

Implementation of The Role of The National Narcotics Agency in Implementing Rehabilitation for Drug Addicts (Study at BNNK Pematang Siantar)

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Abstract: *Narcotics bring benefits if used according to the provisions of applicable laws and regulations and will be detrimental if misused, especially by children. Unfortunately, cases of narcotics abuse are like an iceberg phenomenon that can only be seen at the surface but the real amount is difficult to measure. This research is a descriptive analysis research carried out to reveal the implementation of Law Number 35 of 2009 and Law Number 11 of 2012 regarding criminal acts of narcotics abuse by children in the work area of BNNK Pematang Siantar. The method used is the normative method used in preparing this thesis. The type of research carried out, in terms of its form, is prescriptive research aimed at getting suggestions about what should be done to overcome certain problems. This research explains the role of BNNK Pematang Siantar in tackling narcotics abuse among narcotics addicts in Pematang Siantar City. Implementation of coordination in the preparation of strategic plans and annual work plans in the field of P4GN in the Pematangsiantar City area, Implementation of technical policies in the fields of prevention, community empowerment, rehabilitation and eradication in Pematangsiantar City area, Implementation of legal services and cooperation within the Pematangsiantar City area. The efforts of the Pematang Siantar City National Narcotics Agency in carrying out rehabilitation efforts are by strengthening rehabilitation institutions.*

Keywords: *Implementation, Addicts, Narcotics*

INTRODUCTION

It is like a knife that has two sides, the first side, to help humans complete a job and the second side, 'helping' humans commit crimes. With a knife, humans can cut vegetables, fruit, fish, meat, and many others, but with a knife, humans can also injure and even kill each other. That is the exact description of narcotics. In the right dose and under the supervision of a drug expert, narcotics bring no small benefit to the benefit of mankind. Conversely, in the hands of incompetent and irresponsible people narcotics is a very effective instrument to damage the quality of human health. For this reason, a law was enacted to prevent cases of drug abuse in the community.

Indonesia is a state based on law, not a state based on power. The logical consequence of the principle of the rule of law is that everything in Indonesia must be regulated by a set of laws and regulations. The aim is to realise public order towards a physically and mentally prosperous society. Legislation regulates the rights and obligations of individuals as citizens.

Obligations are everything that must be done by every individual in daily life and his position as a citizen.

The main obligation of citizens is to obey the existing laws and regulations and not to violate the prohibitions set by the state. Therefore, prohibitions and rules that are advisory in nature, which must be obeyed by every Indonesian citizen. One of the imperative laws and regulations is Law Number 35 Year 2009 on Narcotics. This law is an amendment to Law Number 22 of 1997 which is considered no longer in accordance with the development of the situation and conditions that have developed to tackle and eradicate these criminal acts.

The abuse of narcotics, psychotropic substances and other addictive substances is a complex problem both in terms of its causes and consequences. The causes are a complexity of various factors, including physical and psychological factors of the perpetrator, as well as micro and macro environmental factors. The consequences are also very broad not only for the perpetrators, but also cause psychological, social, and economic freedom, for parents and their families, and have a detrimental impact on various aspects of the life of the community, nation and people.

Economically, drug abuse imposes enormous costs on the perpetrators, their parents or families, and the national economy. Offenders have to spend large amounts of money to buy drugs that are very expensive to fulfil their continuous and increasing drug addiction. If the offender participates in a treatment and recovery programme, then the offender and his/her family will have to spend a very large amount of money on treatment and recovery costs.

The national economy is burdened by the costs of drug prevention, abuse, law enforcement, and eradication operations. Meanwhile, society must bear the social costs of the impact of drug abuse and illicit drug trafficking in the form of increased crime, layoffs, and decreased national productivity.

While there are many people in the world suffering from poverty, hunger, malnutrition, poor health, and inequitable education, who need funds to improve their lives. Huge amounts of money are wasted on buying and abusing drugs. Narcotics and psychotropic substances are two substances that are used for the benefit of health services and the development of health science.

Drug use can cause physical and psychological dependence. One of them is a change in attitude and personality. Changes in the attitude and personality of drug abusers can cause social impacts from the community. It is not surprising that drug abusers may be associated with criminal acts and disturb the community.

Indonesia's vast territory consisting of 17 thousand islands spread from Sabang to Merauke and Indonesia's large population of around 250 million people is an extremely promising market for the narcotics market. It is this tremendous market niche that attracts foreign drug mafias to invade Indonesia in various ways. Supported by Indonesia as a country that is developing towards progress, good economic growth leads to a better level of living, increased purchasing power, but at the same time provides opportunities for the lifestyle of its hedonistic people who can afford any price of illegal drugs.

Indonesia, which used to be a transit country for illicit drug trafficking due to the country's strategic geographical location (cross position), has turned into a drug producing country. This can be seen with the disclosure of several narcotics laboratories (clandestine lab) in Indonesia. The era of globalisation, marked by advances in communication technology, trade liberalisation and the rapid progress of the tourism industry, has made Indonesia a potential drug producer.

The issue of narcotics is a classic problem but is still a major obstacle in law enforcement and the development of the nation. Narcotics offences are no longer carried out secretly but have been very openly carried out by users and dealers in carrying out the operation of these dangerous goods. From the facts that can be witnessed almost every day both through print and electronic media, it turns out that these illicit goods have spread everywhere indiscriminately, especially among the teenage generation who are expected to be the next generation of the nation in the future.

Indonesia is included in the highest list of countries targeted by narcotic drug trafficking, which is aligned with Japan, Thailand, Malaysia, the Philippines, and Hong Kong, among others. Hadiman in Moh. Taufik Makarao, et al mentioned that narcotics, especially ecstasy, which was originally only popular in Europe, especially in the Netherlands, has now spread to various countries.

Indonesia, which was originally a transit or marketing country, has now increased to become an exporter or producer of these dangerous pills. The type of synthetic basic ingredients to make these illicit pills is very easy to obtain, so that the illicit ecstasy industry, both large-scale and home industry, is suspected to have spread in major cities. The increasingly widespread spread of narcotics is caused by technological advances that have a negative impact. One of the negative impacts is the criminal act of narcotics abuse using an increasingly sophisticated modus operandi. This is a challenge for law enforcement officials to create countermeasures, especially in cases of narcotics and illegal drugs.

The problem of drug abuse is a very complex problem, which requires comprehensive countermeasures involving multi-disciplinary, multi-sector cooperation, and active community participation carried out in a sustainable, consistent and consistent manner.

Optimisation and efforts to eradicate narcotics are still intensively carried out, various ways are carried out such as the arrest of dealers, dealers, and even users every day is increasing. almost every day in the media both print and online report about the arrest of drug dealers and dealers. This of course indicates that every day there are also narcotics prisoners who enter the prison for guidance. However, the entry of narcotics prisoners does not necessarily solve the business of eradicating narcotics to be completed or completed, in fact the narcotics prisoners in the Correctional Institution (Lapas) can still develop and control their business of distributing these illicit goods not only in the Correctional Institution environment, but outside the Correctional Institution, how this can happen of course this is a common problem to be resolved.

Major drug trafficker Fredy Budiman, who was executed some time ago, is one example of a drug trafficker who is allegedly still able to control drug trafficking from inside prisons. Fredy is one of the biggest narcotics kingpins ever in Indonesia. He was first arrested in 2011. He imported around 1.4 million ecstasy pills from China. As a result of this he was sentenced to death by the West Jakarta District Court on charges of being the mastermind of smuggling the illicit goods. In 2013, when he was still in Cipinang Special Narcotics Prison, Freddy was still running his drug business from inside his cell, and his turnover reached billions of rupiah.

THEORETICAL REVIEW

A theoretical framework is a framework of thought, theory, or thesis about a case or problem that becomes a material for comparison, a theoretical guide that is approved or not approved. Policy approaches include interrelated notions of goal-orientated approaches, rational approaches, economic and pragmatic approaches, and value-orientated approaches. The theory used in this journal is Legal System Theory, Lawrence M. Friedman argues that the effectiveness and success or failure of law enforcement depends on 3 (three) elements of the legal system, namely: legal structure (structure of law), legal substance (substance of law) and legal culture (legal culture).

Legal structure is the law enforcement apparatus, legal substance includes legislation and legal culture is the living law adopted in a society. The structure of the legal system consists of: the number and size of courts, their jurisdiction (including the types of cases they are authorised to hear), and the procedure for appealing from one court to another. Structure also means how the legislature is organised, what the president can and cannot do, what procedures

are followed by the police and so on. So the structure (legal structure) consists of existing legal institutions, which are intended to carry out existing legal instruments.

BNN investigators as part of the National Police are elements of law enforcement and are from the legal structure (legal struktur) so that according to this theory, investigators are one of the elements of the legal structure that will determine the functioning of the law or the effectiveness of a law. The basic regulation of the authority of investigators in carrying out coercive measures is Legal Substance as norms, rules, and real behaviour of investigators in carrying out coercive measures. How coercive measures are taken is part of the Legal Culture element. (Legal Culture) of society and the culture of law enforcement by BNN. Law enforcement culture is the attitudes and values that influence both positively and negatively the behaviour of BNN relating to the law.

RESEARCH METHODS

Research methodology, consists of two words, namely methodology and research. In the Big Indonesian Dictionary (KBBI), methodology is the science of methods; description of methods. While research in the Big Indonesian Dictionary (KBBI), research is an activity of collecting, processing, analysing, and presenting data carried out systematically and objectively to solve a problem or test a hypothesis to develop general principles. So, research methodology is a way or technique to obtain information and data sources that will be used in research.

The research method used in this journal is a normative legal research method. The type of research conducted, in terms of its form, is prescriptive research aimed at obtaining suggestions regarding what should be done to overcome certain problems. The selection of the location of this research was carried out in the area of the Pematang Siantar Regency BNN office. Population is defined as the whole or set of objects with the same characteristics. so the population is not only people, but also other objects, cases, times and places with the same properties or characteristics. The population in this study is the entire case of BNN Implementation in implementing Rehabilitation for narcotics addicts. The analysis of research materials used is qualitative analysis. Qualitative analysis means describing quality data in the form of sentences that are regular, sequential, logical, non-overlapping, and effective, so as to facilitate data interpretation and understanding of the results of the analysis.

This research includes normative legal research, so the legal materials used are primary, secondary, and tertiary legal materials. The technique of collecting legal materials that will be used as a source in this research is a literature study, namely the collection of legal materials

by reading laws and regulations, official documents, journals, articles from the internet, and other literature that is closely related to the issues discussed based on secondary legal materials.

RESULTS AND DISCUSSION

Narcotics are drugs that can eliminate (especially) pain originating from the visceral region and can cause the effects of stupor (still conscious but still have to be bullied) and addiction. In Law Number 35 of 2009 Article 1 number 1 states that 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 is distinguished into groups as attached to this Law. Based on Law No. 35/2009, BNN is authorised to investigate and prosecute criminal acts of narcotics and narcotic precursors.

Based on the law, BNN's institutional status became a Non-Ministerial Government Institution (LPNK) with a vertical structure to the Province and district/city. In the Province, a Provincial BNN is formed, and in the Regency/City, a Regency/City BNN is formed. BNN is led by a Head of BNN who is appointed and dismissed by the President. BNN is domiciled under and responsible to the President. The Head of BNN is assisted by a Principal Secretary, Principal Inspector, and 5 (five) Deputies, namely the Deputy for Prevention, Deputy for Community Empowerment, Deputy for Rehabilitation, Deputy for Eradication, and Deputy for Law and Cooperation.

Currently, BNN has regional representatives in 33 provinces. Meanwhile, at the district and city level, BNN has 100 BNNK/Kota. Gradually, these representatives will continue to grow in line with the development of the level of vulnerability to drug abuse in the regions. The presence of BNN representatives in each region provides a wider and more strategic space for BNN in P4GN efforts. In an effort to improve the performance of the prevention and eradication of drug abuse and illicit trafficking, and to achieve the vision of "Drug-Free Indonesia in 2015", the BNN will continue to improve its performance.

BNNK Pematang Siantar certainly has a vision and mission including :

The vision of BNNK Pematang Siantar is to become a Non-Ministerial Institution that is professional and able to mobilise all components of society, nation and state of Indonesia in carrying out the Prevention and Eradication of Abuse and Illicit Trafficking of Narcotics, Psychotropic, Precursors and Other Addictive Materials in Indonesia.

While the mission of BNNK Langkat is:

1. Drafting national P4GN policy
2. Carry out operational P4GN in accordance with the field of duty and authority.

3. Coordinate the prevention and eradication of abuse and illicit trafficking of narcotics, psychotropic substances, precursors and other addictive substances (drugs).
4. Monitor and control the implementation of national P4GN policy.
5. Preparing a report on the implementation of the national P4GN policy and submitting it to the President.

BNNK Pematang Siantar certainly has several functions and tasks, namely the National Narcotics Agency which hereinafter in the Regulation of the Head of the National Narcotics Agency is called BNN is a non-ministerial government agency domiciled under and responsible to the President through the coordination of the Chief of the Indonesian National Police. BNN is led by the Head. The duties of the Pematang Siantar BNNK are:

1. To formulate and implement national policies on the prevention and eradication of abuse and illicit trafficking of Narcotics and Narcotic Precursors;
2. Prevent and eradicate the abuse and illicit trafficking of Narcotics and Narcotic Precursors;
3. Coordinate with the Chief of the Indonesian National Police in the prevention and eradication of the abuse and illicit trafficking of Narcotics and Narcotic Precursors;
4. Improve the capacity of medical rehabilitation and social rehabilitation institutions for drug addicts, both organised by the government and the community;
5. Empowering the community in the prevention of abuse and illicit trafficking of Narcotics and Narcotic Precursors;
6. Monitor, direct and improve community activities in the prevention of abuse and illicit trafficking of Narcotics and Psychotropic Substances;
7. Through bilateral and multilateral cooperation, both regional and international, to prevent and eradicate illicit trafficking of Narcotics and Narcotic Precursors;
8. Developing a laboratory for Narcotics and Narcotic Precursors;
9. Carry out administration of investigations and inquiries into cases of abuse and illicit trafficking of Narcotics and Narcotic Precursors; and
10. Make an annual report on the implementation of duties and authorities.

In addition to the above tasks, BNN is also tasked with formulating and implementing national policies regarding the prevention and eradication of abuse and illicit trafficking of psychotropic substances, precursors and other addictive materials except addictive materials for tobacco and alcohol. Causes originating from the community environment are indifferent or uncaring lax social supervision society difficult to find work weak law enforcement many violations of the law poverty and high unemployment declining

morality of society many drug dealers looking for consumers many drug users around the residence Psychotropic abuse is caused by many factors, including personality factors (curiosity motive), family factors, social factors, economic factors, and social / community factors. Lack of community participation is an obstacle for BNNK Pematang Siantar to arrest drug users, for families there are those who are afraid of their children being arrested, even though actually if arrested does not mean imprisonment, but there is a possibility of rehabilitation and outpatient care, this makes BNNK Pematang Siantar constrained in taking action against drug users because the family does not want to cooperate with the BNNK Pematang Siantar.

Although BNNK experiences a number of obstacles, BNNK continues to make efforts to prevent drug abuse in Pematang Siantar in accordance with our mission to reduce the prevalence rate below 3% by always providing knowledge education for the entire community of Pematang Siantar City about the dangers of narcotics, both counselling in schools, both information on the streets, such as banners, so that people know about the dangers of drugs. Then provide information to the public so that people are aware of the dangers of drugs, because drugs can damage the psychology of the recipient, nation and state, then also damage the surrounding environment. Work barriers that have the potential to reduce the performance of BNNK Pematang Siantar are a combination of external factors and internal organisational factors, which are both difficult to solve. The demographic factors of the Asahan community, which generally live in coastal areas and have a hard character, have a relatively low average education, fairly minimal literacy skills, and the average welfare level of the community living close to the poverty line, place the majority of the population in a position that is fairly vulnerable to the threat of narcotics, both in terms of abuse and illicit trafficking.

This is done for victims of drug abuse who can be proven or proven as victims for rehabilitation as stipulated in Article 54 of the Narcotics Law. In the implementation of Article 54, the Provincial National Narcotics Agency (BNNP) cooperates with institutions to facilitate the rehabilitation process and provides appeals and socialisation to the public including TV and radio broadcasts to the public so that addicts are willing to be rehabilitated in rehabilitation centres that have been organised by the government, private sector and NGOs.

The Pematang Siantar Government should be expected to play an active role in supporting and assisting BNNK Pematang Siantar in carrying out the prevention of drug abuse among the Pematang Siantar community and BNNK Pematang Siantar plays an even more active role in implementing or issuing policies in the form of rules or concepts of drug prevention in synergy with all government agencies, NGOs and the community.

CONCLUSIONS AND SUGGESTIONS

The Legal Basis of the Narcotics Board is regulated in Law Number 35 of 2019 concerning Narcotics, Government Regulation Number 40 of 2013 concerning the Follow-up and Implementation of Narcotics and Presidential Regulation Number 23 of 2010 concerning the National Narcotics Agency (BNN). The role of BNNK Pematang Siantar is the role of BNNK Pematang Siantar, including the coordination of the preparation of strategic plans and annual work plans in the field of P4GN in the Pematangsiantar City area, implementing technical policies in the fields of prevention, community empowerment, rehabilitation and eradication in the Pematangsiantar City area, implementing legal services and cooperation in the Pematangsiantar City area, Implementation of P4GN coordination and cooperation with related government agencies and community components in the Pematangsiantar City area, Administrative services of the Pematangsiantar City BNN, Implementation of evaluation and reporting of the Pematangsiantar City BNN The efforts of the Pematang Siantar City National Narcotics Agency in carrying out rehabilitation efforts are by strengthening rehabilitation institutions.

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