

IMPLEMENTATION OF REHABILITATION FOR DRUG ABUSERS BY THE DIRECTORATE OF THE DRUGS RESERVATION OF THE LAMPUNG INDONESIA REGIONAL POLICE

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ABSTRACT

Rehabilitation is one of the most frequently used methods to save victims of narcotics abusers from dependence. Narcotics addicts and abusers are required to receive rehabilitation, both medical rehabilitation and social rehabilitation, as stipulated in Article 54 of the said Narcotics Law. Narcotics users must be positioned as victims of narcotics trafficking crimes, so that rehabilitation measures are intended so that victims can recover both medically and socially. A narcotics user who is arrested and undergoing a legal process, the judicial process is the most appropriate moment for the rehabilitation of a suspect/accused addict as a victim of narcotics abuse. The implementation of the rehabilitation determination can be implemented and applies at all levels of the judicial process. Starting at the level of investigation, prosecution, and in a synergistic and integrated trial. The judge in his decision is also obliged to include the obligations of narcotics addicts and victims of narcotics abuse to get rehabilitation as regulated in Article 103 of the Narcotics Law and Supreme Court Circular No. 04 of 2010 concerning Placement of Abuse, Victims of Abuse and Narcotics Addicts into Medical Rehabilitation and Social Rehabilitation Institutions. The method used in this research is normative legal research and empirical legal research. The results of this study indicate that narcotics abuse can no longer be viewed as an ordinary crime, but as an extraordinary crime. First, the focus of handling narcotics crimes is not only on the users, but now that there are already organized providers, it is difficult to reveal who the perpetrators behind the crime are. There are manufacturers, there are distributors, there are dealers, there are dealers and there are retailers. All data recorded that 590 people were victims, users and abusers of narcotics in 2019, 2020 and 2021 were compulsory types that were submitted to the trial process through the Public Prosecutor (JPU). Of the number of victims, users and abusers who were proposed by the judicial process, only 7 people or about 1 percent were sentenced by the panel of judges for rehabilitation. Drug abuse in Lampung Province reached 11,531 people. This number is based on our prevalence figures (calculations) for the Lampung Province BNN in 2019, "From the victims, users and the number of narcotics abusers, the material loss rate experienced by the state reaches Rp. 11.5 billion per month. The narcotics law already regulates narcotics crimes and money laundering crimes originating from narcotics crimes as an inseparable part, stipulates that one of the evidences of the crime of laundering money is a financial transaction regulated in article 86 of the narcotics law. Reports from the head of the PPATK can be directly investigated, investigated to find the suspect and brought to court. Victims, users and abusers of narcotics who have been sentenced to rehabilitation by a panel of court judges will carry out rehabilitation more or less for 3 to 6 months in accordance with the standard of therapy and rehabilitation services applied by the Minister.

Keywords: Rehabilitation, Drug Abusers.

INTRODUCTION

Rehabilitation is one of the most frequently used methods to save victims of narcotics abusers from dependence. Article 54 of Law Number 35 of 2009 concerning Narcotics (Narcotics Law) states that narcotics addicts and victims of narcotics abusers are obliged to undergo medical and social rehabilitation. Rehabilitation for narcotics abusers is also regulated in Article 127 Paragraph (2) and Paragraph (3) of this Narcotics Law. Then a Joint Regulation (Perber) Number 01/PB/MA/III/2014 of 2014 has also been made concerning the Rehabilitation of Narcotics Addicts. This rule was jointly prepared by the Chief Justice of the Republic of Indonesia, the Minister of Law and Human Rights of the Republic of Indonesia, the Minister of Health of the Republic of Indonesia, the Minister of Social Affairs of the Republic of Indonesia, the Attorney General of the Republic of Indonesia, the Head of the Indonesian National Police and the Head of the National Narcotics Agency of the Republic of Indonesia and have been regulated in the regulations of each institution (Abdul Selamat Nazar; 2012).

This joint regulation contains the handling of narcotics addicts and victims of narcotics abuse who must be rehabilitated into rehabilitation institutions. Based on this joint regulation, for narcotics users who are not dealers / dealers / couriers / producers, medical rehabilitation and social rehabilitation must be carried out, after an assessment has been carried out from the Integrated Assessment Team (TAT) which was formed according to the investigator's request, as stated in Article 7, 8, 9 and 10 of the Joint Rules. TAT itself is an assessment team from the combined elements of the Police Investigator, the Prosecutor's Office and the Medical Team of the National Narcotics Agency doctor. The task of the TAT is to determine the extent of addiction and the role of abuse in narcotics crimes as stated in Article 9 Paragraph 1 of the Joint Regulation (Perber) and Article 12 Paragraph 1 of the Regulation of the Head of the National Narcotics Agency (Perka) No. 11 of 2014.

If someone is arrested for using narcotics with evidence that does not exceed a certain amount, then a maximum of 1x24 hours the investigator must request the TAT to conduct an assessment. The request must be made by the investigator with or without a request from the suspect. The TAT recommendation will be issued a maximum of 6x24 hours after the arrest, and the place and time of rehabilitation can be decided, as well as the status of the suspect and the follow-up to the legal process. The process of coercive efforts in the investigation of victims of narcotics abusers is carried out by placing the victim at the Compulsory Reporting Recipient Institution (IPWL) during the examination at the investigation, prosecution and court levels (Article 13 of Government Regulation 25 of 2011 concerning Implementation of Compulsory Reporting Narcotics Addicts). Narcotics users according to the Narcotics Law are divided into two as follows:

- 1) Narcotics Addicts are people who use or abuse narcotics and are in a state of dependence on Narcotics, both physically and psychologically. (Article 1 point 13) in conjunction with Article 54 in conjunction with Article 127);
- 2) Narcotics abusers are people who use Narcotics without rights or against the law (Article 1 point 13 of the Narcotics Law) Narcotics abusers (Article 1 number 15 in conjunction with Article 54 in conjunction with Article 127).

Narcotics addicts and abusers are required to receive rehabilitation, both medical rehabilitation and social rehabilitation, as stipulated in Article 54 of the said Narcotics Law. Narcotics users must be positioned as victims of narcotics trafficking crimes, so that rehabilitation measures are intended so that victims can recover both medically and socially. A narcotics user who is arrested and undergoing a legal process, the judicial process is the most appropriate moment for the rehabilitation of a suspect/accused addict as a victim of narcotics abuse. The Narcotics Law divides rehabilitation into 2 (two) types, namely medical rehabilitation and social rehabilitation, where the differences are as follows:

- 1) Medical Rehabilitation is a process of integrated treatment activities to free addicts from narcotics dependence (Article 1 point 16 of the Narcotics Law)".
- 2) Social Rehabilitation is a process of integrated recovery activities, both physically, mentally and socially, so that former narcotics addicts can return to carrying out their social functions in community life. (Article 1 point 17 of the Narcotics Law)"

The implementation of the rehabilitation determination can be implemented and applies at all levels of the judicial process. Starting at the level of investigation, prosecution, and in a synergistic and integrated trial. The judge in his decision is also obliged to include the obligations of narcotics addicts and victims of narcotics abuse to get rehabilitation as regulated in Article 103 of the Narcotics Law and Supreme Court Circular No. 04 of 2010 concerning Placement of Abuse, Victims of Abuse and Narcotics Addicts into Medical Rehabilitation and Social Rehabilitation Institutions. The healing/treatment process can be calculated and assessed as a period of serving a sentence (Erna Dewi: 2010).

The place for rehabilitation is divided into 2 (two) groups as follows:

- a) Rehabilitation in Government Hospitals and Private Hospitals appointed by the Government. This rehabilitation only applies to users (Narcotics Addicts and Narcotics Abuse Victims as Suspects and/or Defendants of Narcotics Abuse) who are arrested but without narcotics evidence and positive for narcotics, or with a certain amount of evidence as stated in Article 4 Paragraph (1), (2) and (3) Joint Regulations Concerning the Handling of Narcotics Addicts and Victims of Narcotics Abuse in Rehabilitation Institutions (Perber). For those who cannot afford it, the cost of implementing the rehabilitation is borne by the State.
- b) Rehabilitation in the State Detention Center branch of the state detention house under the auspices of the Ministry of Law and Human Rights of the Republic of Indonesia for users who are arrested with evidence exceeding a certain amount as stated in Article 4 Paragraph (4) of the Joint Regulations, and users who are concurrently dealers as mentioned in Article 5 Paragraph (1) of the Joint Regulations. The main indicator that users can be rehabilitated in a hospital is the amount of evidence found does not exceed a certain amount. This indicator must be a record for suspects/convicts/families involved in narcotics crimes.

The specified standard amount is regulated in number 2 letter b of Circular Letter of the Supreme Court Number 04 of 2010 concerning Placement of Abuse, Victims of Abuse, and Narcotics Addicts into Medical Rehabilitation and Social Rehabilitation Institutions as stated in Article 4 Paragraph (4) of the Regulation, the heavy category of narcotics are: Methamphetamine (shabu) 1 gram group, MDMA (ecstasy) group 2.4 grams = 8 pills, Heroin group 1.8 grams, Cocaine group 1.8 grams, Cannabis group 5 grams, Coca leaves 5 grams, Mescaline 5 grams, Psilocybin group 3 grams, LSD group (d-lysergic acid diethylamide 2 grams, PCP (phencyclidine) group 3 grams, Fentanyl group 1 gram, Methadone group 0.5 grams, Morphine group 1.8 grams, Group Pethidine 0.96 grams, Codeine Group 72 grams, Buprenorphine group 32 mg (Julita Melissa Walukow: 2013).

Although since the enactment of the Narcotics Law which affirms the goal of rehabilitation for narcotics abuse victims, namely to ensure the regulation of medical rehabilitation and social rehabilitation efforts for abusers and addicts, in practice the treatment of narcotics abusers in terms of law enforcement is still not in accordance with the objectives of the Narcotics Law itself. Law enforcement officials in law enforcement for victims of narcotics abusers also still ignore the mitigating and forgiving elements of victims of narcotics abusers. The element of obligation given by the law to judges is that the judge can decide or determine that narcotics abusers undergo rehabilitation even though they are proven guilty are also widely ignored. Eddy Rifai explained that Article 183 of the Criminal Procedure Code stipulates that a judge may not impose a sentence on a person unless with at least two valid pieces of evidence he obtains the belief that a criminal act has actually occurred and that the defendant is guilty of committing it. These provisions indicate that the Criminal Procedure Code adheres to a system of evidence according to the law in a negative way (Andi Hamzah; 2005).

Provisions in Law no. 48 of 2009 shows that judges in adjudicating are carried out in a legal manner and place people equal before the law (equality before the law) and judges are obliged to explore, follow, and understand legal values and a sense of justice that live in society so that the judge's decision will be fair and close to the material truth (substantial truth). From what Eddy Rifai said, in terms of handling victims of narcotics abusers, the meaning must be understood and adhered to, that judges are required to be observant and careful in assessing whether someone commits a narcotic crime or is just a victim of narcotics crime (Maroni and Nenny Dwi Ariani: 2018). If a person is believed and proven to be a victim of narcotics abuse, supported by references to the results of the assessment and *visum et repertum*, the judge should, in accordance with existing regulations, decide to rehabilitate the defendant, who is a victim of narcotics abuse.

Heni Siswanto stated that criminal law enforcement (abbreviated PHP) was seen from the Criminal Justice System (SPP) requires that the entire power of PHP and its institutional bodies be regulated in one integral legislative/legislative policy. The integral unit that is meant is of course not only regarding the mechanism or process, but also in the soul/spirit/idea/essentials which lies in the

independent judicial power as affirmed in Article 24 Paragraph (1) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 45). His soul/spirit lies in the independence of the power to enforce the law. This independence or independence is the essence of independence.

The power to enforce the law is often stated, that independence or independence implies freedom, independence, independence, or not under the control/control of other power institutions. Indonesia has officially used alternative punishment rules in the form of rehabilitation since ratifying the Single Narcotics Convention in 1976 with Law No. 8 of 1976 concerning the ratification of the 1961 New York single narcotics convention and the protocol that amended it. Indonesia has experienced three times changing the narcotics law, namely Law no. 9 of 1976 was later replaced by Law No. 7 of 1997 and the last one was Law no. 35 of 2009 concerning Narcotics which is currently in effect. The three narcotics laws adhere to the notion of not punishing narcotics abusers. The punishment for narcotics abusers is in the form of alternative crimes, namely undergoing rehabilitation. UU no. 35 of 2009 concerning Narcotics that is currently in effect is more detailed in determining the purpose of the Narcotics Law, namely ensuring the regulation of medical rehabilitation and social rehabilitation efforts for abusers and addicts (Article 4d). On that basis, judges according to Article 127 paragraph (2) are given the obligation to examine cases of abusers to pay attention to mitigating elements (Maroni: 2016).

Anang Iskandar revealed that in law enforcement practice, many narcotics abusers were arrested and detained by police investigators. Then the victim of abuse was charged by the Public Prosecutor (JPU) in the trial of the Panel of Judges with cumulative or subsidiary charges, which should have been charged only for narcotics dealers. The judicial process for the victims of narcotics abusers becomes even more difficult when the judges also act unfairly, because they ignore the absence of a *visum et repertum* or assessment which states the level of dependence of the defendant on narcotics. The basis and considerations of the judge in giving the decision actually used the basis in general criminal provisions which ended with a prison sentence for the victim of narcotics abuser Maroni, Sopian Sitepu, and Nenny Dwi Ariani: 2019). The legal principle of *lex specialist derogat lex generalis*, which is regulated in Article 103 of the Narcotics Law, is denied. As a result of the basic law enforcement on narcotics which is often ignored by law enforcement officers, there are many disparities or differences in responding to victims in narcotics abuse cases. Artist Rio Reifan (RR), soap opera "Tukang Bubur Naik Haji" as a narcotics abuser was sentenced to prison terms. Rio Reifan was arrested four times for drug abuse by consuming methamphetamine. He was first arrested for possession of methamphetamine in 2015. After serving a prison term, he was again arrested for the same case in 2017. Then, similar cases were repeated in 2019 and 2021.

In the same case as narcotics abuse, a rehabilitation policy was immediately applied to the celebrity Nia Ramadhani and her husband Ardie Bakrie. The Integrated Assessment Team (TAT) quickly conducted an assessment and immediately decided that both of them were victims of narcotics abusers who had to be rehabilitated as an effort to recover victims. Victims of narcotics abuse, apart from being subject to imprisonment and mandatory rehabilitation, it turns out that they can also be subject to both, namely imprisonment and rehabilitation. Such a conception of law enforcement occurs in narcotics abusers, singer Ridho Roma. Facts like this raise many questions in society. Why is the basic concept of law enforcement of the Narcotics Law against victims of narcotics abusers being ignored, or not being implemented? As a result, there are multiple interpretations regarding the application of law enforcement to victims of narcotics abusers, and raises suspicion in the community that there has been an abuse of authority by law enforcement officers in dealing with victims of narcotics abuse cases. On the basis of such a conception of thought, this research was conducted.

TYPES AND RESEARCH METHOD

According to Muhammad, Abdulkadir: 2004), that legal research is a scientific activity based on systematic methods and thinking to study legal phenomena that occur. The legal phenomenon in question is the application of the principle of equality before the law to cases of blasphemy in Indonesia. Therefore, the methods used in this research are empirical legal research and normative legal research. Normative legal research is based on library materials such as laws, judges' decisions, journals, books and other documents related to research problems. While empirical legal research is legal research based on an interview approach or a field approach based on interview results and field data.

The data that has been compiled and then analyzed qualitatively is a research procedure that produces descriptive data, namely what is stated by the resource person in writing or verbally and real behavior. While what is meant by qualitative analysis is to describe quality in the form of sentences that are regular, logical and effective so as to facilitate data interpretation and understanding of the results of the analysis in order to answer existing problems. The method used in drawing conclusions is deductively inductive.

RESULTS AND DISCUSSION

Implementation of Rehabilitation of Narcotics Victims, Users and Abusers by the Directorate of Drug Investigation of the Lampung Regional Police

Suspected victims, users and abusers at the Lampung Regional Police Drug Investigation Directorate (Polda) have two types, namely the Voluntary and Compulsary types.

- 1) Type Voluntary are victims, users and abusers of narcotics who come voluntarily, either coming alone or accompanied by their parents or family to the Lampung Police Narcotics Directorate office with the aim of requesting that the victim be rehabilitated.

- 2) Type Compulsaries are those who were arrested by the Lampung Regional Police Narcotics Directorate because they are strongly suspected of being users, abusers or victims of narcotics..

For victims of the voluntary type after the officers checked the medical truth through the Integrated Assessment Team (TAT) of the Lampung Provincial National Narcotics Agency (BNNP) that the victim was a narcotics user and abuser and was deemed clean from involvement as a dealer, dealer or producer, the investigators from the Drugs Directorate They recommended that the Lampung Regional Police immediately carry out rehabilitation at the designated rehabilitation center. Then for compulsory type victims, for this type they are designated as suspects, either as victims, users or as narcotics abusers and the stages of the Investigation Report (BAP) process are carried out (Nawawi Arief, Barda: 2002). Furthermore, for suspects who are considered clean, they are not involved as dealers, dealers or producers, the suspects are recommended to TAT BNNP Lampung. Furthermore, it is submitted to the trial process with the application of rehabilitation articles to be sentenced to rehabilitation by the panel of judges.

However, for users and abusers who have a strong indication of being involved in narcotics dealers, dealers or producers, the Lampung Regional Police Narcotics Directorate will implement further legal processes in accordance with Law Number 35 of 2009 concerning narcotics (Eddy Rifai: 2013). The process of handling victims, users and abusers of narcotics by the Ditresnarkoba Polda Lampung is carried out through two parts, namely the Operations Bureau (Binops) in charge of 3 Sub-Directorates (sub-directorates), namely Sub-directorate 1, Sub-directorate 2 and Sub-directorate 3, each of which is tasked with conducting investigations and investigations. The Investigation Supervision Section (Wasidik) is equipped with the Head of Administrative Subdivision (renmin). Furthermore, there are 15 Resort Police Narcotics Units (polres) in 15 districts/cities throughout Lampung Province. In the period 2019, 2020 and 2021, it was recorded that there were 590 victims, users and abusers who were successfully handled by the ranks of the Lampung Regional Police Narcotics Directorate from all line units located in sub-directories 1,2 and 3 as well as in the ranks of drug units from 15 Polres in 15 districts and City in Lampung Province. In 2019 there were 257 victims, users and abusers of narcotics. In 2020 there were 192 victims and in 2021 until the October period there were 141 victims, narcotics users and abusers.

Sastra Budi, through interviews with the author, explained that all data recorded as many as 590 people as victims, users and abusers of narcotics in 2019, 2020 and 2021 were compulsory types that were submitted to the trial process through the Public Prosecutor (JPU). Of the number of victims, users and abusers who were proposed by the judicial process, only 7 people or about 1 percent were sentenced by the panel of judges for rehabilitation. This situation became a problem that was considered by the Lampung Regional Police until finally the Police Regulation (Perpol) No. 8 of 2021 dated August 19, 2020 which regulates the Handling of Crimes Based on Restorative Justice. Perpol No. 8 of 2021 on August 19, 2020, we will use it as a legal basis so that all victims, users and abusers of narcotics are immediately proposed for rehabilitation, without any further judicial process (Roberto M. Unger: 2007).

Budi Sastra stated that the Republic of Indonesia Police Regulation No. 8 of 2021 dated August 19, 2020 which regulates the Handling of Criminal Acts Based on Restorative Justice, we are currently intensively socializing it to all ranks of drug units at the Lampung Regional Police's Ditresnarkoba and Drug Units located in all Polres and Polresta in Lampung Province, to be used as a legal basis in handle cases of victims, users and abusers of narcotics. Data on victims, users and abusers of narcotics handled by the Narcotics Directorate of the Lampung Police in 2019 and submitted to the judicial process by applying the Articles of Rehabilitation.

NO	KESATUAN	BULAN												JUMLAH
		JAN	FEB	MAR	APR	MEI	JUN	JUL	AGS	SEP	OKT	NOV	DES	
1	POLDA LAMPUNG	7	13	16	16	17	13	24	13	23	21	6	5	174
		7	9	8	12	10	11	20	7	22	18	3	3	130
		-	3	6	4	6	2	3	3	1	2	-	-	30
		-	1	2	-	1	-	1	3	-	1	3	2	14
2	POLRES LAMPUNG UTARA	5	-	-	-	6	-	3	2	-	2	9	2	29
3	POLRESTA BANDAR LAMPUNG	5	2	2	6	3	2	-	-	-	-	-	20	
4	POLRES TULANG BAWANG	-	3	8	-	-	-	4	-	2	-	-	17	
5	POLRES LAMPUNG TIMUR	-	1	1	-	-	2	-	1	-	-	1	6	
6	POLRES METRO	1	-	1	-	-	-	1	2	-	-	-	5	
7	POLRES MESUJI	-	3	2	-	-	-	-	-	-	-	-	5	
8	POLRES LAMPUNG BARAT	-	-	-	1	-	-	-	-	-	-	-	1	
9	POLRES LAMPUNG TENGAH	-	-	-	-	-	-	-	-	-	-	-	-	
10	POLRES TANGGAMUS	-	-	-	-	-	-	-	-	-	-	-	-	
11	POLRES WAY KANAN	-	-	-	-	-	-	-	-	-	-	-	-	
12	POLRES LAMPUNG SELATAN	-	-	-	-	-	-	-	-	-	-	-	-	
13	POLRES PESAWARAN	-	-	-	-	-	-	-	-	-	-	-	-	
14	POLRES PRINGSEWU	-	-	-	-	-	-	-	-	-	-	-	-	
15	POLRES TUBA BARAT	-	-	-	-	-	-	-	-	-	-	-	-	
JUMLAH		18	22	30	23	26	17	32	17	26	23	15	8	257

Narcotics abuse can no longer be viewed as an ordinary crime, but as an extraordinary crime. First, the focus of handling narcotics crimes is not only on the users, but now that there are already organized providers, it is difficult to reveal who the perpetrators behind the crime are. There are manufacturers, there are distributors, there are dealers, there are dealers and there are retailers. Narcotics have become a big and lucrative object, as an easy way to get big profits quickly. It is not only the private sector that is involved in this narcotics business, but also officials, officials, and politicians who are also very much tempted by this illicit business. There is a saying circulating in the wider community which says that "narcotics business is more addictive (substances that cause addiction) than consuming narcotics itself".

Second, similar to the crime of corruption, narcotics crime that has been organized, will slowly cause huge losses for the future generation of the nation's children, will cut off future generations because their dependence can no longer be given the "mandate" to take care of the government. The most serious threat from narcotics abuse is the "lost generation".

Anang Iskandar said the Head of the Financial Transaction Analysis Reporting Center (PPATK) Dian Ediana Rae in the Commission III DPR's Hearing Meeting (RDP) on Wednesday, September 29, 2021, and then revealed that it was detected that there were hundreds of trillions of traffic in narcotics buying and selling financial transactions. rupiah. PPATK, which is concerned with financial transactions, continues to sniff out financial traffic originating from the sale and purchase of narcotics. Some of the findings include findings worth Rp. 1.7 trillion, Rp. 3.6 trillion, Rp. 6.7 trillion, Rp. 12 trillion and so on. Overall more than IDR 120 trillion more.

Implementation of Rehabilitation of Narcotics Victims, Users and Abusers by the Integrated Assessment Team of the National Narcotics Agency of Lampung Province.

Juridically the existence of the National Narcotics Agency is regulated in the provisions of Article 64 and Article 65 of Law Number 35 of 2009 concerning narcotics and Presidential Regulation of the Republic of Indonesia Number 23 of 2010 concerning the National Narcotics Band. Presidential Regulation of the Republic of Indonesia Number 23 of 2010 also regulates the duties and authorities of BNN investigators in conducting investigations of narcotics crimes, as stipulated in the provisions of Article 2 paragraph (1), Article 2 paragraph (2) and Article 4 which regulates the duties and authorities BNN investigators. In carrying out its duties and authorities, the National Narcotics Agency (BNN) cannot act alone, but still requires coordination with certain Customs and Excise parties, the POM, the Prosecutor's Office and most importantly coordination with the Police, who also have investigative powers to eradicate abuse. and illicit trafficking of narcotics and narcotic precursors in the Republic of Indonesia (Rosidah, Nikmah & Anwar Mashuri: 2019).

Assessment of the Lampung BNNP in conducting an assessment of victims of narcotics abuse in accordance with the mechanism for implementing an integrated assessment which includes:"

- a. The integrated assessment team conducts an assessment based on a written order from the investigator, where the investigator submits a request no later than 1X 24 hours after the arrest with a copy to the head of the Lampung BNNP.
- b. The integrated assessment team conducts an assessment a maximum of 2 x 24 hours, then the results of the assessment from the medical team and the legal team are concluded in a maximum of 3 (three) days.
- c. The results of the assessment from each assessment team are discussed at the case discussion meeting on day 4 (four) to be determined as recommendations for the integrated assessment team.

Lampung BNNP Investigators in carrying out the process of investigating Narcotics Abuse Victims can be carried out through non-judicial channels, by carrying out several stages of investigation, namely (Sentot Yusuf Patrikha: 2015):

- a. BNNP Lampung investigators carry out the process of arresting the suspect within a period of 3 x 24 hours from the time the arrest letter is received by the investigator.
- b. Checking the filing of public complaints reports whether the suspect arrested or caught red-handed is the target of the operation (TO) or not, this is done based on the investigator's information.
- c. BNP investigators conducted an examination of the suspect by means of interviews to find out when the victim started using narcotics.

In the process of investigating a victim of narcotics abuse, it must be known in advance that the victim used narcotics which was indicated as a victim of narcotics abuse. It must be proven that there is no element of intentional use of narcotics against the law due to circumstances such as:

- 1) Forced in harsh ways such as; The victim is bullied as a sissy, not macho, not slang with the aim that the person wants to use narcotics.
- 2) Threatened with sharp weapons, which makes the victim want to use narcotics.
- 3) Due to ignorance of the person concerned, narcotics are used, such as being deceived by inserting or mixing narcotics into drinks.
- 4) Persuaded or tricked by dealers by giving narcotics for free and after repeatedly using narcotics, the person becomes addicted to narcotics and is only asked to buy.

Heni Siswanto (2013) said that the number of drug abuse in Lampung Province reached 11,531 people. This number is based on our prevalence figures (calculations) for the Lampung Province BNN in 2019, "From the victims, users and the number of narcotics abusers, the material loss rate experienced by the state reaches Rp. 11.5 billion per month. The narcotics law already regulates narcotics crimes and money laundering crimes originating from narcotics crimes as an inseparable part, stipulates that one of the evidences of the crime of laundering money is a financial transaction regulated in article 86 of the narcotics law. Reports from the head of the PPATK can be directly investigated, investigated to find the suspect and brought to court.

For the purposes of the investigation, the suspect is obliged to provide information on all the assets and property of any person suspected of having a relationship with a narcotic crime. Meanwhile, for the purposes of examination in court, the judge has the authority to ask the defendant to prove that all assets did not originate from narcotics crime. recommendation of TAT BNNP Lampung with the application of Articles of Rehabilitation:

NO	KESATUAN	BULAN												JUMLAH
		JAN	FEB	MAR	APR	MEI	JUN	JUL	AGS	SEP	OKT	NOV	DES	
1	POLDA LAMPUNG	3	1	6	11	9	24	-	12	17	12	13	13	121
	Subdit 1	1	1	3	-	8	3	-	-	4	4	5	10	39 (9 TAT)
	Subdit 2	1	-	3	1	1	6	-	2	4	-	1	-	19
	Subdit 3	1	-	-	10	-	15	-	10	9	8	7	3	63
2	POLRESTA BANDAR LAMPUNG	6	-	2	2	3	-	3	-	3	-	-	-	19 (3 TAT)
3	POLRES TUBA BARAT	-	-	9	-	-	-	2	3	-	-	-	-	14
4	POLRES LAMPUNG UTARA	6	2	-	-	-	-	-	-	-	-	-	-	8
5	POLRES METRO	1	-	3	1	2	3	-	-	-	-	-	-	10 (3 TAT)
6	POLRES LAMPUNG TIMUR	-	3	-	1	-	-	1	-	-	-	-	-	5
7	POLRES LAMPUNG SELATAN	-	-	-	-	-	-	-	2	2	-	-	-	4
8	POLRES TULANG BAWANG	-	-	1	-	-	1	1	1	-	-	-	-	4
9	POLRES PESAWARAN	-	-	-	-	-	-	-	2	-	-	-	-	2 (2 TAT)
10	POLRES LAMPUNG BARAT	-	-	-	-	-	-	-	-	1	2	-	2	5
11	POLRES LAMPUNG TENGAH	-	-	-	-	-	-	-	-	-	-	-	-	-
12	POLRES MESUJI	-	-	-	-	-	-	-	-	-	-	-	-	-
13	POLRES WAY KANAN	-	-	-	-	-	-	-	-	-	-	-	-	-
14	POLRES PRINGSEWU	-	-	-	-	-	-	-	-	-	-	-	-	-
15	POLRES TANGGAMUS	-	-	-	-	-	-	-	-	-	-	-	-	-
JUMLAH		16	6	21	15	14	28	7	20	23	14	13	15	192 (17 TAT)

Resty Ananta Rewa stated that victims, users and abusers of narcotics who have been sentenced to rehabilitation by the court judges will carry out rehabilitation for approximately 3 to 6 months in accordance with the standard of therapy and rehabilitation services applied by the Minister. The places that can be recommended to undergo rehabilitation for victims of drug abuse can be done at the Kalianda Rehabilitation Center, South Lampung, Lido (Bogor West Java), Batam, Badako (Sulawesi) or Ernaldi Bahar rehabilitation centers and the Intan Maharani Foundation in Sumatra. South. Rehabilitation Services for Patients Victims, Users and Abusers of Narcotics at the BNNP Lampung Primary Clinic 2016-2019.

No	Year	Mouth												Amount
		JAN	FEB	MAR	APR	MEI	JUN	JUL	AGS	SEP	OKT	NOV	DES	
1	2016	3	6	15	21	13	11	5	16	14	32	30	27	193
2	2017	18	18	16	26	28	4	28	506	131	67	37	11	809
3	2018	8	12	13	25	40	7	17	25	47	9	34	19	248
4	2019	58	24	52	41	43	44	77	51	55	39	26	14	524
Amount		87	60	96	113	124	66	127	598	247	147	127	71	1774

Source: BNNP Lampung 2021

For 2020, there are only 3 outpatient rehabilitation patients at the BNNP Lampung Primary Clinic, only 3 people. As for the 2021 outpatient rehabilitation patients at the Lampung BNNP Pratama Clinic, the final recapitulation has not been carried out. Regarding the rules for implementing rehabilitation for victims, users and abusers of narcotics, although it has been clearly stated in Law Number 35 of 2009 concerning Narcotics, until now the implementation is felt to be very minimal, and even criminal law in the form of imprisonment is more widely applied than treatment or treatment. rehabilitation of drug victims. Barda Nawawi Arif stated that the relationship between the determination of criminal sanctions and the purpose of sentencing is an important point in determining a criminal political planning strategy, determining the purpose of sentencing can be the basis for determining the methods, means, or actions to be used. The policy of determining what criminal sanctions are considered the best to achieve the goal, at least approaching the goal, cannot be separated from the problem of selecting various alternative sanctions (Heni Siswanto: 2014).

Although criminal law is still widely applied in narcotics cases, the crime of narcotics abuse does not necessarily decrease, the meaning of the importance of implementing rehabilitation for narcotics abusers is treatment, treatment of addicts, and drug dependence. This is because the perpetrators of narcotics abuse are victims of the illicit trafficking of narcotics. To achieve law enforcement and achieve the goals of punishment itself, rehabilitation for narcotics addicts must be implemented, because addicts as victims will receive proper treatment so that they can recover and be free from dependence on narcotics. Barda Nawawi Arif stated that the relationship between the determination of criminal sanctions and the purpose of sentencing is an important point in determining the criminalization policy planning strategy. Determining the purpose of punishment can be the basis for determining the means, means or actions to be used.

The policy of determining what criminal sanctions are considered the best to achieve the goal, at least approaching the goal cannot be separated from the problem of selecting alternative sanctions, the problem of choosing various alternatives to obtain which punishment is the most appropriate, the best, the most appropriate, the most successful, or the most effective. . Even though it is not an easy problem, from the point of view of criminal policy, to control the increasing development of crime, it can actually be caused by the inappropriate type of criminal sanctions chosen or determined, thus criminal law policies must be oriented towards a policy-oriented approach. The alternative for this rehabilitation is based on the fact that the victim is a sick person who requires treatment.

According to Soekanto, Soerjono: (1986) rehabilitation of narcotics victims must be a fixed price because the abuser is a criminal with addiction and mental disorders, his behavior can be violent, can be depressant and can hallucinate if he does not get narcotics supply in prison. Narcotics abuse cases are twilight cases, clear understanding is needed in order to be able to distinguish which cases are abuse and which are narcotics illicit trafficking cases, narcotics abuse cases are sometimes equated or considered as dealer cases (Teuku Aliyul Imam: 2018). The Narcotics Law and its implementing regulations clearly stipulate that cases of abuse are cases of possession of narcotics to be consumed illegally and violate the law (article 1/15). This case is marked by the limited number of narcotics possessions (SEMA no 4/2010).

Meanwhile, the dealer case is a narcotics possession case whose number exceeds the amount determined by SEMA No. 4/2010 concerning the placement of victims of narcotics abuse, abusers and addicts into rehabilitation institutions. Cases of narcotics victims dominate almost 70% of cases in court, while around 30% are cases of other crimes. Juridically and medically, narcotics abuse cases, the goal of overcoming them is not imprisonment but guaranteed by the law to get rehabilitation efforts (Article 4d) whether proven guilty or not proven guilty through a judge's decision or determination.

In the judicial process against narcotics victims, it has also been specifically regulated in Article 127 paragraph 2 of Law No. 35 of 2009 concerning narcotics that the judge must pay attention to the condition of the defendant, whether the defendant is in a state of narcotics addiction and mental disorders through the results of the assessment, if there is no assessment result, the judge authorized and required to request to be completed. Judges are required to pay attention to the legal status of the suspect whether he has received treatment or not, because if he has done so, his status is not criminally charged (Article 55, 128/2). Judges are required to use the authority given by the law specifically, namely the authority to "can" impose rehabilitation sentences whether proven guilty or not proven guilty (Article 103/1).

CONCLUSIONS AND SUGGESTIONS

Narcotics abuse can no longer be viewed as an ordinary crime, but as an extraordinary crime. First, the focus of handling narcotics crimes is not only on the users, but now that there are already organized providers, it is difficult to reveal who the perpetrators behind the crime are. There are manufacturers, there are distributors, there are dealers, there are retailers and there are retailers. All data recorded that 590 people were victims, users and abusers of narcotics in 2019, 2020 and 2021 were compulsory types that were submitted to the trial process through the Public Prosecutor (JPU). Of the number of victims, users and abusers who were proposed by the judicial process, only 7 people or about 1 percent were sentenced by the panel of judges for rehabilitation. Drug abuse in Lampung Province reached 11,531 people. This number is based on our prevalence figures (calculations) for the Lampung Province BNN in 2019, "From the victims, users and the number of narcotics abusers, the material loss rate experienced by the state reaches Rp. 11.5 billion per month. The narcotics law already regulates narcotics crimes and money laundering crimes originating from narcotics crimes as an inseparable part, stipulates that one of the evidences of the crime of laundering money is a financial transaction regulated in article 86 of the narcotics law. Reports from the head of the PPATK can be directly investigated, investigated to find the suspect and brought to court. victims, users and abusers of narcotics who have been sentenced to rehabilitation by a panel of court judges will carry out rehabilitation more or less for 3 to 6 months in accordance with the standard of therapy and rehabilitation services applied by the Minister.

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