveness of the law is still low. On the contrary, the more people who obey to a law with obedience that is internalization in nature indicate a high effectiveness of the rule or the Law.

From the description, as most parents' obedience refers to obedience that is compliance in nature in which they obey to a rule only because they are afraid of being sanctioned, it can be concluded that the effectiveness of Narcotics Law which obliged narcotics abusers to make mandatory self-reporting is relatively low.

In fact, based on the interview conducted with Juju Junaedi, there are 3 objectives of rehabilitation, namely:

1. Recover from narcotics addiction;
2. Become a productive human being;
3. Can re-implement a social function in society.

**\* Recapitulation data of clients served in 2018**

Facilitation	KEMENSOS Outpatients	Regular Outpatients	Outpatients	KEMENSOS Inpatients
Total	90 people	53 people	37 people	20 people

**\* Recapitulation data of clients served in 2019**

No	Stage	KEMENSOS Outpatients	Regular Outpatients	Outpatients	KEMENSOS Inpatients
1	First Semester	50 people	13 people	10 people	10 people
2	Second Semester	50 people	6 people	7 people	10 people
Total		100 people	19 people	17 people	20 people

## CONCLUSION

The regulation of rehabilitation for victims of narcotics abuse is stated in Law on Narcotics in which one of the objectives of the establishment of Law on Narcotics is to ensure the regulation of medical and social rehabilitation efforts for narcotics abusers and narcotics addicts. Meanwhile, the obligation to undergo medical rehabilitation and social rehabilitation is regulated in Article 54; the mandatory self-reporting is regulated in Article 55; and the judge's decision for narcotics abusers to carry out rehabilitation is regulated in Article 103. These regulations are followed up by Government Regulation of the Republic of Indonesia No. 25 of 2011 concerning Implementation of Mandatory

Self-Reporting of Narcotics Addicts. Further, regarding the placement of victims of narcotics abuse into rehabilitation institutions is regulated in Circular Letter of the Supreme Court of the Republic of Indonesia No. 4 of 2010 concerning Placement of Victims of Narcotics Abuse in Medical Rehabilitation and Social Rehabilitation Institutions.

The role of Rehabilitation Institution of Yayasan Rumah Tenjo Laut as a *Mandatory Report Recipient Institution* (IPWL) is to carry out social rehabilitation program for victims of narcotics abuse by applying therapeutic community and counseling methods. When a new client arrives, a screening process is carried out to find out the client's identity and then an assessment is carried out to find out more about the client's problem, such as how long the client uses narcotics, so that a decision whether the client shall undergo outpatient or inpatient can be made by assessor and counselor team. Basically, the rehabilitation process can be done through several stages, including; 1) initial approach which is done through the initial assessment activity; 2) disclosure and problem solving which aims to find out the factors causing the client to commit narcotics abuse; 3) preparation of problem solving plan which aims to prepare a problem solving plan; 4) problem solving which is done through therapeutic community and counseling methods; and 5) advanced guidance. Meanwhile, the main obstacles faced by Yayasan Rumah Tenjo Laut in handling victims of narcotics abuse include; 1) Community, especially parents of narcotics abusers, are not aware of the importance of rehabilitation and feel they can solve the problem by themselves; 2) Parents of narcotics abusers consider that having a child who commits narcotics abuse is a disgrace that must be covered so that they are reluctant to register their child to participate in a rehabilitation program; and 3) The society still considers that narcotics abuser is a criminal, not a victim who must be helped in order to recover.

## SUGGESTION

It is expected that the public is increasingly aware of the importance of rehabilitation for victims of narcotics abuse before they are getting worse. One of rehabilitation institutions in Kuningan District is the rehabilitation institution of Yayasan Rumah Tenjo Laut. Narcotics abusers are victims that we must help as they are people who are sick and need help in order to be able to recover and re-implement a social function in the community.

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