

Rehabilitation Policy Against Narcotics Users As A Study Of Act Number 35 Of 2009 On Narcotics

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Abstract. Writing is entitled "Rehabilitation Policy Against Narcotics Users As A Study Of Act Number 35 Of 2009 Concerning Narcotics". Based on the description in this thesis, that will be examined are: 1). How social rehabilitation program policies towards drug users that have been set by the Act Number 35 of 2009 on narcotics? 2). How social rehabilitation constraints against drug users and measures taken to address them? 3). How social rehabilitation program policies against drug users in the future from the study of Act Number 35 of 2009 on narcotics? The study concluded that: 1). Seeing the criminal provisions of Article 127 paragraph (2) and (3), it can be concluded that the judge in deciding the case mentioned in Article 127 paragraph (1) is obliged to pay attention to clauses governing the provision of rehabilitation so that later addicts and victims abusers of narcotics can The rehabilitation of both medical rehabilitation and social rehabilitation and no longer subject to imprisonment or imprisonment for rehabilitation is counted as time serving his sentence. 2). Constraints that come from this government by mentioning that there are five (5) constraints, namely: there is no stipulation of a special place for addicts and victims of abusers of narcotics for the rehabilitation, rehabilitation cost problem for convicted drug abuse, no rehab appointed by the Government, the differences between the testimony of the defendant, witnesses and Criminal laboratory results, there is a problem of execution. While the solution of the problems are: Need to immediately set a special place for addicts and victims of drug abuse for the rehabilitation, the Government should have the extra funds to finance all decisions rehabilitation for victims of substance abuse, the Government should have the scale of priority to the problem of rehabilitation, Investigator and the authorities in handling should be more careful in handling the problem of drug abuse and have proof of accurate, execution issue should be considered from the extent of the offense. 3). Law enforcement Law Number 35 of 2009 concerning Narcotics which is ideal must be accompanied by awareness that law enforcement as part of the legal subsystem, is also a social subsystem, so that the influence of the environment is quite influential on the principles of law enforcement and legal principles that apply in the national environment. civilized nation

Keywords: Rehabilitation Policy, Narcotics, Rehabilitation.

1. Introduction

Abuse of Narcotic use is not intended to treat disease, but used intentionally to achieve "a certain awareness" because of the influence of drugs on the psyche. Most of the Indonesian people in general are currently being faced with a very difficult

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situation at once alarming, also helped support the rampant cases of indiscriminate use of narcotics.

Narcotics consists of substances or drugs derived from plant or not plant either synthetic or semisynthetic which can cause a reduction or alteration of consciousness, loss of taste, reduce to relieve pain and can lead to dependence. If the drug is used without restriction and thorough supervision can endanger the health of even the soul of the wearer³.

In general, drug cases were handled continues to increase, in addition to tesebut cause concern for the rampant drug trafficking in Indonesia, on the other hand it shows an increase in the success of our law enforcement authorities in uncovering drug cases. Although the number, the case is still far below psychotropic narcotics case, however, the percentage increase in cases Psychotropic Substances of 2016 to 2017 was significant compared to the increase in narcotics cases. May be indicated that in 2017 the abuse and trafficking of psychotropic flourishing⁴,

The application of penalties in cases of drug abuse in the offender substance abuse in general, there are two (2) criminal sanctions decided by the judge that the sanction of imprisonment and sanctions, the form of rehabilitation for abusers of narcotics, and the decision handed down to abusers or users Narcotics impressed still far from expected by the provisions of the legislation on narcotics, should the judge in decisions must consider the three (3) important elements are: justice, legal certainty and expediency.

UndangNo Act. 35 Of 2009 About Narcotics has given a different treatment for abusers or narcotics user. The user or addict as a criminal Narcotics Narcotics can be liable to a prison sentence, but can also be penalized in the form of rehabilitation.

Rehabilitation is an effort to recover and restore the former abusers / ketegantungan Naza back to health in terms of physical, psychological, social and spiritual / religious (faith). With a healthy condition, it is expected they will be able to return to work as normal in their everyday lives at home, at school / college, at work and in their social environment⁵,

Based on the description above background, the authors interested in writing a thesis entitled "Users Against Narcotics Rehabilitation Policy A Review of Law Number 35 Of 2009 on Narcotics" ..

The formulation of the problem in this research: How social rehabilitation program policies towards drug users that have been set by the Act Number 35 of 2009 on

³ Makarao, Moh.Taufik, Suhasril, & Zakky 2003, *Tindak Pidana Narkotika* , Jakarta: Ghalia Indonesia, p. 1.

⁴ *Journal of Data Puslitdatin*, 2018.

⁵ Hawari, Dadang Psikiater, 2006, *Penyalahgunaan & Ketergantungan NAZA (Narkotika, Alkohol, & Zat Adiktif)*, Jakarta : Gaya Baru ,p.132.

narcotics? How social rehabilitation constraints against drug users and measures taken to address them? How social rehabilitation program policies against drug users in the future from the study of Act Number 35 of 2009 on narcotics?

Research Methods

Normative juridical approach, namely to examine the sources of literature relevant to the theme of research, including research on the principles of law, sources of law, legislation scientific theoretical and can analyze the issues discussed.

In accordance with the purpose of the study, the nature of the research in writing this thesis is descriptive of a study that aims to describe or illustrate facts that exist and analyze the data obtained in a systematic, factual and accurate information on criminal sanctions rehabilitation in narcotic crime.

The data used in this normative research is primary and secondary data. Primary data is data obtained directly from the study site contains information relating to the cases. Secondary data is data that comes from the materials library in the form of legislation. As for the secondary data consists of primary legal materials, secondary law and tertiary legal materials:

The method used to obtain data that have a relationship with the object, is to study literature and interviews with sources that can support the research process.

Data were analyzed with descriptive methods and preskriptif. Analyzing this descriptive and preskriptif starts from the juridical-systematic analysis of his approach is associated with or furnished with yuridis- normative analysis and historical analysis.

3. Results and Discussion

3.1 Social Rehabilitation Program Policy That Has Regulated By Act Number 35 Of 2009 on Narcotics.

In Act 35 of 2009 on Narcotics setting that emphasizes the judge to impose the rehabilitation of Article 103 which states that:

- (1) Judges who hear cases Narcotic Addicts can:
 - a. Disconnecting to order the treatment and / or treatment through rehabilitation if the Narcotic Addict guilty of the crime of Narcotics; or
 - b. Assign to order the treatment and / or treatment through rehabilitation if the Narcotic Addicts are not guilty of the crime of Narcotics.
- (2) The period of treatment and / or care for Narcotics addict referred to in paragraph (1) letter is calculated as time serving his sentence.

In Article 103 paragraph (1) the word "may" declare to put drug users either guilty or not guilty for the treatment and / or treatment through rehabilitation. And the judge also granted the authority to establish an addict who is not guilty of committing a crime for treatment and rehabilitation.

3.2 Obstacles And Solutions For Application of Criminal Sanctions Against Crime Jera Mining Potential Effects

The final conclusion on the analysis of the concept of rehabilitation against drug abuse were assessed according to Islamic law, the authors conclude their kemashlahatan values contained in Article 54 of Act Number 35 of 2009 on Narcotics. The aim is to gain the benefit of Shari'ah and reject kemafsadatan. Everything becomes permissibility to be done before any texts or regulations that prohibit such actions as well as the rehabilitation of drug addicts who applied to be and should be done.

3.3 Social Rehabilitation Program Policy The days Coming From Assessment Act Number 35 Of 2009 on Narcotics

Constraints in the process of social rehabilitation to drug users, there are three (3) constraints, namely:

- There is no stipulation of a special place for addicts and victims of abusers of narcotics for rehabilitation.
- Problems costs of rehabilitation for convicted drug abuse.
- No rehab appointed by the Government.

Issues regarding the rehabilitation center that does not exist and has not designated a place of rehabilitation by the government, the judge for now could leave the convicted person to a hospital that has a government-owned rehabilitation as Mental Hospital to carry out the sentence. Although concerns about the placement of the convict can be overcome by making care convicted, but that the government should immediately establish a rehabilitation center exclusively for convicted drug abuse in order to avoid mixing with those who carry out the rehabilitation of self consciousness and those who carry out rehabilitation based on the judge's decision.

3. Conclusion

- In Act 35 of 2009 on Narcotics setting that emphasizes rehabilitation judge to impose contained in Article 103.
- Constraints in the process of social rehabilitation to drug users, there are three (3) constraints, namely:

- There is no stipulation of a special place for addicts and victims of abusers of narcotics for rehabilitation.
- Problems costs of rehabilitation for convicted drug abuse.
- No rehab appointed by the Government.
- The difference between the description of the accused, witnesses and Criminal laboratory results.
- There was a problem of execution.

Narcotic crime prevention efforts against drug users, namely:

- Quickly establishing a special place for addicts and victims of drug abuse for rehabilitation;
 - Governments must have the extra funds to finance all decisions rehabilitation for victims of drug abuse;
 - The government must have the priority scale for rehabilitation issues;
 - Investigators and officials in charge of the treatment needs to be more careful in handling the problem of drug abuse and have accurate evidence;
 - Execution issue should be considered on the extent of the offense.
- Act Number 35 of 2009 on Narcotics ideal must be accompanied by an awareness that the rule of law as part of the subsystem law, also is a subsystem of the social, so that environmental influences enough to affect the principles of the rule of law and principles of law applicable in the neighborhood civilized nations. The law is the social control of the government. Legal culture, as part of a culture is a human attitude toward law and the legal system, which include: beliefs, values, thoughts and hopes. Thoughts and opinions of men (law enforcement) is the deciding factor the course of legal proceedings.

4. References

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