



## Legal reconstruction in dealing with rehabilitation cases for drugs abusers based on justice value

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### Abstract

The misuse of Drugs is a common problem from the central and to the regional governments. Various efforts have been made by BNN, but still the number of users of these goods continues to increase every year if not handled seriously. The author is interested in researching this matter in a study with the main issue of what are the obstacles that arise in the rehabilitation system for Drugs abusers in Indonesia and how the reconstruction of rehabilitation arrangements for Drugs users based on justice in Indonesia. The research methods used are: (1) using a constructive theory paradigm, (2) the type of qualitative research. and (3) socio-legal research approach method.

The results of the study showed that the implementation of the rehabilitation policy on Drugs abuse based on Drugs law number 35 of 2009 and psychotropic law number 5 of 1997 which has been implemented in Indonesia at this time is still not based on the value of justice and welfare, this is because it is still there are weaknesses and problems both in the level of the text of the law and its implementation. Some rehabilitation policies for Drugs abuse are carried out in correctional institutions under the coordination of the Ministry of Health and Human Rights, some are implemented in Hospitals / Mental Hospitals under the coordination of the Ministry of Health, and some are implemented in places of social rehabilitation under the authority of the Ministry of Social Affairs. and some have been carried out under the coordination of BNN / BNNP / BNNK, including the community component rehabilitation institutions. The mechanism of rehabilitation implementation in correctional institutions has been regulated in the Circular of the Minister of Law and Human Rights number: M.HH-01.PK.01.06.10 2015 concerning the Rehabilitation Implementation Mechanism for Penitentiaries (WBP) Abuse of Drugs and Decree of the Director General of Corrections of Kemenkumham number: PAS.121.PK.01.07.01 of 2017 concerning the determination of the Correctional UPT for the implementation of the Prisoners Rehabilitation Services and Prisoners Guidance for Drugs Abuse. In its implementation there are still problems, both infrastructure, rehabilitation processes, human resources, financial support and evaluation processes. This results in not all Abuse or Drugs victims getting substantial value-based rehabilitation services and also lacking the basic right to life in the form of equitable welfare, as mandated in the opening of the 1945 Constitution. Reflecting on the above above, rehabilitation rehabilitation offered by the author includes medical rehabilitation and / or social rehabilitation tailored to the patient's psychological condition. In determining the status of a suspect / defendant as a victim or Drugs addict / drug addict, it is determined through the court, with recommendations from the Integrated Assessment Team (TAT). Articles 37-39 and article 41. Those who must receive therapy and rehabilitation must not only experience dependency syndrome, but all psychotropic users, both those who have dependency syndrome and those who do not or those who are mild to severe, must receive therapy and rehabilitation to restore the condition his health. Must be determined through court, with Recommendations from the Integrated Assessment Team (TAT). Unless psychotropic users who take part in the IPWL program do not have to be determined by the court because the process is voluntary in their own consciousness.

**Keywords:** reconstruction, rehabilitation, drugs, justice value

### Introduction

The use of Drugs is a common problem, starting with the central and regional governments. Various efforts have been made by BNN, but still the number of users of these goods continues to increase every year. According to the latest data in 2018 there were 3.1% or around 7.8 million Drugs users in the city of Jakarta. It is feared that this condition will continue to increase every year if there is no maximum effort from all parties. These conditions put Jakarta first.

According to Soejono Soekanto the role is a dynamic aspect, the role is more to show the function of adjustment and as a process. Role theory is a theory which is a blend of theories. Orientation and scientific discipline. Apart from psychology, the theory of the role of and is still used in sociology and anthropology.

Rehabilitation is an effort to restore mental and physical health aimed at Drugs abusers who have undergone a curative program. The goal is that the abuser does not use it again and is free from associated diseases such as physical damage (nerve, brain, blood, heart, lungs, kidneys, liver, etc.), mental damage, character changes towards the negative, asocial, and diseases follows-up such as HIV / AIDS, Hepatitis, syphilis, and others caused by drug use <sup>[1]</sup>. Drugs regulation based on the Law of the Republic of Indonesia Number 35 Year 2009 (Law No. 35 of 2009), aims to ensure the availability of health and scientific interests, prevention of Drugs abuse, and eradication of Drugs illicit trafficking. Law enforcement against Drugs crime has been carried out by law enforcement officers and many have been granted judges' decisions in court hearings.

This law enforcement is expected to be able to prevent the spread of Drugs trafficking, but in reality the more intensive the law enforcement is, the more the trafficking of Drugs trafficking is increasing. The drug trafficking industry, is part of the activities of transnational crime organizations in addition to other types of crime, namely, smuggling of illegal migrants, arms trafficking, trafficking in nuclear material, transnational criminal organizations and terrorism, trafficking in body parts, theft and smuggling of articles, money laundering.

At present Indonesia already has Republic of Indonesia Law Number. 35 of 2009 concerning Drugs (State Gazette of the Republic of Indonesia Year 2009 Number: 143), dated October 12, 2009, hereinafter referred to as Drugs Law which replaces the Law of the Republic of Indonesia Number. 22 of 2007 concerning Drugs (State Gazette of the Republic of Indonesia Year 2007 Number 67), because as in the weighing part of the Law of the Republic of Indonesia Number 35 of 2009 letter e stated: that Drugs crime has been transnational in nature which is carried out using high modus operandi, sophisticated technology, supported by a wide network of organizations, and has caused many Abusers, especially among the young generation of the nation which is very dangerous to the lives of the people, nation, and country so that Law Number 22 of 1997 concerning Drugs is no longer in accordance with the development of situations and conditions that develop to tackle and eradicate the crime.

Illicit trafficking and Drugs abuse with potential targets of the younger generation have reached various parts of the region and their misuse is evenly distributed across all social strata of society. Basically Drugs are very necessary and have benefits in the fields of health and science, but the use of Drugs becomes dangerous if abuse occurs. In Chapter IV article 9 paragraph (1) of the Drugs Act guarantees the availability of Drugs for health and scientific interests on the one hand, and on the other hand in Chapter XI article 64 paragraph (1) and Articles 70-72 of the Drugs Act regulates prevention illicit Drugs circulation which always leads to abuse, regulation is needed in the Drugs field <sup>[2]</sup>.

Drugs crime based on the Law of the Republic of Indonesia Number 35 Year 2009 (Drugs Act), provides severe criminal sanctions, in addition to being subject to corporal punishment and also subject to criminal fines, but in reality the perpetrators actually are increasing. This is due to the fact that the imposition of criminal sanctions has no deterrent effect on the perpetrators.

Curing Drugs abusers requires a lot of time and also drains a lot of energy and mind. There needs to be such a thing as knowledge, expertise, and also patience in dealing with Drugs abusers. Healing Drugs sufferers can be done in various ways that are diverse and different, such as using spiritual propaganda religious propaganda and love. There was a time when the method of religious spirituality was affective enough to cure Drugs sufferers, but there was a time when it was unable to cure Drugs sufferers. There could even be cases when the method of religious spirituality is applied forcefully to the sufferer, it actually makes the sufferer worse and more likely to enter the Drugs abyss. Many of them also put up a fight when they are blamed and cornered so a special handling must be implemented.

Based on the background description above, the writer wants to research and analyze further about the problem into

a study with the main problem as follows:

1. What are the obstacles that arise in the rehabilitation system for Drugs abusers in Indonesia?
2. How is the reconstruction of rehabilitation for Drugs users based on justice value in Indonesia?

### Method of Research

The paradigm that is used in the research this is the paradigm of constructivism which is the antithesis of the understanding that lay observation and objectivity in finding a reality or science knowledge <sup>[3]</sup>. Paradigm also looked at the science of social as an analysis of systematic against *Socially Meaningful Action* through observation directly and in detail to the problem analyzed.

The research in writing this dissertation is a qualitative research. Writing aims to provide a description of a society or a certain group of people or a description of a symptom or between two or more symptoms.

Approach (*approach*) the research is to use the approach of *Socio-Legal* <sup>[4]</sup>, which is based on the norms of law and the theory of the existing legal enforceability of a sociological viewpoint as interpretation or interpretation.

As for the source of research used in this study are:

1. Primary Data, is data obtained from information and information from respondents directly obtained through interviews and literature studies.
2. Secondary Data, is an indirect source that is able to provide additional and reinforcement of research data. Sources of secondary data in the form of: Primary Legal Material and Secondary Legal Materials and Tertiary Legal Material.

In this study, researchers used data collection techniques, namely literature study, interviews and documentation. In this study, the researcher is a key instrument that is the researcher himself who plans, collects, and interprets the data <sup>[5]</sup>. Qualitative data analysis is the process of searching for, and systematically compiling data obtained from interviews, field notes and documentation by organizing data into categories, describing it into units, synthesizing, compiling into patterns, selecting important names and what will be studied and make conclusions.

### Research Result and Discussion

#### 1. Obstacles that arise in the rehabilitation system for drugs abusers in Indonesia

Based on the results of research conducted by the author, the obstacles that arise in the Rehabilitation System for Drugs Abusers in Indonesia can be seen when Polri investigators handle Drugs and psychotropic crimes that are carried out with undercover buy techniques for example. Where the obstacles found are as follows:

##### a. Lack of amount of equipment needed

Lack of equipment used to conduct investigations or investigations in this case is to conduct wiretapping. Without adequate equipment, it can affect the speed and accuracy of investigators in gathering evidence regarding a narcotic crime. For example, in making covert purchases, investigators admit that they have difficulty in wiretapping which will later be useful as evidence given that evidence is used in revealing and handling narcotic crimes which state that all forms of information both electronic and recorded data or information that can be seen or heard then it will be able to be used as legal evidence in a trial for that

wiretapping is needed.

#### **b. Limited operational costs**

The process of investigating and investigating with *undercover buy* techniques by investigators in Drugs and Drugs precursors requires high operational costs when compared to investigations in conventional crime. In investigating and investigating narcotic crimes using *undercover buy* techniques, which require substantial operational costs, because bearing in mind these costs also include transportation costs, costs of carrying out *undercover buy* techniques, tapping costs, etc. -other.

#### **c. Investigators get terror and become witnesses in the trial**

Although members / infiltration agents have changed their appearance (wearing earrings, tattoos, and long hair), they can still be easily recognized by the Drugs network. This is because, each member / agent, after arresting, he will be a witness in the hearing at the trial and only he knows about the arrest process. In addition, other network members are usually present and mingle in the community to take part in the trial of the case and will recognize witnesses, especially from the members / agents who are present.

In addition, external constraints that arise when handling narcotic crimes and Drugs precursors with *undercover buy* techniques are as follows;

#### **a. Obstacles in obtaining informants / espionage**

The informant himself is a person who has information about a subject that wants to be known, in this case the informant is related to narcotic crime. This informant is a person who can provide a detailed, and accurate explanation regarding what, who, where, when, how and why, in a Drugs crime case <sup>[6]</sup>. Informants in revealing Drugs crime occupy a very important position, therefore the police in obtaining this informant is very difficult. The task of an informant himself is as a police intermediary in uncovering Drugs cases. He is the person in charge of introducing members of the police to the suspect. Without this informant, there is no information, and without information it will be quite difficult for the police to uncover narcotic crimes which are organized network crimes. In some cases also an informant is a person who has a role / is in a Drugs network, so that the police can easily get information about the network if it already has an informant. An informant may also not have a position in the organization, but has great access to information because he is a family member, spouse, child or nephew, or maybe an assistant, subordinate in general, even if it is only a servant / courier.

#### **b. Constraints determine the location of a veiled purchase**

One of the obstacles that must be faced by investigators is to determine the location of *undercover purchases* because investigators must find a location that allows monitoring of the suspect's movements and the possibility of security for *undercover* actors, transaction money and avoiding places that are too crowded and open, not many places can be used to carry out this operation. Police investigators must first secure the surrounding population who are not involved in the case because this operation is a dangerous operation. The time and strategy to observe and study suspects provided in a Drugs and psychotropic operation must also

be sufficient. It is better to postpone a plan for Drugs and psychotropic surgery when the time is not right and make the operation failed. Movement of the suspect here is a major factor that must be considered by investigators.

#### **c. The Drugs network uses mine techniques**

The Drugs network also does not remain silent by searching for new techniques so that the police find it difficult to capture their networks, one of which is mine technique. Mine technique referred to in this case the police and the courier do not meet each other directly, because neither the bookie nor the network courier want to meet with the police so in making covert purchases the police often fail. This minefield technique is carried out after the police make covert purchases by sending money to the network bander's account, then the dealer contacts his courier to do this mine technique <sup>[7]</sup>. The courier in this case puts the Drugs to a place where the courier then contacts the buyer and tells the location where he put the goods. Another method used is Drugs sent to the buyer via a freight forwarding service or placed in a trash can at a particular location and then contact the buyer to collect. This was done because their networks were afraid to be responded to and were alert when the police were making the purchases.

Although there are many obstacles faced by the National Police in dealing with Drugs crimes carried out with *undercover buy* techniques, the National Police continues to have efforts to overcome these obstacles. Efforts made by investigators to overcome internal obstacles are as follows:

1. Efforts to overcome the shortage of equipment needed, is to seek investigators in optimizing performance by making efforts to maximize Human Resources to be able to use the equipment needed in investigations to the maximum.<sup>19</sup> In the framework of increasing the Human Resources of investigators, the police have strived through increasing the intensity of activities investigative training activities in conducting techniques used by investigators in Drugs crimes and maximizing the workforce of members of the police investigator of the Drugs Investigation Directorate.
2. Efforts in overcoming operational costs are limited. Investigation of a Drugs case carried out with an *undercover buy* technique is to submit a plan to increase the budget amount in the hope that it will be followed up directly by the operational department.
3. Investigators must be professional. Investigators who will carry out *undercover buy* techniques must behave professionally and carefully in carrying out their duties, as well as minimizing mistakes or not even making mistakes in assignments, because with only a few mistakes the lives of investigators and other members will endangered or the operation will fail. Investigators must do so in accordance with procedures established by the National Police so as to avoid danger, because the mistakes made if known by members of the Drugs network will be used by the network, which will then harm the members and investigators themselves. Professionalism is the most important element in the effort to overcome the obstacles that arise in making *this undercover buy*.

If the efforts to overcome internal obstacles have been made by the National Police, the second is a repressive effort, namely the National Police in overcoming if a Drugs crime carried out with *undercover buy* techniques has already

taken place. The investigator's efforts to overcome external obstacles are as follows:

1. Obtain informants and optimize the role of the suspect; the intended effort in optimizing the role of the informant here is by collecting information using informants (spies) and making covert purchases using couriers or suspects who have been caught. This informant is usually in an environment or community that is familiar with Drugs use. This informant certainly does not simply report to the police for free, of course there is something desired by the informant, usually the police do it with the lure of money.
2. Efforts to establish a hidden purchase location; The efforts made by police investigators in determining locations need to be considered as follows:
  - a. The location must allow the supervision of the opponent and the possibility of security for *undercover* actors in conducting transactions and avoid places that are too crowded and open.
  - b. Location allows communication and detection tools to be used both to monitor the opponent and for the purposes of communication and for the coordination of all officers.
  - c. The location must be controlled from an early age, so as to enable safety measures and avoid counter-investigation of the opposing party.

Efforts made in overcoming minefield techniques; the efforts made by the National Police investigator to overcome this minefield technique by exploiting the weakness of this minefield technique in the eyes of the law due to the Drugs Act of 2009 which is contained in article 86 paragraph (2) concerning legal evidence.

The discussion above, when related to rehabilitation for Drugs abusers, the rehabilitation policy on Drugs abuse based on Drugs law number 35 of 2009 and psychotropic law number 5 of 1997 which has been implemented in Indonesia at this time is still not based on the value of justice and welfare, this is because there are still weaknesses and problems both in the level of the text of the law and its implementation<sup>[8]</sup>. Some rehabilitation policies for Drugs abuse are carried out in correctional institutions under the coordination of the Ministry of Health and Human Rights, some are implemented in hospitals / mental hospitals under the coordination of the Ministry of Health, and some are carried out in places of social rehabilitation under the authority of the Ministry of Social Affairs. and some have been carried out under the coordination of BNN / BNNP / BNNK, including the community component rehabilitation institutions. The mechanism of rehabilitation implementation in correctional institutions has been regulated in the Circular of the Minister of Law and Human Rights number: M.HH-01.PK.01.06.10 2015 concerning the Rehabilitation Implementation Mechanism for Penitentiaries (WBP) Abuse of Drugs and Decree of the Director General of Corrections of Kemenkumham number: PAS.121.PK.01.07.01 of 2017 concerning the determination of the Correctional UPT for organizing Rehabilitation Services for Prisoners and Prisoners in the Prison of Drug Abuse. In practice they are problems, both means of infrastructure, the process of rehabilitation, resources human, support funding and the process of evaluation. It 's resulted in not all abuse or victims of the drug to get the services of rehabilitation based on the value of justice that substantially and also about getting the right to live a basic

form of welfare that is evenly distributed, as that has been mandated in the opening of 1945 constitution.

## **2. Reconstruction of rehabilitation for drugs users based on justice value in Indonesia**

The above indicators are measured with the aim of finding out the effectiveness of community empowerment in terms of encouraging the establishment of rehabilitation and post-rehabilitation institutions for community components in the province of South Sulawesi in 2015.

Based on the description above, as of June 2015, the National Drugs Agency of South Sulawesi Province has collaborated with the Community Component Institution, namely LPAB, with inpatient categories realized until December, with 157 clients. A'bulo Sibatang Foundation with 25 inpatient categories which were realized until December, as many as 25 clients, LP4 Community Component Institutions which were realized as many as 46 clients, while for LPAIC Community Component Institution with inpatient categories were 5 people.

When compared with the realization of performance in 2014, the Community Components Rehabilitation Institute in the South Sulawesi region consisted of 2 foundations, namely the Makassar Representative Doulos Foundation and the Drugs Abuse Concern Care Group (YKP2N) of South Sulawesi. The two institutions are known to have carried out inpatient services to 4 Drugs addicts as Voluntary and Compulsory Data Based on Inpatient or Outpatient Status in South Sulawesi in 2014. From the performance achievements described above when compared to the achievement targets in the National Drugs Agency strategic plan document. South Sulawesi Province in 2015-2019 as many as 1 Institution had been achieved as many as 4 Institutions, so the Regional Work Unit of the National Drugs Agency of South Sulawesi Province in 2015 had exceeded the target of 400 percent<sup>[9]</sup>.

Achievement that exceeded the target of establishing / collaborating with the rehabilitation institution according to Bambang as the head of the Planning sub-section that: This encouraging performance was the result of efforts to succeed the rehabilitation program of 100,000 people, and by increasing the number of rehabilitation institutions it was expected to reduce the number of abusers imprisoned because At present between 60 to 70% of prisoners (LAPAS) are Drugs abusers and they are not dealers but victims that we should save by rehabilitation. Rehabilitation institutions are the best place for abusers who are victims of dealers or dealers and these institutions must be managed properly as stipulated in the Government Regulation of the Republic of Indonesia number 25 of 2011 Article 15 that each rehabilitation program provider must draw up standard operational management procedures rehabilitation in accordance with the type and method of therapy used with reference to rehabilitation management standards and guidelines.

Further Coaching To Former Abusers, Victims of Abuse and Drugs Addicts. Continuous rehabilitation is the stage of advanced care (after care) which is a series of positive and productive activities for drug abusers / addicts after undergoing the recovery phase (medical and social rehabilitation)<sup>[10]</sup>. The stages of advanced development are an integral part in the series of rehabilitation of Drugs dependency and cannot be considered as a form of stand-alone therapy, this is related to the general understanding



that after addicts undergo rehabilitation programs at rehabilitation sites, they still need assistance so that the process of reintegration into the community can take place in accordance with the aim of being able to live a normative, independent and productive life.

Post rehabilitation is an inseparable part of the ongoing rehabilitation process. The importance of the implementation of the post-rehabilitation program is to help former Drugs abusers to return to life in the middle of society in a normative, productive and independent manner and be able to function socially, so as to reduce the negative stigma of the community towards former Drugs abusers and increase community support for the process recovery. Post rehabilitation services are part of social rehabilitation in the form of advanced coaching in the form of assistance, skills improvement and productivity support to be able to maintain recovery and adapt to the social and independent environment.

Reflecting on the above matter, the writer of Reconstruction of the rehabilitation policy for Abuse and Drugs victims contained in law number 35 years 2009 regarding Drugs and law number 5 of 1997 concerning psychotropics, can be carried out for the implementation of punishment / stipulation of rehabilitation of addicts and victims of Drugs Abuse can be described as follows :

#### **Before Reconstruction**

Article 127 of Law No. 35 of 2009 reads:

(3) Any Misuse of:

- a. Group I Drugs shall be subjected to a maximum prison sentence of 4 (four) years.

Weaknesses: That imprisonment for Drugs abuse is not appropriate, should not be sentenced to prison, but the rehabilitation sentence, both medical rehabilitation and social rehabilitation.

- b. Group II Drugs is for himself sentenced to a maximum imprisonment of 2 (two) years.

Weaknesses: That addicts and victims of Drugs abuse, not prison convicts are encouraged to become addicts and criminals.

- c. Drugs class III for themselves punished with a maximum imprisonment of 1 (one) year.

Weaknesses: Not all Drugs users suffer from dependency syndrome, but there are those who do not experience acute intoxication, harmful use, dependency syndrome, psychotic disorders, etc. Which should determine rehabilitation in Article 37 (1).

Article 37 (1): Psychotropic users suffering from dependency syndrome are obliged to participate in treatment and / or treatment.

Article 38: Rehabilitation for psychotropic users suffering from dependency syndrome is intended to restore and / or develop their physical, mental and social abilities.

Article 39 (1): Rehabilitation for psychotropic users suffering from dependency syndrome is carried out at rehabilitation facilities organized by the government and / or the community. Article 41: psychotropic users suffering from dependency syndrome related to criminal offenses in the field of psychotropics can be ordered by a judge who decides the case to undergo treatment and / or treatment.

Weaknesses: That not only psychotropic users who have dependency syndrome must be restored, but all categories of psychotropic users must be rehabilitated (articles: 37, 38). That all psychotropic users must be dependent not only

those who have to be rehabilitated in rehabilitation facilities. Article: 39 That the judge ordered by criminal acts related to psychotropic drugs is not only those who experience dependency syndrome who are ordered to do therapy and rehabilitation article 41.

#### **After Reconstruction**

Article 127 reads:

(3) Every victim or Drugs abuse:

- a. Group I is sentenced to rehabilitation for a maximum of 3 (three) years.
- b. Group II is sentenced to rehabilitation for a maximum of 2 (two) years.
- c. Group III for personal use is punishable by rehabilitation for a maximum of 1 (one) year.

The reconstruction of rehabilitation includes medical rehabilitation and / or social rehabilitation which is adjusted to the patient's psychological condition. In determining the status of suspects / defendants as victims or abusers / addicts of Drugs set by the court, with the recommendation of the team assessment Integrated (TAT). Articles 37-39 and article 41. Those who must receive therapy and rehabilitation must not only experience dependency syndrome, but all psychotropic users, both those who have dependency syndrome and those who do not or those who are mild to severe, must receive therapy and rehabilitation to restore the condition his health. Must be determined through court, with Recommendations from the Integrated Assessment Team (TAT). Unless psychotropic users who participate in the IPWL program do not have to be determined by the court because the process is voluntary in their own awareness.

Reconstruction of the article Article 54, 55, 56, 57, 58, and Article 127 legislation Drugs No. 35 in 2009 and reconstruction in chapters 37, 38, 39, and 41 law number 5 of 2007 on Psychotropic as that described above, is expected to reduce or not going to happen again concerns the case of rehabilitation against misuse or casualties as a result of Drugs by unscrupulous officers enforcement of law due to provisions of the law against the victim/ abuse or addict that are increasingly clear process of law that do only for the determination of formalities, although still carried out the process of investigation, trial in court, and prosecution. But so should also be considered recommendation of team assessment integrated are implemented by BNN./ BNNK in determining the condition and status of suspects that includes the category of victim / Abuse of or addicted to Drugs for himself alone. Matters of things that become problems or weaknesses prior to do reconstruction in chapters 54, 55, 56, 57, 58, and Article 127 legislation Drugs No. 35 in 2009 and reconstruction in chapters 37, 38, 39, and 41 law number 5 of 2007 concerning psychotropic substances 35 of 2009 have been listed and provide legal certainty to the suspect party as a victim / Abuse or Drugs addict for which relevant agencies are given the authority to determine the condition of the suspect. In which the place of rehabilitation that will occupy it safe and expected to be able to restore the condition of dependency. Also regarding the abuse that exist within to 2 (two) legislation that are dedicated only to addicts, as do the reconstruction of the right is not only the addict alone are entitled to receive the decision of therapy and rehabilitation but covers all abusers on both the mild, moderate or severe, already in the category of abuse with dependence or abuse

without dependence or just use the beginner course. Both the abuse of narcotic psychoactive substances and psychotropic groups.

### Conclusion

1. Implementation of rehabilitation policy on Drugs abuse based on Drugs law number 35 of 2009 and psychotropic law number 5 of 1997 which has been implemented in Indonesia at this time is still not based on the value of justice and welfare, this is because there are still weaknesses and good problems in the level of the text of the law and its implementation. Some rehabilitation policies for Drugs abuse are carried out in correctional institutions under the coordination of the Ministry of Health and Human Rights, some are implemented in Hospitals / Mental Hospitals under the coordination of the Ministry of Health, and some are implemented in places of social rehabilitation under the authority of the Ministry of Social Affairs. and some have been carried out under the coordination of BNN / BNNP / BNNK, including the community component rehabilitation institutions. The mechanism of rehabilitation implementation in correctional institutions has been regulated in the Circular of the Minister of Law and Human Rights number: M.HH-01.PK.01.06.10 2015 concerning the Rehabilitation Implementation Mechanism for Penitentiaries (WBP) Abuse of Drugs and Decree of the Director General of Corrections of Kemenkumham number: PAS.121.PK.01.07.01 of 2017 concerning the determination of the Correctional UPT for the implementation of the Prisoners Rehabilitation Services and Prisoners Guidance for Drugs Abuse. In its implementation there are still problems, both infrastructure, rehabilitation processes, human resources, financial support and evaluation processes. This results in not all Abuse or Drugs victims receiving substantial value-based rehabilitation services and also lacking the basic right to life in the form of equitable welfare, as mandated in the opening of the 1945 Constitution.
2. Reflecting on the foregoing, the rehabilitation reconstruction offered by the author includes medical rehabilitation and / or social rehabilitation that is adjusted to the patient's psychological state. In determining the status of a suspect / defendant as a victim or Drugs addict / drug addict, it is determined through the court, with recommendations from the Integrated Assessment Team (TAT). Articles 37-39 and article 41. Those who must receive therapy and rehabilitation must not only experience dependency syndrome, but all psychotropic users, both those who have dependency syndrome and those who do not or those who are mild to severe, must receive therapy and rehabilitation to restore the condition his health. Must be determined through court, with Recommendations from the Integrated Assessment Team (TAT). Unless psychotropic users who participate in the IPWL program do not have to be determined by the court because the process is voluntary in their own awareness.

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