Assessment by the National Narcotics Agency in the Settlement of Narcotics Cases Based on the Perspective of Criminal Law Policy

Fakhrur Rozy
Drug Unit at the Situbondo Police Station

I Gede Widhiana Suarda & Ainul Azizah
Lecturer, Department of Crime, Faculty of Law, University of Jember

Abstract
In the context of handling narcotics crime cases in Indonesia, an Integrated Assessment Team has been formed. This is because narcotics crimes are no longer carried out individually, but involve many people who are together, even an organized syndicate with an extensive network that works neatly and very confidentially both at the national and international levels. Based on the impact of the wrong use of narcotics, the participation of the government and the community to combat narcotics abuse is very useful for reducing, eradicating, narrowing the space for illicit narcotics trafficking and implementation as an effort to overcome narcotics crimes.

Keywords: Assessment, Narcotics, Government and Society

Introduction
The explanation of the provisions of Article 1 of Law Number 35 of 2009 concerning Narcotics states that narcotics are substances or drugs that are very useful and necessary for the treatment of certain diseases. However, if it is misused or used not in accordance with treatment standards, it can have very detrimental consequences for individuals or society, especially the younger generation. This will be more detrimental if accompanied with the abuse and illicit trafficking of narcotics which can result in greater danger to the life and cultural values of the nation which in the end will be able to weaken national security.

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Regarding the problem of narcotics abuse in Indonesia, Siswanto gave the opinion that currently, the Indonesian people and even the world community in general are faced with a very worrying situation due to the increasing number of illegal uses of various narcotics. This concern has been exacerbated by the wide spread of illicit trafficking in society, including among the younger generation. This will greatly affect the life of the nation and state in the future, because the younger generation is the successor to the ideals of the nation and state in the future. To achieve these goals and maintain the continuity of national development in a safe, peaceful, orderly, and dynamic atmosphere both in the national and international environment, it is necessary to increase control over matters that can disrupt national stability, including the abuse and illicit trafficking of narcotics.

Narcotics if misused or used not in accordance with treatment standards can have very detrimental consequences for individuals or society, especially the younger generation. This will be more detrimental if accompanied by abuse and illicit trafficking of narcotics which can result in greater danger to the life and cultural values of the nation which in turn will weaken national resilience. Regarding the problem of narcotics abuse in Indonesia, Kusno Adi gave his opinion that: The problem of narcotics abuse deserves special attention considering the impact that will be caused is very comprehensive and complex because the crime of narcotics abuse is always increasing every year. This issue is becoming very important for the world, because Narcotics is a substance that can damage the physical and mental users.

The provisions of Law Number 35 of 2009 concerning Narcotics (hereinafter referred to as the Narcotics Law) have regulated criminal sanctions that will be given to those who violate them. The sanctions given to perpetrators of criminal acts are actually quite heavy, in addition to being subject to imprisonment and fines, the most important thing is to be subject to minimum and maximum criminal penalties, both imprisonment and fines and the threat of a death penalty shows the severity of the criminal sanctions regulated in this Narcotics Act. The formulation of Articles 111 to 148 of the Narcotics Law stipulates that the penalties that can be imposed are: death penalty, imprisonment, confinement, fines, corporate crime, and medical rehabilitation.

Sanctions regulated in the Narcotics Law adhere to a double track system, namely in the form of criminal sanctions and action sanctions. Rehabilitation is one form of action sanctions. According to Article 103 of the Narcotics Law, it is affirmed that judges can decide or assign narcotics addicts to undergo treatment and/or treatment. In 2009 the Supreme Court issued a Supreme Court Circular (SEMA) Number 07 of 2009, which was addressed to district courts and high courts throughout Indonesia to place narcotics addicts in rehabilitation centers and most recently was the issuance of the Supreme Court Circular Letter (SEMA) Number 04 of 2010 concerning Placement of Abuse.

Sentencing by judges in narcotics cases is still not effective in its implementation. Most of the narcotics addicts were not sentenced to rehabilitation as stated in the Narcotics Law, but were sentenced to prison even though the provisions of the Narcotics Law had guaranteed rehabilitation efforts, both medical rehabilitation and social rehabilitation as regulated in Article 54, Article 56, Article 103, and Article 127 of the Narcotics Law. Based on the situation and conditions as described above, the eradication of narcotics crimes is not complete. Criminal witnesses such as imprisoning abusers or addicts in prison walls without any attempt to be cured, can even plunge them into the illicit traffic of narcotics.

The understanding and agreement of the government and law enforcement officers in dealing with narcotics crimes is realized through a Joint Regulation of 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 Chief of the Police. Republic of Indonesia, Head of the National Narcotics Agency of the Republic of Indonesia Number 01/PB/MA/III/2014, Number 03 of 2014, Number 11 of 2014, Number 03 of 2014, No. PER-

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Based on the joint regulation, an Integrated Assessment Team was formed at the central, provincial, and district/city levels consisting of a team of doctors and a legal team tasked with carrying out an analysis of the role of suspects who were arrested at the request of investigators related to the illicit trafficking of narcotics, especially for addicts. The team then carries out a legal analysis, medical analysis and psychosocial analysis and makes a rehabilitation plan that includes how long rehabilitation is needed.

The results of the assessment as the completeness of the case file function as information such as visum et repertum. The results of the analysis will sort out the role of the suspect as an abuser, abuser concurrently dealer or dealer. The Integrated Assessment Team’s analysis of abusers will produce levels of addicts ranging from heavy, middle and light class addicts where each level of addicts requires different rehabilitation. Based on the description of the explanation and description of the background that has been described above, it is important to have an analysis of the implementation of an integrated assessment for narcotics users and addicts, because on the one hand the assessment results are used by judges in making decisions but on the other hand based on evidence and judges' beliefs, the results of the assessment were ignored by the judge.

**Research Methods**

This research uses normative legal research. Normative legal research includes several sections, including: research on legal principles, legal systematics, level of legal synchronization, comparative law and legal history. The approach used in this research includes a conceptual approach, a statutory approach, and a case approach. The legal materials used consist of primary, secondary and non-legal legal materials. Primary legal materials consist of: Law of the Republic of Indonesia Number 1 of 1946 concerning Criminal Law Regulations (KUHP), Law Number 8 of 1981 concerning Criminal Procedure Code, Law Number 35 of 2009 concerning Narcotics, Joint Regulation of the Chairperson of the Supreme Court of the Republic of Indonesia, Minister of Law and Human Rights of the Republic of Indonesia, Minister of Health of the Republic of Indonesia, Minister of Social Affairs of the Republic of Indonesia, Attorney General of the Republic of Indonesia, Chief of the Indonesian National Police, Head of the National Narcotics Agency of the Republic of Indonesia. No. 01/PB/MA/III/2014, No. 03 of 2014, No. 11 of 2014, No. 03 of 2014, No. PER-005/A/JA/03/2014, No. 1 of 2014, No. PERBER/01/III/2014/BNN concerning Handling of Narcotics Addicts and Victims of Narcotics Abuse in Rehabilitation Institutions, Secondary legal materials are books, journals, legal scientific papers and court decisions. Non-legal materials in the form of non-legal books and information accessed via the internet.

**Discussion**

The definition of narcotics crime is not found in the Narcotics Act. In the provisions of the Narcotics Law, several narcotic crimes are determined, namely in Articles 111 to 148 of the Narcotics Law. In the Narcotics Law, it is determined that the punishment that can be imposed is in the form of death penalty, imprisonment, confinement and fines. Criminals can also be imposed on corporations in the form of revocation of business licenses; and/or revocation of legal entity status.

Likewise, the definition of narcotics crime is also not mentioned in Law Number 22 of 1997 concerning Narcotics and Law Number 5 of 1997 concerning Psychotropics, as well as the previously applicable laws, such as Stb, 1927. Number 278 in conjunction with Number 536 concerning Ver Doovende Middelen Ordonantie and Law Number 9 of 1976 concerning Narcotics. The Narcotics and Psychotropic Law does not discuss the

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4 Visum et repertum is a written statement made by doctor in science forensic medicine (See: Forensic pathology) upon request investigator authorities regarding the results of medical examinations against man, good life or dead or part or suspected part human body, based on his knowledge and below oath, for the benefit of pro justicia
definition of narcotics and psychotropic crimes, but on the basis of the understanding and explanation of the criminal acts above, it will assist in providing an understanding of narcotics and psychotropic criminal acts which of course still refers to the provisions contained therein. in Law Number 5 of 1997 concerning Psychotropics.

In proving narcotics criminal cases, the evidence is based on the evidence regulated in Article 184 of the Criminal Procedure Code, where the Narcotics Law is lex specialis derogaat legi generalis, i.e. special provisions override general provisions. Legal evidence is tools that have to do with a criminal act, where these tools can be used as evidence to raise the judge's belief in the truth of a criminal act that has been committed by the Defendant. According to Article 184 paragraph (1) of the Criminal Procedure Code, that the valid evidence is: (1) Witness Statement, (2) Expert Statement, (3) Letter, (4) Instructions and (5) Defendant's Statement. Here, the author describes the description of the provisions of Article 184 paragraph (1) of the Criminal Procedure Code.

In this case, the government establishes an assessment where this assessment functions as a means to obtain information related to narcotics from addicts and victims of narcotics abusers by forming an integrated assessment team based on a Joint Regulation of the Chairman of the Supreme Court of the Republic of Indonesia, the Minister of Law and Human Rights of the Republic of Indonesia, the Minister of Health. 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 Number: 01/PB/MA/III/2014, Number: 03 of 2014, Number: 11/2014 Number: 03 of 2014, Number: PER-005/A/JA/03/2014, Number: 1 of 2014, Number: PERBER/01/III/2014/BNN concerning Handling Narcotics Addicts and Victims of Narcotics Abuse in Rehabilitation Institutions.

The assessment process that occurs at the investigation stage both carried out by BNN and the Police is the same. This similarity is due to the fact that the police and BNN (the Attorney General's Office and the Ministry of Law and Human Rights) are members of the legal team in the integrated assessment team. Since the enactment of the Joint Regulations above, the narcotics investigation process in the police against addicts who report themselves will be recommended to visit the Reporting Recipient Institution (IPWL) for an assessment to determine the level of addiction as a determinant of the rehabilitation time. This is not done by the police when arresting a suspect in a case. narcotics. Against this case, the police will first hand over the suspect to an integrated assessment team to determine the level of addiction and to determine whether the person is eligible for rehabilitation. This is in accordance with Article 8 paragraph (3) of the 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 in Rehabilitation Institutions, which reads: "The assessment as referred to in paragraph (2) is carried out based on the investigator's request to the integrated assessment team.

Based on the explanation above, in this case regarding the task of assessment as a means to obtain information related to narcotics from addicts and victims of narcotics abusers, it can be understood with several explanations as follows:

**The BNN assessment in the Narcotics case becomes evidence in the trial**

One of the interesting things regarding the Narcotics Law is that there are 2 (two) institutions authorized to carry out investigations, namely the Indonesian National Police and the National Narcotics Agency (BNN). This is in accordance with Article 81 of Law Number 35 of 2009 concerning Narcotics, which reads: Investigators of the Indonesian National Police and BNN investigators are authorized to investigate the abuse and illicit trafficking of Narcotics and Narcotics Precursors based on this Law. Furthermore, the Indonesian National Police also synergizes with the National Narcotics Agency plus several other government agencies where the form of
cooperation is carried out by issuing joint regulations in the context of handling narcotics addicts, namely the Joint Regulation of the Chief Justice of the Supreme Court of the Republic of Indonesia. Rapid action is carried out by institutions bound by these joint regulations. That is, to implement the joint regulation, the agency issues implementing regulations. The Indonesian National Police issued a telegram letter from the National Police Chief No.: STR/865/X/2015 and so on. The implication of handling narcotics addicts is that an Integrated Assessment Team (TAT) must be formed where this team consists of a team of doctors, namely doctors and psychologists as well as a legal team consisting of elements of the National Police, BNN, Attorney General's Office and involving the Ministry of Law and Human Rights (BAPAS) if the suspect and/or the defendant is a child. The involvement of the police in the assessment team is an important part of handling narcotics addicts because the Narcotics Law includes investigators other than BNN. Even in the Narcotics Act. The portion of BNN's authority for narcotics crimes is greater than that of the police. However, it should be understood that the presence of the police in every investigation and investigation of criminal acts plays a major role because basically the functioning of the law in the field is largely determined by the police in social engineering. In addition, the presence of the police tends to be closer to the community from an empirical and normative perspective. The development of handling narcotics crimes, especially narcotics addicts, is an assessment action against them. It has been given an understanding related to the assessment described in the concept of letter a where the assessment is a process to obtain data/information from the learning process which aims to monitor the progress of the learning process and provide feedback. Furthermore, In the legislation, the term that exists is that an integrated assessment team is a team consisting of a team of doctors and a legal team appointed by the head of the local work unit based on a decree from the head of the National Narcotics Agency, Provincial National Narcotics Agency, Regency/City National Narcotics Agency. Specifically, the term assessment is not found in the legislation.5 The description above illustrates that the assessment is a task that must be carried out by a person or a team where if it is understood that the one who carries out the assessment is an integrated assessment team. The integrated assessment team consists of 2 (two) teams, namely a team of doctors, consisting of: doctors and psychologists as well as a legal team consisting of: elements of the Indonesian National Police (Police of the Republic of Indonesia), BNN (National Narcotics Agency), Attorney General's Office and Kemenkumham (Ministry of Law and Human Rights). HAM). In proving narcotics criminal cases, evidence is based on the evidence provided for in Article 184 of the Criminal Procedure Code, where the Narcotics Law is lex specialis derogat legi generalis, namely special provisions overriding general provisions. Legal evidence is tools that have to do with a criminal act, where these tools can be used as evidence in order to raise the Judge's belief in the truth of a criminal act that has been committed by the Defendant. According to Article 184 paragraph (1) of the Criminal Procedure Code, that the valid evidence is: (1) Witness Statement, (2) Expert Statement, (3) Letter, (4) Instructions and (5) Defendant's Statement. Here, the author describes the description of the provisions of Article 184 paragraph (1) of the Criminal Procedure Code. Furthermore, in the provisions of Article 86 of Law Number 35 of 2009 concerning Narcotics, it is stated that:

1) Investigators can obtain evidence other than those referred to in the Law on Criminal Procedure.
2) The evidence as referred to in paragraph (1) is in the form of:
   a) Information that is spoken, transmitted, received, or stored electronically by optical or similar means; and
   b) Recorded data or information that can be seen, read, and/or heard, which can be issued with or without the help of a means, either written on paper, any physical object other than paper or recorded electronically, including but not limited to: (1) writing, sound, and/or pictures; (2) maps, designs,
photographs or the like; or (3) letters, signs, numbers, symbols, codes, or perforations that have meaning that can be understood by people who are able to read or understand them.

The report on the results of the National Narcotics Agency assessment conducted by the BNN Team against a suspect or defendant is used as evidence in a narcotics crime trial. The proof requires the existence of at least 2 (two) pieces of evidence accompanied by the judge’s conviction. In the case of drugs, the evidence used in principle includes the five pieces of evidence as referred to in Article 184 paragraph (1). One of the evidences used in narcotics cases is an assessment from the National Narcotics Agency. The results of the assessment of the integrated assessment team are the basis for BNN investigators in determining a suspected narcotics addict is rehabilitated in a rehabilitation institution or he is rehabilitated in a detention center because of his position not only as a narcotic addict but also a dealer, courier, or dealer.

The report on the results of the National Narcotics Agency assessment conducted by the BNN Team against a suspect or defendant is used as evidence in a narcotics crime trial. The report on the results of the BNN assessment can meet the criteria as evidence of expert testimony, evidence of letters, and evidence of expert testimony a de charge. In terms of the report on the assessment results as expert testimony, it refers to the provisions of Article 186 of the Criminal Procedure Code, namely expert testimony given in court. In the event that the report on the results of the BNN assessment as a letter refers to the provisions of Article 187 letter a of the Criminal Procedure Code with a statement that the report on the results of the BNN assessment is submitted to the judge in the form of a certificate and included in the official report. And then, the assessment report can be used as evidence for ade charge expert testimony, if the defendant's attorney presents a BNN doctor to give his statement in court as regulated in article 65 of the Criminal Procedure Code where the suspect or defendant has the right to present witnesses or experts who have mitigated him. Judges in making their decisions on narcotics addicts, narcotics abusers, victims of narcotics abuse can pay attention to the recommendations as stated in the report on the results of the BNN assessment. In making his decision, the judge considers the juridical and non-juridical aspects. The judge who refers to the report on the results of the BNN assessment includes juridical and non-juridical considerations. Judges in making their decisions on narcotics addicts, narcotics abusers, victims of narcotics abuse can pay attention to the recommendations as stated in the report on the results of the BNN assessment. In making his decision, the judge considers the juridical and non-juridical aspects. The judge who refers to the report on the results of the BNN assessment includes juridical and non-juridical considerations. Judges in making their decisions on narcotics addicts, narcotics abusers, victims of narcotics abuse can pay attention to the recommendations as stated in the report on the results of the BNN assessment. In making his decision, the judge considers the juridical and non-juridical aspects. The judge who refers to the report on the results of the BNN assessment includes juridical and non-juridical considerations.

Criminal Law Policy Against Regulation Assessment of the National Narcotics Agency (BNN) in Narcotics Crime Cases

Narcotics abuse for oneself according to the theory of criminal law is a crime or criminal act without victims, in the sense that the perpetrators of this narcotics abuse consciously and of their own volition use Narcotics without having permission and the perpetrator does not feel like a victim because he feels the benefits or benefits from the use of narcotics. These narcotics. On the other hand, the perpetrators are actually not aware that they have become an easy target for Narcotics dealers who continue to try in various ways to increase the use of Narcotics so that they get more and more profits.

In fact, there is no crime that does not cause victims, all criminal acts must cause victims both for the perpetrators themselves and for others. The author does not agree with the statement that narcotics abuse for oneself is a victimless crime. The perpetrators of this type of crime are increasingly lulled by the false pleasures provided by Narcotics so that they do not realize how terrible the consequences will be if the perpetrator is already in the category of addicts, namely people who consciously use Narcotics to the level of dependence which if reduced or stopped will have an impact. both physically and psychologically.
The rehabilitation policy for victims of narcotics abuse has indeed caused a legal polemic in its application, especially in the implementation of a policy to rehabilitate addicts/narcotics users, often the policies implemented have not fully based on the principles of justice, but on the other hand, rehabilitation policies are carried out aiming to carry out the sentencing process. Narcotics addicts and victims of narcotics abuse are required to undergo medical rehabilitation and social rehabilitation. Elucidation of Article 54 states that "What is meant by 'victim of Narcotics abuse' is someone who accidentally uses Narcotics because he is persuaded, deceived, cheated, forced and/or threatened to use Narcotics".  

Judges are also given authority to addicts who are not guilty of narcotics crime to be determined to undergo treatment and rehabilitation. This provision raises the question, is the use of the word "can" an absolute reference so that the judge decides or determines that Narcotics addicts undergo the rehabilitation process? This is contrary to Article 54 which uses the word "compulsory" to undergo rehabilitation. Does the application of treatment and rehabilitation orders that are applied at the level of investigation also have to be ordered by a judge/court? become an absolute reference so that the judge decides or determines that Narcotics addicts undergo the rehabilitation process? This is contrary to Article 54 which uses the word "compulsory" to undergo rehabilitation. Does the application of treatment and rehabilitation orders that are applied at the level of investigation also have to be ordered by a judge/court? become an absolute reference so that the judge decides or determines that Narcotics addicts undergo the rehabilitation process? This is contrary to Article 54 which uses the word "compulsory" to undergo rehabilitation. Does the application of treatment and rehabilitation orders that are applied at the level of investigation also have to be ordered by a judge/court? 

Taking into account that the majority of prisoners or detainees in narcotics cases are categorized as users or even victims, which if viewed from the aspect of their health are actually people who are sick, therefore imprisoning the person concerned is not the right step, then the Supreme Court with a benchmark the provisions of article 103 of Law Number 35 of 2009 concerning Narcotics take a step forward in building a paradigm of stopping criminalization or decriminalization of narcotics addicts by issuing a Supreme Court Circular (SEMA) Number 4 of 2010 concerning the determination of Narcotics Abusers and Addicts to Medical Rehabilitation Institutions and Social Rehabilitation. Where SEMA Number 4 of 2010 can be used as a basis for consideration or reference for judges in imposing rehabilitation sanctions. 

Victims in a crime need to get legal protection, to avoid the trauma experienced in order to carry out life normally again. The same thing must also be done to victims of narcotics abuse crimes. The nature of narcotics which has an addictive effect on the victim must be of more concern to the authorities to ensure that the victim does not repeat his actions in the future. To find out the legal protection efforts given to victims of narcotics abuse. The author conducted research at the East Java Provincial National Narcotics Agency (BNNP) and interviewed the Head of the Rehabilitation Division, AKBP Firmansyah, regarding the efforts made by BNN to provide legal protection for victims of narcotics abuse. He stated that the legal protection provided was a rehabilitation process for victims of narcotics abuse. The Indonesian government has targeted around 10,000 rehabilitation for addicts in Indonesia, while the East Java BNNP itself has completed around 6,187 narcotics addicts who entered rehabilitation from the target of 5,782 rehabilitation for narcotics addicts.

If a narcotics addict has been convicted by a judge of a narcotic crime he has committed, in order to provide an opportunity for the person concerned to be free from his addiction, the judge may decide to order the person

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6 Krinawati, Dani & Niken Subekti Budi Utami, Implementation of Rehabilitation for Narcotics Addicts at the Investigation Stage After the Enforcement of Joint Regulations 7 (Seven) State Institutions of the Republic of Indonesia, Yogyakarta: Research Results of the Faculty of Law, Gadjah Mada University, 2014
7 Sholehuddin, Sanction System in Criminal Law, Basic Idea of Double Track System and Its Implementation. Raja Grafindo Jakarta, 2003, p.27
8 Directorate of Guidance for the Police, Combating the Abuse of Narcotics Hazards, Jakarta, Directorate of Guidance for the Police, 2018
concerned to undergo treatment and/or treatment. Likewise, if the narcotics addict is not proven guilty on charges of committing a narcotic crime, the judge may decide to order the person concerned to undergo treatment and/or treatment. Within the limits of the possible protection of the rights of Indonesian citizens, the principles contained in the Narcotics Law are:

a) Whereas the Narcotics Law is also used to affirm or re-enforce the basic social values of people's behavior in life in the Unitary State of the Republic of Indonesia which is imbued with the philosophy of the State of Pancasila.

b) That the Narcotics Law is the only legal product that effectively fortifies the perpetrators of Narcotics crime.

c) In using other legal products, efforts must be made in earnest that the minimum method does not glorify individual obligations without compromising the protection of the interests of a democratic and modern society.  

The implementation of rehabilitation for addicts/narcotics users in this offense needs to be understood that a punishment does not have to be harsh in the form of confinement or imprisonment, but the implementation of punishment can also be in the form of restoring physical and mental health from negative to positive. One of them is with rehabilitation.

The establishment of Law no. 35 of 2009 concerning Narcotics is aimed at affirming or re-establishing the basic social values of people's behavior in life in the Unitary State of the Republic of Indonesia which is imbued with the philosophy of the State of Pancasila. The statement provides an illustration that the purpose of the establishment of the Narcotics Law is not only to eradicate criminal acts of narcotics abuse, but there is another side to the purpose of the establishment of the Narcotics Law is to re-establish the basic social values of people's life behavior, on the basis of which the rehabilitation policy is based. is a form of punishment that maintains the ethics of punishment based on the principles of humanity, justice and expediency without destroying moral values in society?

The eradication of criminal acts of narcotics is an effort made by law enforcers in the enforcement of narcotics abuse crimes and the juridical consequences of violations of the Narcotics Law. The eradication of narcotics crime is related to social facts. Pound places great emphasis on effective work and for that he attaches great importance to the operation of law in society. Therefore, Pound distinguishes the meaning of Law in books on the one hand and law in action on the other. This distinction can be applied to all areas of law. The teachings highlight the problem of whether the law is applied to patterns of behavior. This can be expanded further to include issues of court decisions and their implementation as well as between the content of a regulation and its real effect.

Policies in the prevention and eradication of narcotics crime are part of legal politics. The policy is a comprehensive effort in realizing a healthy young generation in order to improve the welfare of the community. This is in line with the opinion of Soehardjo Sastrosoehardjo in Wisnubroto and Widiatama that: "Legal politics does not stop after the issuance of the Act, but it is precisely here that problems begin to arise. Both those that have been estimated or calculated from the start as well as other problems that arise unexpectedly. Each Law requires a long period of time to conclude how far the legal political objectives of the Law can be achieved. If the expected results are difficult to achieve, shortcomings have been made in the process of observing the implementation of the Act, and if the Act has not managed to achieve the expected results, it should be changed or revised."

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An addict and victim of narcotics abuse is a victim of narcotics so he deserves to be called a sick person. As a result, an addict and a victim of narcotics abuse must undergo treatment by entering him into a medical rehabilitation institution and/or social rehabilitation. The placement of addicts and victims of narcotics abuse into the rehabilitation institution is in accordance with the objectives of the law as mandated in Article 4 letter d of Law Number 35 of 2009 concerning Narcotics. Addicts and victims of drug abuse. In addition, Article 127 of Law Number 35 of 2009 concerning Narcotics is also used as a guideline by judges in passing rehabilitation decisions to addicts and victims of narcotics abuse (although not mandatory) by considering the provisions of Article 54, Article 55 and Article 103 of Law Number 35 of 2009 concerning Narcotics. Law Number 35 of 2009 concerning Narcotics, specifically the placement of rehabilitation for addicts and narcotics abusers who are in the legal process is also regulated in Article 13 paragraph (4) to paragraph (6) of Government Regulation No. 25 of 2011 concerning the Implementation of Compulsory Reporting Narcotics Addicts.

Assessment actions that lead to rehabilitation can already be started at the investigation stage. The authority to conduct investigations against narcotics crimes is the National Narcotics Agency (BNN) and the Indonesian National Police. The assessment process that occurs at the investigation stage both carried out by BNN and the Police is the same. This similarity is due to the fact that the police and BNN (the Attorney General’s Office and the Ministry of Law and Human Rights) are members of the legal team in the integrated assessment team. Since the enactment of the Joint Regulations above, it is recommended that narcotics investigations in the police against addicts who report themselves will be recommended to visit the Reporting Compulsory Recipient Institution (IPWL) for an assessment to determine the level of addiction as a determinant of the rehabilitation time. This is not done by the police when arresting a suspect in a narcotics case. In this case, the police will first hand over the suspect to an integrated assessment team to determine the level of addiction and to determine if the person is worthy of rehabilitation.

Narcotics as already mentioned are substances or drugs that are very useful and necessary for the treatment of certain diseases. However, if it is misused or used not in accordance with treatment standards, it can have very detrimental consequences for individuals or society, especially the younger generation. This will be more detrimental if accompanied by abuse and illicit trafficking of Narcotics which can result in greater danger to the life and cultural values of the nation which in the end will be able to weaken national resilience in the life of the community, nation and state. Based on this, it is necessary to increase efforts to prevent and eradicate narcotics crimes as stated in Law Number 35 of 2009 concerning Narcotics to prevent an increasing trend both quantitatively and qualitatively with widespread victims, especially among children, adolescents and the younger generation in general.

Then in addition to the implementation of medical rehabilitation is social rehabilitation. As stated in Article 58 of Law Number 35 of 2009 that the social rehabilitation of former Narcotics Addicts is carried out both by government agencies and by the community. Social rehabilitation of ex-narcotics addicts is carried out at social rehabilitation institutions appointed by the Minister of Social Affairs. Here it is necessary to underline the word ex-narcotics addict, where in this case the former can be interpreted as someone who has recovered, recovered or no longer uses drugs. Social rehabilitation has benefits as a provision for former drug addicts to return to society so that they can be accepted and socialize with the community. Likewise, with the community, should be able to accept and help former addicts or former drug users.

In this case the most dominant main role is the family by providing love, attention, education and religion properly and sufficiently. In essence, the community must participate to prevent a former drug user from falling into the same hole again, namely drug abuse. So far, the rehabilitation program for victims has focused on

medical rehabilitation, while social rehabilitation has often been neglected. Whereas social rehabilitation plays an equally important role with medical rehabilitation. Even if medical rehabilitation has succeeded in eliminating a person's addiction to psychotropics, if it is not followed by social rehabilitation, the person will easily return to his old environment, then will become addicted to drugs.

This problem is often faced by drug users. Medical rehabilitation in practice often applies the isolation method as an effort to restore medical attention to victims. This method certainly has a logical consequence, that the victims lose their “social touch” during the process. At the same level, when the victims have finished the stage of medical rehabilitation, social rehabilitation is often not followed so that when the addict returns to public life, they are "social stuttersers". Often there is an unpreparedness to adapt in social life so that the victim has a great chance to return to his old environment which is considered more comfortable and then return to drug addiction.

In the point of view of Law Number 35 of 2009 concerning Narcotics, that rehabilitation is a treatment and/or care. The implementation of rehabilitation in the perspective of Article 103 of Law Number 35 of 2009 is given by the judge who examines and decides on the narcotics abuse case where the judge can:

a) Decide to order the person concerned to undergo treatment and/or treatment through rehabilitation if the Narcotics Addict is proven guilty of committing a Narcotics crime; or

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

The period of undergoing treatment and/or treatment for narcotics addicts as referred to above is calculated as the period of serving the sentence. Thus, the implementation of rehabilitation decisions can be prioritized as an effort to overcome narcotics crimes along with the increasing number of victims of narcotics abuse. A criminal sentence with imprisonment is not an effective solution because the abuse of narcotics and illegal drugs (drugs) can penetrate the prison door. Instead of being a deterrent, drug trafficking in prisons makes them even more addicted. The rehabilitation verdict is expected to break the dependency chain.

Institutions and law enforcement in Indonesia should start choosing alternative sentences for rehabilitation for drug users. Criminal verdicts in the perspective of the state can be said to be detrimental to the government. Imagine how much money the government has to spend to provide food rations for drug users in prison. In addition, the state also cannot guarantee a proper place in prison. Almost all Narcotics Correctional Institutions in Indonesia are overcrowded. As a result, the residents have to jostle and often, because of the minimal conditions, it is easy for violence to occur in prisons.

The Assessment Team was formed after the issuance of joint regulations and other regulations governing the obligation to carry out rehabilitation for addicts and narcotics users, both those caught red-handed. In carrying out an integrated assessment, of course, a large amount of funds is needed, especially until now the perpetrators of narcotics crimes, both from the ordinary community, artists, officials, students, children, parents, law enforcement officers and the military, even though there have been indications of narcotics abuse. Therefore, the first action that must be taken to determine that the perpetrator is categorized as an addict, a victim of narcotics abuse or a dealer must be carried out an integrated assessment.

There were so many people who came/surrendered themselves or were caught red-handed and then an assessment process was carried out by the Integrated Assessment Team, because they wanted to be rehabilitated rather than being held in prison. Especially after the issuance of regulations regarding the obligation of rehabilitation, of course, addicts are increasingly being used. and victims of narcotics abuse, as if they will be spared from criminal responsibility for the actions they have committed. In practice, it is known that the lack of budget/funds for the investigation process (integrated assessment) of narcotics crimes, of course, will hinder the

15Alfi Fahmi Adicahya, Rehabilitation of Narcotics Users, article on the Internet accessed on July 13, 2015
achievement of goals. This is due to the increasing number of narcotics criminals who prefer to be rehabilitated rather than imprisoned.16

The assessment of the National Narcotics Agency is in accordance with the principle of legal certainty, because through a series of careful and thorough analysis procedures on a person's involvement in a narcotic crime, it can then be determined that a person is an addict who will receive rehabilitation. However, this assessment is basically not the judge's main consideration in deciding because it must be supported by other evidence at trial along with the judge's conviction. Obstacles that are often faced in the process of cooperation between BNN and the National Police are the limited quality of human resources in preventing and acting against narcotics criminals, both the BNN and the National Police, the limited number of members owned by the BNN, and the limitations of the tools owned by the National Narcotics Agency. prevent and prosecute drug offenders. In the future, the government needs to immediately form legislation regarding the rehabilitation of narcotics criminals so that it is hoped that there will be clear rules of the game regarding its implementation, its form and criteria that can be used by judges in making decisions. Other than that, the government is expected to provide adequate and adequate facilities and infrastructure for the implementation of the rehabilitation by conducting it in every provincial area, even if it is adequate at every district level. In this case, the government plays a role in financing and providing the rehabilitation facilities and infrastructure.17

Based on this description, in principle, future legal policies need to include assessments in the Narcotics Law, even if possible, they are made in separate provisions of the law. The purpose of the results of the integrated assessment is so that clients who use narcotics can recover or recover, can be given life provisions through collaboration with the Job Training Center at the BNN Damping House, and can be accepted again by the community as productive individuals. The assessment team is a form of government policy that has begun to use a health service approach in handling narcotics abuse cases. However, the assessment team needs to be given a legal basis to make their decisions more binding. So what the government has done by creating an assessment team under BNN and the Ministry of Health deserves appreciation.

Conclusion
Based on the description of the discussion, it can be concluded that:

The integrated assessment system is a criminal law policy established by the government to implement a rehabilitation program for addicts and narcotics abusers. The report on the results of the National Narcotics Agency assessment conducted by the BNN Team against a suspect or defendant is used as evidence in a narcotics crime trial. The report on the results of the BNN assessment can meet the criteria as evidence of expert testimony, evidence of letters, and evidence of expert testimony a de charge. In terms of the report on the assessment results as expert testimony, it refers to the provisions of Article 186 of the Criminal Procedure Code, namely expert testimony given in court. In the event that the report on the results of the BNN assessment as a letter refers to the provisions of Article 187 letter a of the Criminal Procedure Code with a statement that the report on the results of the BNN assessment is submitted to the judge in the form of a certificate and included in the official report. And then, the report on the results of the assessment can become evidence of expert testimony a de charge, if the defendant's attorney presents a BNN doctor to give his statement in court as stipulated in Article 65 of the Criminal Procedure Code where the suspect or defendant has the right to present witnesses or experts who mitigate against him. Judges in making their decisions on narcotics addicts, narcotics abusers, victims of narcotics abuse can pay attention to the recommendations as stated in the report on the results of the BNN assessment. In making his decision, the judge considers the juridical and non-juridical aspects. The

17 Anton Sudanto, Application of Narcotics Crime Law, University of Law Journal August 17, Jakarta, 2019
judge who refers to the report on the results of the BNN assessment includes juridical and non-juridical considerations.

In principle, the assessment really needs to be included in the substance of the upcoming Narcotics Law. The normalization of assessment for narcotics addicts in the Narcotics Law, both in separate articles and as part of, even if possible, is made in the provisions of a separate law. The purpose of the results of the integrated assessment is so that clients who use narcotics can recover or recover, can be given life provisions through collaboration with the Job Training Center at the BNN Damping House, and can be accepted again by the community as productive individuals. The assessment team is a form of government policy that has begun to use a health service approach in handling narcotics abuse cases. However, the assessment team needs to be given a legal basis to make their decisions more binding. So what the government has done by creating an assessment team under the BNN and the Ministry of Health should be appreciated, but not enough because it requires a legal basis. The implementation of an integrated assessment for addicts and narcotics abusers is carried out at every level of examination, starting from the level of investigation, prosecution, and trial in court.

For addicts and victims of narcotics abusers whose status as suspects and/or defendants are arrested, but without evidence of narcotics and are positive for using narcotics according to the results of urine, blood or hair tests, they can be placed in medical rehabilitation institutions and/or managed social rehabilitation institutions. by the government after the Minutes of Laboratory Result Examination and Minutes are made. but it's not enough because it needs a legal basis. The implementation of an integrated assessment for addicts and narcotics abusers is carried out at every level of examination, starting from the level of investigation, prosecution, and trial in court. For addicts and victims of narcotics abusers whose status as suspects and/or defendants are arrested, but without evidence of narcotics and are positive for using narcotics according to the results of urine, blood or hair tests, they can be placed in medical rehabilitation institutions and/or managed social rehabilitation institutions. by the government after the Minutes of Laboratory Result Examination and Minutes are made. but it's not enough because it needs a legal basis. The implementation of an integrated assessment for addicts and narcotics abusers is carried out at every level of examination, starting from the level of investigation, prosecution, and trial in court. For addicts and victims of narcotics abusers whose status as suspects and/or defendants are arrested, but without evidence of narcotics and are positive for using narcotics according to the results of urine, blood or hair tests, they can be placed in medical rehabilitation institutions and/or managed social rehabilitation institutions. by the government after the Minutes of Laboratory Result Examination and Minutes are made. and trial in court. For addicts and victims of narcotics abusers whose status as suspects and/or defendants are arrested, but without evidence of narcotics and are positive for using narcotics according to the results of urine, blood or hair tests, they can be placed in medical rehabilitation institutions and/or managed social rehabilitation institutions. by the government after the Minutes of Laboratory Result Examination and Minutes are made. and trial in court. For addicts and victims of narcotics abusers whose status as suspects and/or defendants are arrested, but without evidence of narcotics and are positive for using narcotics according to the results of urine, blood or hair tests, they can be placed in medical rehabilitation institutions and/or managed social rehabilitation institutions. by the government after the Minutes of Laboratory Result Examination and Minutes are made.

Suggestions and Recommendations

Suggestions that can be given are that: Examination by investigators and has been completed with a letter of assessment results from the Integrated Assessment Team. Meanwhile, addicts and victims of narcotics abuse who are arrested or caught red-handed and there is evidence of a certain amount with or without using narcotics according to the results of urine, blood, hair, or DNA tests during the judicial process within a certain period of time may be placed in a medical rehabilitation institution and a hospital managed by the government, after the Minutes of Laboratory Result Examination and Minutes of Examination by BNN Investigators have been made and have been completed with a letter of assessment results from the Integrated Assessment Team. The implementation of an integrated assessment for addicts and narcotics abusers is still experiencing various
obstacles, namely: a) there are differences of opinion among law enforcement officers in handling narcotics cases; b) the legal provisions governing the integrated assessment lack legal force; c) lack of budget/funding sources in the implementation of the integrated assessment. From some of these obstacles, there should be action and attention from the government (BNN) starting from the understanding of law enforcement officers in eradicating narcotics crimes, the use of appropriate legal instruments, and an adequate budget. It should be a serious concern of the government because narcotics abuse is always increasing every day which can threaten citizens of all walks of life and ages. c) lack of budget/funding sources in the implementation of the integrated assessment. From some of these obstacles, there should be action and attention from the government (BNN) starting from the understanding of law enforcement officers in eradicating narcotics crimes, the use of appropriate legal instruments, and an adequate budget. It should be a serious concern of the government because narcotics abuse is always increasing every day which can threaten citizens of all walks of life and ages. c) lack of budget/funding sources in the implementation of the integrated assessment. From some of these obstacles, there should be action and attention from the government (BNN) starting from the understanding of law enforcement officers in eradicating narcotics crimes, the use of appropriate legal instruments, and an adequate budget. It should be a serious concern of the government because narcotics abuse is always increasing every day which can threaten citizens of all walks of life and ages.

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