IMPLEMENTATION OF INTEGRATED ASSESSMENT IN LAW ENFORCEMENT AGAINST DRUG ABUSERS NARCOTICS

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ABSTRACT

The Narcotics Law aims to ensure the regulation of medical and social rehabilitation efforts for drug abusers and addicts. In law enforcement, drug abusers are not necessarily rehabilitated but must first go through an integrated assessment process. The problem in this study is how the application of integrated assessment in law enforcement against drug abusers and why there are obstacles in the application of integrated assessment in law enforcement against drug abusers. This research uses normative juridical and empirical juridical approaches, namely by reading and quoting from literature books and interviews with respondents consisting of Integrated Assessment Team Members. Based on the results of the research and discussion, the application of integrated assessment is based on the provisions of the Joint Regulation of 7 (seven) State Institutions as a technical guideline for the establishment and operation of the Integrated Assessment Team consisting of a Medical Team to identify the level of addiction and a Legal Team to investigate the involvement of abusers with the narcotics trafficking network. The implementation of integrated assessments results in recommendations regarding placement plans into rehabilitation installations which also become court documents as a consideration for judges in deciding cases. The obstacles that occur are generally caused by law enforcement factors that still have different perceptions in determining the application of assessments of drug abusers and facilities and infrastructure factors in carrying out law enforcement against drug abusers.

Keywords: Implementation, Integrated Assessment, Misuse of Narcotics

I. INTRODUCTION

Indonesia is a country that often becomes a place for illicit drug trafficking. Illicit trafficking and abuse of narcotics has now reached an alarming level and threatens all aspects of the life of the nation and state. The problem of drug abuse in Indonesia has penetrated most layers of society, from the upper strata of society to the lower classes. The spread of narcotics is no longer only in big cities, but has entered small cities and penetrated in sub-districts and even villages. Narcotics users are basically committing an act of misusing the properties and functions of the narcotics and drugs they use. Narcotics abuse is the use of narcotics that is not intended as a means of treatment but because they want to enjoy, in excessive quantities, regularly and long enough to cause health, physical, mental
and social life disorders. The abuse of narcotics over a long period of time can lead to addiction, which is the behavior of dependence on the use of narcotics.

The integrated assessment mechanism for drug abusers is a form of implementation of concerns about the handling of drug abusers in Indonesia. Drug abusers based on Law Number 35/2009 on Narcotics are like people standing on two legs, one leg is in the health dimension, the other leg is in the legal dimension. In the health dimension, drug abusers are likened to chronic opiate sick people, who must be cured through rehabilitation, while in the legal dimension, drug abusers are criminals who must be punished for violating the provisions of the applicable legislation, namely Law Number 35 of 2009 concerning Narcotics. Therefore, for cases of abuse, the Narcotics Law provides a solution by integrating the two approaches through rehabilitation punishment.

The integration of the two approaches is carried out through an integrated assessment mechanism which will result in a recommendation whether or not the suspect can be rehabilitated. The implementation of the integrated assessment mechanism is based on several regulations, including Supreme Court Circular Letter Number 04 of 2010 concerning Placement of Narcotics Abusers, Victims of Abuse and 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 Defendants of Narcotics Addicts and Victims of Narcotics Abuse into Rehabilitation Institutions, Regulation of the Attorney General No. 29/2015 on Technical Guidelines for Handling Narcotics Addicts and Victims of Narcotics Abuse into Rehabilitation Institutions and Regulation of the Ministry of Health No. 50/2015 on Technical Guidelines for the Implementation of Mandatory Reporting and Medical Rehabilitation for Addicts, Misusers and Victims of Narcotics Abuse.

The integrated assessment team as the implementer of the application of the assessment consists of several elements of agencies related to drug abuse law enforcement, namely the BNN, the Police, the Prosecutor's Office as the legal team and forensic specialists and psychologists as the doctor/health team.

The implementation of the assessment is carried out after a request from a suspected abuser. Which then becomes the basis for BNN to form and establish an Integrated Assessment Team. At the central level, coordination is carried out with the Ministry of Health, the National Police, the Attorney General's Office, and the Ministry of Law and Human Rights if the alleged abuser is a minor. At the regional level, the Provincial National Narcotics Board (BNNP) establishes the Integrated Assessment Team after coordinating with the Provincial/District/City Health Office, Regional Police/Police Resort, High/City Attorney's Office, and the Regional Office of Law and Human Rights (Kanwilkumham/LAPAS).

**Literature Review**

**Identification of Narcotics and Their Regulation**

**Identification of Narcotics**

According to Article 1 paragraph (1) of Law Number 35 of 2009 concerning Narcotics: "Narcotics are substances or drugs derived from plants or non-plants, both synthetic and semisynthetic, which can cause a decrease or change in consciousness, loss of taste, reduce to eliminate pain, and can cause dependence, which are divided into groups as
attached to this Law." Based on this definition, narcotics are differentiated based on their forming substances. Synthesis is narcotics derived from plants, while semisynthesis is narcotics derived from the processing of chemical substances commonly referred to as narcotic precursors.

**Narcotics Regulation**

Narcotics are actually beneficial if used properly, especially in the health sector, but if misused can cause havoc, so the use and abuse of narcotics must be regulated in state law. Since the enactment of Law Number 35 of 2009 concerning Narcotics, narcotics are divided into class I, class II and class III narcotics and narcotics in the form of plants or in the form of non-plants.

This law regulates the production, distribution, distribution, trade, ownership, acceptance, delivery, export, import, storage, carrying, treatment, reporting, opening, packaging, labeling, advertising destruction and others. Violations of the provisions stipulated in the law are subject to varying penalties, depending on the severity of the impact caused. The punishment threatened can be in the form of:

1. Death penalty, or
2. imprisonment plus fine, or
3. confinement in prison, or
4. a fine.

In the appendix to the Narcotics Law, what is meant by class I, among others, is as follows:

a. Papaver, is the plant papaver somniferum L, and all its parts including the fruit and straw, except the seeds.

b. Raw opium, which is the sap that freezes itself obtained from the fruit of the papaver somniferum L plant which undergoes processing only for wrapping and transportation without regard to its morphic content.

c. Ripe opium consists of:
   1. Opium, which is the result obtained from raw opium through a series of processing, especially by dissolving, fermenting and heating with or without the addition of other ingredients with the intention of turning it into an extract suitable for solidification.
   2. Jicing, which is the remains of opium after it has been smoked regardless of whether the opium is mixed with leaves or other ingredients.
   3. Jicingko, which is the result obtained from processing Jicing.

d. Morphine, is the main alkaloid of opium with the chemical formula C17H19NO3.

e. Koka, which is a plant of all the genus erythroxylon of the erythoroxylaceae family including and its seed fruit.

f. Coca leaves, namely leaves that have not been or have been dried in powder form from all plants of the genus erythroxylon of the erythoroxylaceae family that produce cocaine directly or through chemical changes.

g. Crude cocaine, are all products obtained from coca leaves that can be processed directly to obtain cocaine.

h. Cocaine, is the metal ester of I-bensoil ecgonia with the chemical formula C17 H21 NO4.

i. Ecgonine, is lekgonine with the chemical formula C9 H15 NO3 H20 and its esters and derivatives that can be converted into ecgonine and cocaine.
j. Cannabis, are all plants of the genus cannabis and all parts of the plant including seeds, fruit, straw, processed cannabis plants or parts of cannabis plants including cannabis resin and hashish.

k. Cannabis resin, is resin taken from cannabis plants, including the results of processing that uses resin as a basic material.

II. RESEARCH METHOD

The research method as a type of scientific thinking used in the research and assessment of this thesis, has the ultimate goal of achieving objectivity from the writing of this thesis. The research method is used as a systematic way to search, find, develop, analyze a problem, test the truth objectively and optimally and carry out the correct method in research. This research uses normative juridical research methods. Normative legal research is legal research that examines written law from various aspects, namely aspects of theory, history, philosophy, comparison, structure and composition, scope of material, and consistency. In other literature, it is stated that normative legal research consists of: research on legal principles, research on legal systematics, research on the level of legal synchronization, legal history, and comparative legal research Normative legal research is conducted by examining written law that is binding from all aspects related to the subject matter under study.

III. RESEARCH RESULTS AND DISCUSSION

Implementation of Integrated Assessment in Law Enforcement Against Drug Abusers

Seeing from the many cases of drug abuse committed by someone initially based on curiosity or trial and error. The existence of narcotics use, obtained by an abuser from interaction and communication with someone who has first become a narcotics user. The implementation of obtaining pleasure after using narcotics, causes the interest of an abuser/novice user to try to abuse narcotics. The application of drug crimes with increasing levels can cause an abuser to experience dependence (addiction). In medicine, dependence, addiction or addiction is known as a disease. Addiction has typical symptoms as a disease, which can recur repeatedly (relapse) and is progressive, meaning that it gets worse, if it does not get good help and treatment. In this stage the culprit is referred to as a drug addict.

The implementation or application of integrated assessment in law enforcement of drug abuse crimes is intended as an effort to prove for drug abusers regarding the origin of their drug abuse and the extent of their addiction to drugs. In addition, suspected abusers are also given the opportunity to prove the extent of their involvement in drug trafficking networks.

The implementation of integrated assessment is a technical step from previous regulations governing rehabilitation for drug addicts. Therefore, in its application, it cannot be separated from the provisions that have been regulated previously. The requirements for a person to be assessed refer to the provisions of SEMA Number 4 of 2010 concerning the Placement of Abuse, Victims of Abuse and Narcotics Addicts into Medical Rehabilitation and Social Rehabilitation Institutions, especially the provisions regarding the grammatical narcotics possessed by the suspect when caught. If it meets what is required, then the assessment process can be implemented.
The implementation or application of integrated assessment is carried out by considering not only the legal aspects of the suspect but also the medical aspects both physical and psychological of the suspected abuser. The work pattern of the Integrated Assessment Team is a collective work between related institutions with BNN as the leading sector (coordinator) of the process. Each institutional element in the Integrated Assessment Team has its own tasks and functions as set out in the provisions of Article 9, namely:

Article 9
1) The Integrated Assessment Team has the task of conducting:
   a) Analysis of a person arrested and/or caught red-handed in relation to illicit drug trafficking and drug abuse.
   b) Medical and psychosocial assessment and analysis, as well as recommending a plan for therapy and rehabilitation of a person as referred to in paragraph 1 letter a.
2) The integrated assessment team as referred to in article 8 paragraph (1) has the authority;
   a. At the request of the Investigator to analyze the role of a person arrested or caught red-handed as a victim of drug abuse, drug addict or drug dealer.
   b. Determine the criteria for the severity of narcotics users in accordance with the type of content consumed, the situation and conditions when arrested at the scene of the crime; and
   c. Recommend a therapy and rehabilitation plan for drug addicts and victims of drug abuse as referred to in letter b.
3) Implementation of assessment and analysis as referred to in paragraph (1) shall be carried out by;
   a. The Legal Team is tasked with conducting an analysis in relation to illicit drug trafficking and Narcotics Precursors and Narcotics Abuse in coordination with the Investigator handling the case;
   b. The Medical Team is tasked with conducting medical, psychosocial assessments and analysis as well as recommending therapy and rehabilitation plans for Narcotics Abusers.

The Integrated Assessment Team has the authority, among others:
1. At the request of the investigator to analyze the role of a person arrested or caught red-handed as a victim of drug abuse, drug addict or drug dealer;
2. Determine the criteria for the severity of drug use according to the type of content consumed, the situation, and conditions when arrested at the scene of the crime;
3. Recommend therapy and rehabilitation plans for drug addicts and victims of drug abuse.

IV. CONCLUSIONS AND SUGGESTIONS

Based on the analysis of the research results and discussion, it can be concluded that the application of integrated assessment in law enforcement against drug abusers is as follows:

1. The application of integrated assessment is based on the Narcotics Law which requires proof for drug abusers in order to be rehabilitated. Such proof can be obtained through an integrated assessment for drug abusers, which aims to identify the level of drug addiction and involvement in drug networks. The implementation is regulated through a Joint Regulation of 7 (seven) State Institutions as a technical guideline in law enforcement against drug abusers to be synergistic and integrated. Through integrated
assessment, drug abusers can be early placed in the rehabilitation system with law enforcement still being carried out. The implementation of integrated assessment can be seen as a Restorative Justice approach to drug abusers, while law enforcement continues and the recovery of drug abusers can be achieved.

2. The application of integrated assessment in law enforcement against drug abusers still encounters various obstacles in its implementation. The dominant inhibiting factors are law enforcement factors and facilities and infrastructure factors. The law enforcement factor is due to differences in perception between law enforcement officials in determining whether or not a drug abuser should be assessed. Meanwhile, integrated assessment has not yet become an initiative of law enforcement officials in its application, causing the application of integrated assessment to not be the main option for law enforcement facilities for drug abusers.

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