

The Authority of The Integrated Assessment Team For Legal Certainty Regarding Rehabilitation For Suspected Drug Abusers

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ABSTRACT

This study aims to analyze the authority of the Integrated Assessment Team (TAT) in determining rehabilitation for narcotics abuse victims and to identify obstacles in implementing rehabilitation recommendations, especially for those undergoing legal proceedings. The research uses a normative legal method, supported by empirical data, relying on primary legal materials such as laws and regulations, and secondary materials like literature related to the authority of TAT. The findings show that the TAT holds a crucial role in recommending medical and social rehabilitation for narcotics abusers. However, several obstacles hinder the effective implementation of TAT's recommendations, including poor coordination among law enforcement agencies and the limited resources available to support the rehabilitation process. Additionally, the social stigma surrounding narcotics abuse further complicates the rehabilitation process. The discussion emphasizes the need for stronger inter-agency coordination and increased support for rehabilitation programs to ensure better outcomes for narcotics abuse victims. The study concludes that despite the TAT's authority being clearly regulated, several implementation challenges remain, which require urgent attention to improve the effectiveness of rehabilitation for narcotics abusers within the legal system.

Keywords : integrated assessment institution, narcotics, rehabilitation

INTRODUCTION

The technical implementation of rehabilitation for narcotics abusers must be adjusted to the conditions that have been determined. As a form of implementation of Joint Regulation 7 (Seven) of State Institutions concerning the Handling of Narcotics Addicts and Victims of Narcotics Abuse into Rehabilitation Institutions, the Integrated Narcotics Assessment Team is equipped with the task and authority to conduct examinations of narcotics abusers (Wicaksono, 2021). The role of the Integrated Narcotics Assessment Team is important to participate in providing conclusions and recommendations based on the results of the examination whether addicts and victims of narcotics abuse can be medically rehabilitated and/or socially rehabilitated (Kurniawan & Rukmono, 2022). The composition of the Integrated Narcotics Assessment Team consisting of various elements and different agencies certainly requires the Integrated Narcotics Assessment Team to have good coordination among these various elements. The recommendations produced by the Integrated Narcotics Assessment Team can be considered by the judge so that it needs to be prepared as best as possible according to the condition of addicts and victims of abuse (Chandra, 2021).

By looking at the above background, a formulation of the problem can be drawn, including: first, what is the authority of the Assessment Team in determining rehabilitation for victims of narcotics abuse, second, what are the obstacles in the

implementation of the recommendations of the integrated assessment team for the implementation of rehabilitation for narcotics abusers who are undergoing legal proceedings (Mediansyah, 2022).

The handling of narcotics abuse through rehabilitation must be adjusted to the specific conditions set by various regulations. The role of the Integrated Narcotics Assessment Team (TAT) in providing rehabilitation recommendations becomes crucial. This is because narcotics abuse not only physically damages individuals but also impacts their psychological and social well-being (Firmansyah, 2020). Therefore, a comprehensive rehabilitation effort, involving both medical and social rehabilitation, is necessary. The involvement of various elements in TAT, such as health, social, and legal institutions, also strengthens the validity of the recommendations given. However, effective cooperation and coordination among these elements pose a significant challenge (Liu, Wang, Lin, & Deng, 2023).

Despite being regulated by Joint Regulation 7 (Seven) of State Institutions, the implementation of rehabilitation for narcotics abuse victims still faces various obstacles in practice (Low & Schäfer, 2020). Poor coordination and lack of resources sometimes delay the rehabilitation process. Additionally, the negative stigma attached to narcotics abuse victims also hinders the success of rehabilitation programs. Therefore, an evaluation of the role and authority of the TAT is necessary to improve the effectiveness of rehabilitation (Capuder, Sprčić, Zoričić, & Pandžić, 2020).

Although several studies have addressed the role of the Integrated Narcotics Assessment Team in narcotics abuse rehabilitation, these studies often focus solely on legal or health aspects (Horodovenko, Shandula, & Dmytriyeva, 2022). There is still a lack of research on how the coordination between institutions within the team is implemented and how it affects rehabilitation outcomes. Additionally, there is a gap in the analysis of the obstacles faced in implementing the team's recommendations, especially for those undergoing legal proceedings.

Previous research by (Santoso, Rachmawanto, Nugraha, Nugroho, & Basuki, 2020) emphasized the importance of inter-institutional coordination within the Integrated Narcotics Assessment Team to achieve optimal rehabilitation outcomes. This study shows that a lack of coordination can lead to delays in the rehabilitation process. Moreover, it highlights that inconsistencies between the policies of the relevant institutions are one of the main obstacles in implementing rehabilitation (Wicaksono, 2021).

Meanwhile, (Hamamah, 2021) study focused on the legal aspects of rehabilitation for narcotics abusers. Kartika found that there are often discrepancies between the recommendations provided by the Integrated Narcotics Assessment Team and the judge's decision. This inconsistency creates uncertainty in the rehabilitation process, especially for narcotics abuse victims undergoing legal proceedings.

A more recent study by (Ramadhani, Lumenyela, & Namabira, 2024) added a social dimension to the analysis of the role of the Integrated Narcotics Assessment Team. According to the study, the social stigma attached to narcotics abuse victims is often the main barrier to successful rehabilitation. This research suggests that a more humane and comprehensive approach be taken in handling narcotics abuse, by strengthening coordination among relevant institutions and reducing societal stigma.

This study offers a new contribution by combining analyses from various dimensions (legal, health, and social) to examine the role of the Integrated Narcotics Assessment Team. Furthermore, it provides a deeper understanding of the barriers faced

in implementing rehabilitation recommendations, especially for narcotics abusers undergoing legal proceedings. This research is expected to serve as a basis for improving policies on narcotics rehabilitation implementation in Indonesia.

This study aims to find out and analyze the authority of the Integrated Assessment Team in determining rehabilitation for victims of narcotics abuse, and to find out the obstacles to the implementation of the recommendations of the integrated assessment team for the implementation of rehabilitation for narcotics abusers.

RESEARCH METHOD

The research method used in this study is a normative research method supported by empirical research that uses various types of primary legal materials in the form of laws and regulations and secondary legal materials in the form of literature materials related to the authority of the Assessment Team as a source of research materials. Johnny Ibrahim argues that normative legal research is a form of scientific research aimed at finding the truth based on legal scientific logic reviewed from the normative part, or in the form of legal discovery efforts that are tailored to a particular case (Ibrahim, 2006).

RESULT AND DISCUSSION

Authority of the Assessment Team in Determining Rehabilitation for Victims of Narcotics Abuse

In general, assessment can be described as a process of obtaining information about the client comprehensively, both at the time the client starts the program, during the program, and after completing the program. Information about clients is generally carried out with three approaches, namely observation, interviews, and medical examinations.

In determining the diagnosis of narcotics use disorder, there are two steps that can be taken, the first is screening using certain instruments. The purpose of this screening is only to obtain information on whether there is a risk factor and/or problem related to the use of narcotics. Various screening and assessment instruments that can be used in exploring problems related to narcotic use disorders have been developed globally, both initiated by research institutions in developed countries, as well as world agencies, especially WHO.

Narcotics rehabilitation according to Law No. 35 of 2009 consists of medical rehabilitation, which is a process of treatment activities in the field of eradication of BNNP Bali to free addicts from dependence on narcotics, and social rehabilitation, which is an integrated recovery activity, both physical, mental and social, so that former narcotics addicts can return to carry out social functions in community life. Investigators can submit an assessment application to the Integrated Assessment Team (TAT) for whether or not a suspect can be rehabilitated, this is regulated in BNN regulation No. 11 of 2014. The assessment carried out by the Integrated Assessment Team (TAT) consists of medical assessment and legal assessment. According to Article 3 paragraph (1), a person can be rehabilitated if he is a narcotics addict and a victim of narcotics abuse. According to Article 3 paragraph (2), in the event that a person is a suspect in a narcotics case, rehabilitation can be carried out after receiving a recommendation from the Integrated Assessment Team (TAT) of BNN regulation No. 11 of 2014.

Law enforcement as a form of state protection of human rights must be carried out consistently and in harmony with legal developments and pay attention to the sense of justice and paradigm change in society. That the danger of narcotics abuse shows that the tendency of victims is increasing, especially among children, adolescents and the younger

generation, so commitment and synergy from all elements of law enforcement officials, relevant power holders, and the community, are needed in responding to this paradigm change. Narcotics addicts and victims of narcotics abuse are not solely seen as perpetrators of criminal acts, but also as victims, where the implementation of rehabilitation is part of alternative punishment (Lawalata, Titahelu, & Latupeirissa, 2022).

It should be noted that the sanctions regulated in the Narcotics Law adhere to a double track system, namely in the form of criminal sanctions and action sanctions. Based on Law No. 35 of 2009 itself, narcotics abuse is a person who uses narcotics without unlawful rights, while a victim of narcotics abuse is a person who accidentally consumes narcotics because of coercion, persuasion, deception, or a threat that forces them to consume it. as a result of the abuse of narcotics, the person concerned is also threatened with punishment as stipulated by the law (Waluyo, 2000).

Crime is essentially a social process, so criminal politics/criminal policy must be seen in the framework of social politics, namely the efforts of community groups to improve the welfare of their citizens. The use of criminal law as a means of crime control, including the prevention of narcotics abuse, is under sharp scrutiny as well as a topic of long conceptual debate. Although the conceptual debate still reaps the pros and cons of criminal law as a means of crime prevention (Ciptono, 2019).

Determining a person who is in legal proceedings because of a narcotics case undergoing medical rehabilitation is determined through an assessment process. The requirements for assessment of narcotics abusers in the legal process (compulsory treatment) are as follows: 1. A letter of request from the investigator/public prosecutor for examination; 2. Letter of application from the client/guardian/legal representative, identity of the application from the suspect, relationship between the applicant and the suspect, chronology and subject matter of the suspect's arrest; 3. Photocopy of the planning permit if the applicant is the suspect's legal representative and a power of attorney from the family, 4. Photo of the suspect 5. Photocopy of ID card of the suspect, applicant or legal representative; 6. Copy of the applicant's and suspect's Family Cards; 7. Photocopy of BPJS membership; 8. Photocopy of arrest warrant and detention letter; 9. Certificate from the rehabilitation place if the suspect has been or is in the process of rehabilitation; 10. Urine test results from the BNN Laboratory/Puslabfor Police Headquarters/government health agencies; 11. Sign a statement of rehabilitation request free of charge and do not give compensation to the BNN team. 12. Investigators/public prosecutors are willing to sign a statement letter to attach the results of the assessment in the BAP.

Regarding the implementation of assessments and analyses, the legal team is tasked with conducting analysis in relation to the illicit circulation of narcotics and narcotic precursors and narcotics abuse in coordination with the Investigator who handles the case. Then the results of the assessment are used as completeness of the case file to 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 and dealer or dealer. Meanwhile, the team of doctors is tasked with carrying out medical, psychosocial assessments and analysis, and recommending therapy and rehabilitation plans for drug abusers.

Through this assessment, at the request of investigators, the legal team can analyze the role of a person who is arrested or caught using narcotics as an addict or as a dealer. If the results of the assessment show that the person concerned is not involved in the illicit circulation of narcotics, then he will have a greater chance of getting rehabilitation. The

examination in this assessment process is very important to determine whether a suspect or defendant is a narcotics addict and a victim of narcotics abuse, for the rehabilitation process. However, in many cases addicts are also involved as dealers or couriers so medical and social rehabilitation is not possible to implement.

Rehabilitation for narcotics addicts is carried out at hospitals appointed by the minister. Suspects or defendants who based on the decision of the Integrated Assessment Team undergo medical rehabilitation, will then be handed over to the appointed institution.

Obstacles in the Implementation of the Integrated Assessment Team's Recommendations for the Implementation of Rehabilitation for Narcotics Abusers Who Are Undergoing Legal Proceedings

The integrated assessment of narcotics abusers is a form of implementation of concerns about the handling of narcotics abusers in Indonesia. Narcotics abusers based on Law Number 35 of 2009 concerning Narcotics are like people standing on two legs, one foot is in the health dimension, the other leg is in the legal dimension. In the health dimension, narcotics abusers are likened to chronically ill people who are addicted, must be cured through rehabilitation while in the legal dimension, abusers are criminals who must be punished for violating the provisions of the applicable law, namely Law Number 35 of 2009 concerning Narcotics. Therefore, for abuse cases, the Narcotics Law provides a solution by integrating the two approaches through rehabilitation punishment.

The integrated assessment mechanism is important to analyze, guided by *Ius Constitutum*, *Ius Operatum* and *Ius Constituendum*. Judging from the formulation stage, application stage and execution stage in terms of the involvement of law enforcement officials, both investigators, public prosecutors, judges, in the integrated assessment mechanism is a challenge in itself to solve the problems that arise in it due to cross-agency, both in terms of technical regulations and their implementation.

The first stage of the implementation of the integrated assessment is that the investigator first submits an application for the implementation of TAT to the TAT secretariat. Based on Circular Letter Number: SE/9/II/KA/HK.01.05/2020/BNN concerning the Implementation of Integrated Assessment for FY 2020, at point 3 it is stated that the submission of an assessment request by investigators to the Integrated Assessment Team is no later than 6 (six) days from the time of arrest. After the submission of the assessment application by the investigator enters the TAT secretariat, the secretariat officer (TAT administration) processes the file and then provides a notification letter to be carried out for assessment to the leaders in each agency from the implementation team.

The Assessment Team carries out the assessment process within a maximum of 2x24 hours from the receipt of the application file from the investigator. On the 4th day, the assessment results of each assessment team were discussed at a case conference to determine the recommendations for the results of the TAT. Furthermore, within a maximum period of 6 (six) days after the submission of the assessment application, the Integrated Assessment Team provides recommendations for the results of the assessment to the investigator to be reported in writing to the local district court. The TAT recommendation signed by the chairman of TAT explains the role of the suspect/defendant in the crime, the assessment of the level of addiction of the abuser, recommendations for follow-up of the legal process that must be undertaken, as well as recommendations for the type of therapy, location, and time of rehabilitation.

The Authority of The Integrated Assessment Team For Legal Certainty Regarding Rehabilitation For Suspected Drug Abusers

The obstacles encountered during the implementation of rehabilitation are internal obstacles and external obstacles. a. Internal Obstacles. Talking about obstacles, from within the institution also experience obstacles in the implementation of rehabilitation, this will certainly affect the implementation of rehabilitation, these obstacles are influenced by subjective factors from law enforcement officials. b. External Obstacles. Obstacles during the rehabilitation process are also a serious problem for the recovery process for narcotics addicts, external obstacles due to most of the lack of motivation and intention to recover from the addict, and the environment around former narcotics addicts. The National Narcotics Agency of Bali Province said that narcotics addicts who have undergone a rehabilitation process, have a 75% chance of relapse or become a drug addict again, this is influenced by many factors both from themselves, the environment and their families.

Efforts are made to overcome internal obstacles, direct supervision and reprimands are carried out from the leadership if any of their staff carry out these actions, if it is known that addicts or drug abusers who are undergoing legal proceedings are not recommended for rehabilitation. Efforts to overcome these external obstacles are the task of the role of psychiatrists and doctors, in addition to providing treatment, giving encouragement, motivation and support so that addicts have a great spirit to recover. For former addicts, BNN has formed a special directorate after rehabilitation, which is located in all BNN areas, both BNN/Province, BNN/Regency, and BNN/City.

CONCLUSION

The authority of the integrated assessment institution in carrying out an assessment on the settlement of narcotics abuse cases is a manifestation of a new paradigm in handling narcotics crime cases where the assessment team has the authority to recommend whether a perpetrator of narcotics crimes is rehabilitated or not. There are obstacles in the implementation of integrated assessments in the law enforcement process of narcotics abuse, namely a lack of coordination in its implementation.

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