

The existence of the National Narcotics Agency in the rehabilitation of narcotics addicts

Halimahtussa'diah¹, Iskandar A Gani², Zahratul Idami²

¹ Faculty of Law Program, Syiah Kuala University, Banda Aceh, Indonesia

² Lecture of Law Program, Faculty of Law, Syiah Kuala University, Banda Aceh, Indonesia

Abstract

Narcotics according to Article 1 number 1 of Law Number 35 of 2009 concerning Narcotics are substances or drugs derived from plants or non-plants, both synthetic and semi-sitetic, which can cause a decrease or change in consciousness, loss of taste, reduce pain and can cause a sense of dependence which is differentiated into several groups. Based on the Aceh Police Narcotics Case Data in 2021, there were 1,318 cases of narcotics abuse. Of these cases, 2,144 people were designated as suspects and 141 kilograms of methamphetamine and 100,000 ecstasy tablets were confiscated. The National Narcotics Agency as a special agency formed with the aim of suppressing narcotics cases nationally has a central role in overcoming this narcotics crime. This scientific paper is to see the extent of the existence of the National Narcotics Agency in the Rehabilitation of Narcotics Addicts.

Keywords: Narcotics Crimes, Existence, BNN

Introduction

At first, narcotics were only used as a tool for religious rituals and besides that they were also used for medicine, the first type of narcotics used at first was opium or commonly referred to as madat or opium. However, with the development of the times, drugs are used for negative things, in the world of narcotics medicine is widely used, especially in the anesthesia process before the patient is operated on. Along with the development of the times as well, a person who was initially unfamiliar with narcotics turns into an addict who is difficult to get rid of his dependence. Basically, the circulation of narcotics in Indonesia when viewed from the juridical aspect is its existence. The Narcotics Law only prohibits the use of narcotics without a permit by the law in question.

Narcotics abuse is a complex problem that not only impacts public health, but is also related to legal and institutional aspects of government. In this context, the National Narcotics Agency (BNN) as a non-ministerial institution tasked with preventing and eradicating drug abuse and illicit trafficking has a strategic role, including at the regional level.

In relation to Aceh Province, the Aceh Provincial National Narcotics Agency (BNNP) was formed to carry out the functions of BNN at the regional level. One of the main tasks of BNNP Aceh is to carry out rehabilitation programs for narcotics addicts. This is in line with Law Number 35 of 2009 concerning Narcotics (hereinafter referred to as the Narcotics Law) which stipulates that narcotics abusers are obliged to undergo medical and social rehabilitation. Article 56 of the Narcotics Law regulates the provisions for rehabilitation of narcotics addicts, which are as follows:

1. Medical rehabilitation of Narcotics Addicts is carried out in hospitals appointed by the Minister.
2. Certain rehabilitation institutions organized by the medical rehabilitation of Narcotics Addicts after obtaining the approval of the Minister.

Article 57 of the Narcotics Law also states that "in addition to medical treatment and/or rehabilitation, the cure of Narcotics Addicts can be carried out by government agencies or the community through religious and traditional approaches". Furthermore, Article 58 states that "the social rehabilitation of former Narcotics Addicts is organized both by government agencies and the community".

Responding to the development of drug problems that continue to increase and become more serious, the Decree of the People's Consultative Assembly of the Republic of Indonesia (MPR-RI) was passed through the General Session of the People's Consultative Assembly of the Republic of Indonesia (MPR-RI) in 2002.

2002 has recommended to the House of Representatives and the President of the Republic of Indonesia to make changes to Law Number 22 of 1997 concerning Narcotics.¹ The position of BNP Aceh as an institution that has the authority to rehabilitate narcotics addicts in Aceh Province still needs to be studied more deeply. There are several problems related to legal and institutional aspects, such as coordination with related agencies, availability of resources, and the mechanism of supervision and accountability of BNP Aceh in the implementation of rehabilitation programs.

Research Method

The type of research used in this scientific work is normative research, which is legal research conducted by examining pure used literature or data. According to Soerjono Soekanto, the normative juridical approach is legal research that is carried out by researching literature materials or secondary data as a basis for research by conducting a search of regulations and literature related to the problem being researched.

Discussions

Narcotics abuse at this time is very disturbing for the entire community, especially the people of Aceh, and therefore the urgency of Countering the Circulation and Eradication of Psychotropic Narcotics in Aceh Province will be explained.

Smuggling and illicit distribution of narcotics in Aceh Province continues to be dense. The apparatus in this case freezes abusers ranging from fishermen, person by person police, housewives, until this makes Aceh Province like being hit by a tsunami of drugs.

Methamphetamine was smuggled into Aceh through the Straits of Malacca. Narcotics dealers in Malaysia, Thailand, and Myanmar easily send the illicit goods to Aceh Province by taking advantage of the length of the coastline that stretches from Banda Aceh to Aceh Tamiang.

By 2024, the Aceh Regional Police will handle 1,025 criminal cases of narcotics abuse. Of the cases, 2,144 people were named as suspects and 141 kilograms of methamphetamine and 100,000 ecstasy tablets were confiscated. In 2021, the number of narcotics cases in Aceh was 1,671 with the number of suspects as many as 1,751 people. The evidence confiscated was as much as 121kg of methamphetamine and as many as 4,348 grains of ecstasy.

It is known that from January to March 2024 the Regional Police (Polda Aceh) has destroyed 404kg of methamphetamine and this amount is much larger than the accumulated arrests of the last two years and this evidence does not include the arrests made by BNN so it can be concluded that narcotics have become an urgent problem and must be addressed immediately. Narcotics have attacked various walks of life in Aceh. Based on data from the Aceh Provincial BNN, narcotics users in Aceh reached 82,140 people. Aceh Province is ranked second in the province of narcotics users.

Cases of narcotics abuse have become a very dangerous problem for the Indonesian nation because with this mistake many crimes have given rise to crimes, such as robbery, rape, massacre and other mistakes. Coupled with the development of technology at this time, narcotics mistakes have become an organized mistake in international trade. It is known that the black distribution of narcotics in the Southeast Asian region has two important directions of spread, namely the southern direction through Thailand towards Bangkok for the distribution niche and the northern route that penetrates the Yunnan Province of China. Narcotics have spread to remote areas and target children who are regenerating market share.

Indonesia itself is sourced from information owned by the National Narcotics Agency explained that no city or district is free from drug problems. Drug smuggling is more tried through the air route, the sea route is also widely used by narcotics smuggling perpetrators to enter their goods. One example of a case handled by BNN was the successful securing of a unit of motorboat by joint officers in the waters of Aceh Tamiang on August 19, 2018. On board the ship were found 70 packs of methamphetamine weighing 73.5 kg and 30,000 ecstasy pills from Malaysia.

The drug business in the middle of the sea is a very convenient narcotics business, because supervision in the middle of the sea with a very small number of officers or almost no one makes it easy for the narcotics business through the sea route. The large and profitable drug market in Indonesia has given rise to global partnerships listed in Malaysia, carrying out various efforts to smuggle drugs into Indonesia, various modes taken by smugglers to smuggle their illicit objects into Indonesia through the network of border routes.

In tackling narcotics crimes, guarantors responsible for law enforcement and narcotics rehabilitation in Indonesia are

requested to cite measures that are in accordance with the main obligations and for the purposes of each ministry and non-ministry. Law enforcement against perpetrators of narcotics crimes aims to change the emergency situation of narcotics into a supportive situation so that gradually the rate of progress in the spread of narcotics subsides and the abusers can be restored. The main problem causing the development of narcotics in Indonesia is law enforcement against the abusers themselves. Article 127 of the Narcotics Law basically reads that abusers for themselves are threatened with a maximum penalty of 4 years in prison, on the other hand in the purpose article (Article 4) which is the goal or final goal of law enforcement against abusers is prevented, protected, saved, and guaranteed to be rehabilitated, if they have become addicts then the law is mandatory to rehabilitate this in accordance with the provisions in Article 54 of the Narcotics Law.

In principle, the error of narcotics abuse is always brought to the legal assembly through the rehabilitation justice system route. Because this case of abuse is a problem of compacting lack of explanation by experts which means that there is no visum that reports the abuse of good narcotic dependence in a physical and psychological way, on the contrary, the insistence of Article 54 of the Narcotics Law is to guarantee the abuser to be rehabilitated, until the interrogator is required to request a visum or assessment to sort out the level of effect of the narcotics, namely the prolonged euphoria of the accused abuser so that the content is known The defendant's euphoria in this case is whether it is listed as mild euphoria, continuous euphoria, or severe euphoria, and the concept of rehabilitation treatment. This matter is needed as the jury's estimation material when ending the problem of abuse because the jury must sentence rehabilitation and the length of time is sourced from the infatuation of the abusive defendant. On the other hand, the purpose of the Narcotics provisions is to ensure rehabilitation for abusers until in this case the interrogator, the ordinary plaintiff, and the court are given the authority to detain instead of detainee, namely placement in a rehabilitation agency. Observing health efforts, both the development of human resources and facilities and infrastructure, it can be concluded that the current conditions have not provided an effective formulation in tackling narcotics crimes integrally. It is known that the number of abusers in prisons is much greater than the number of narcotics dealers. This condition, in addition to making it difficult for prison officers to be safeguarded, they also do not have the main task and function to rehabilitate their inmates so that the prison is helpless if there are inmates who are sick or sick. The majority of prisons are currently inhabited by abusers, this is certainly very profitable for narcotics dealers. The dangers of narcotics are unquestionable. However, the abuse of illegal drugs is increasingly rampant in various regions in Indonesia, especially Aceh. The destructive power of narcotics is more serious than corruption and terrorism, because narcotics can damage the brain and cause chronic diseases.

Conclusions

In countering the circulation and eradication of psychotropic narcotics at the border, it is divided into three factors. First, due to the distortion of law enforcement practices against narcotics abusers, legal policies related to the rehabilitation of narcotics abusers are still not fully implemented properly,

second, due to obstacles in the application of the law against perpetrators of narcotics crimes, based on empirical facts, special law enforcement against abusers in Aceh Province shows that there is still an abuse of law enforcement by narcotics law enforcers. Third, the difficulty of law enforcement officials in determining drug abusers or dealers.

Efforts to overcome obstacles in overcoming the circulation and eradication of psychotropic narcotics at the border. The first is by law enforcement against abusers who are rehabilitative to narcotics at the border, second, law enforcement against drug traffickers is repressive, and third is the eradication of illicit trafficking through the participation of the village/gampong community.

Reference

1. Anang Iskandar, *Narcotics Law Enforcement*, Jakarta, PT. Elex Mediakomputindo, 2019.
2. Asrianto Zainal, *Law Enforcement Against Narcotics Crimes Reviewed from the Criminological Aspect*, *Al-Adl Journal*, 2013, 6(2).
3. Diki Pahlevi, *The Role of the National Narcotics Agency (BNN) in Overcoming Drugs in the Lamp Village, Samarinda City*, *E-Journal of Government Science*, 2020, 8(1). E-ISSN 2477-2458, P-ISSN 2477-2631.
4. Evelyn Felicia, *Obstacles and rehabilitation efforts for narcotics addicts by the Yogyakarta provincial national narcotics agency (BNNP)*, *Junal UAJY*, 2015, 10(10) [6]. Herman Fitra, Rector of Malikussaleh University, Interview in *Kompas Daily*, <https://www.kompas.id/baca/nusantara/2021/04/25/kal-aceh-Struck-Struck-Wave-Drugs>, Access March 4, 2025,
5. Ira Helviza, *et al.*, *The Constraints of the National Narcotics Agency (BNN) in Tackling Narcotics Abuse in the City of Banda Aceh*, *Scientific Journal of Unsiyah Citizenship Education Students*, 2016:1(1):128-146.
6. Jumaidah & Rindu, *Behavior of Drug Abuse Prevention in Adolescents in the Sukmajaya District of Depok*, *Health Scientific Journal*, 2017, 16(3).
7. Made Ratih Pradnyanti, *et al.*, *Law Enforcement Against Narcotics Abuse*, *Journal of Legal Preferences*, ISSN: 2746-5039, 2021, 2(1).
8. Natali Masita, *Law Enforcement Against Criminal Acts as Intermediaries in Handing Over Narcotics*, *Journal of Law, Department of Criminal Law USU*, 2016, 20.
9. Roni Gunawan Raja Gukguk, Nyoman Serikat Putra Jaya, *Narcotics Crime as Transnational Organized Crime*, *Journal of Indonesian Legal Development*, 2009, 1(3).
10. Sri Purwatiningsih, *Drug Abuse in Indonesia, Population*, 2001, 12(1).
11. Wenda Hartanto, *Law Enforcement Against Narcotics and Illegal Drugs Crimes in the Era of International Free Trade That Has an Impact on State Security and Sovereignty*, *Indonesian Legislation Journal*, 2017, 4(1).