



Optimization Of Integrated Assessment Team In Aspects Of Prosecution Of Narcotics

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Abstract

Research with the formulation of the problem of how the optimization of the integrated assessment team in the aspect of prosecution narcotics crime which aims to describe the optimization of the integrated assessment team in the aspect of prosecution of narcotics crimes based on qualitative doctrinal approach methods. Therefore, in this study, it is preferable to secondary data collected by literature studies. The data that has been processed for further analysis is qualitatively analyzed. Based on research found that narcotics abusers who undergo legal proceedings at the stage of investigation or prosecution can undergo medical rehabilitation and social rehabilitation after going through the assessment process. The assessment process is carried out by an Integrated Assessment Team consisting of a Legal Team and a Team of Doctors. Through the Integrated Assessment Team will be determined whether a suspect or accused drug abuser as a dealer or narcotics addict and through the Medical Team will be tested for the content and severity of narcotics users. If based on the examination of the Integrated Assessment Team is decided to undergo medical rehabilitation, then the suspect or accused drug abuser will be handed over to the rehabilitation institution. Coordination between investigators or public prosecutors and medical rehabilitation institutions can be seen from the beginning of submission, implementation, to the handover to the investigator or public prosecutor. Especially for rehabilitation carried out by outpatient, the authority to present suspects or defendants who are rehabilitated is in the institution that submits (investigators or prosecutors).

Keywords: Assessment; prosecution; narcotics crimes.

I. Introduction

Law No. 35 of 2009 which regulates sanctions adheres to a double track system in the form of criminal sanctions and action sanctions. Rehabilitation is a form of sanctions. However, there is a fact that the sentencing by the judge in the narcotics case is still not effective in its implementation. Most narcotics addicts are not sentenced to rehabilitation as mentioned in the Narcotics Act, but rather sentenced to prison even though the provisions of the Narcotics Act have guaranteed rehabilitation efforts, be it medical rehabilitation or social rehabilitation as stipulated in Article 54, Article 56, Article 103, and Article 127 of the Narcotics Act.

Article 54 of Law No. 35 of 2009 on Narcotics stipulates that drug addicts and victims of drug abuse must undergo medical and social rehabilitation. Furthermore, article 127 paragraph (3) of the law states that in the case of abusers can be proven or proven to be victims of narcotics abuse, the abuser must undergo medical rehabilitation and social

rehabilitation. The arrangement opens up opportunities for people who are in legal proceedings related to narcotics cases to apply for medical rehabilitation and social rehabilitation. Whether or not to undergo rehabilitation at the stage of investigation and prosecution will depend on the assessment process carried out. This assessment process plays an important role in determining the rehabilitation of drug abusers.

Medical rehabilitation is a process of integrated treatment activities to free addicts from drug dependence. While social rehabilitation is a process of integrated recovery activities, both physical, mental and social so that former narcotics addicts can return to carry out social functions in people's lives.¹²

Rehabilitation is one of *the de-socialization* efforts in cases of narcotics abuse, where this action reduces the punitive aspects of criminal law. In addition, medical rehabilitation is believed to be one way to break the chain of narcotics circulation by eliminating aspects of addiction for its users.

Through the Joint Regulation of the Chief Justice of the Republic of Indonesia, the Minister of Law and Human Rights of the Republic of Indonesia, the Minister of Health of the Republic of Indonesia, the Minister of Social Affairs of the Republic of Indonesia, the Attorney General of the Republic of Indonesia, the Head of the Police of the Republic of Indonesia, the Head of the National Narcotics Agency of the Republic of Indonesia. No. : 01/PB/MA/III/2014, No. : 03 of 2014, No. : 11 of 2014, No. : 03 of 2014, No. PER-005/A / JA / 03/2014, No. 1 of 2014, No.: PERBER / 01 / III / 2014 / BNN on Handling Narcotics Addicts and Victims of Narcotics Abuse into rehabilitation institutions regulates that drug addicts no longer boil into prison criminal sanctions but boil down to rehabilitation, because sanctions for addicts are agreed in the form of rehabilitation.

Under the Joint Regulations are regulated regarding the assessment process that must be carried out first to determine whether or not the suspect or defendant undergo rehabilitation. According to the regulation, an Integrated Assessment Team was established based at the central, provincial level, district / city level consisting of a team of doctors and legal teams tasked with carrying out the analysis of the role of arrested suspects at the request of investigators. The team then carries out legal analysis, medical

¹ Article 1 Point 16 of Law No.35 of 2009 concerning Narcotics (Republic of Indonesia, 2009)

² Article 1 Point 17 of Law No.35 of 2009 concerning Narcotics (Republic of Indonesia, 2009)

analysis and *psychosocial* analysis and creates a rehabilitation plan that contains how long rehabilitation is needed.

The results of the assessment as completeness of the case file that serves as a description such as *visum et repertum*. The results of the analysis will sort out the role of the suspect as a abuser, a abuser to double a dealer or a dealer. After going through the assessment process, drug addicts will empties into rehabilitation centers. The assessment process occupies an important position to be able or not for drug abusers to carry out medical rehabilitation and social rehabilitation. The law provides an opportunity for every addict and victim of drug abusers to undergo rehabilitation. Medical and social rehabilitation is believed to be an effort that can break the chain of narcotics circulation through the handling of addicts and victims of abusers. This effort of course demands the need for the optimization of the assessment process against people arrested and made as defendants in narcotics cases. So that from these results it can be clearly known that someone who is arrested or caught by law enforcement is a dealer, courier, abuser as well as a dealer, addict, or victim of narcotics abusers.

Based on the description of the above research problem, the problem is formulated:(1) how is the optimization of an integrated assessment team in the aspect of prosecution tindak pidana narcoticsa? The purpose of this study is to describe the optimization of an integrated assessment team in the aspect of drug prosecution.

II. Research Method

This research is based on doctrinal research. This study prioritizes secondary data collected with literature studies from laws related to integrated assessment teams in the aspect of prosecution of narcotics. The data that has been processed for the next will be analyzed qualitatively.

III. Results Of Research And Discussion

A. Optimization Of Integrated Assessment Team In The Aspect Of Prosecution Tindak Pidana Narcoticsa

Narcotics have the same meaning as narcosis which means drugging. The word narcotic comes from the Greek "narke" which means sedated so that it can not feel anything. Regarding narcotics, prevention and eradication of criminal acts of abuse are regulated

through Law No. 35 of 2009 on Narcotics. Article 1 number (1) of the law states that narcotics are substances or drugs derived from plants or not plants, both synthetic and semisynthetic, which can cause decrease or change in consciousness, loss of taste, reduce to relieve pain, and can cause dependence, which is distinguished into groups as attached in the law.³

The class of narcotics is divided into group I which consists of 65 types that can only be used for the purpose of scientific development and are not used in therapy and have a very high potential to cause dependence. Group II is a narcotic that is efficacious for treatment that is used as a last resort and can be used in therapy and the purpose of developing science has high potential and causes dependence. Class III narcotics are efficacious for treatment used in therapy and the purpose of scientific development, have mild potential and cause dependence.

Narcotics are very dangerous substances when abused. The direct result of users who abuse narcotics is psychological dependence. This psychic dependence causes users can not escape from the narcotic. Psychological dependence due to the use of narcotics is the onset of a state of forgetting the user, so that No: 10 / E / EPT / 2019 he can escape from a conflict situation without being able to escape from the cause of the difficulty. Narcotics users are increasingly unable to adjust to the community so that the difficulties experienced will be greater and the need for narcotics will be even greater. While physical dependence (physical dependence) related to the use of narcotics for some time gives rise to reduced sensitivity to the material. The body becomes accustomed to immunity. It becomes more complicated where the dose of its use will increase and when its use is stopped it will result in death.⁴

One of the efforts made in the prevention of the circulation and abuse of narcotics through legal mechanisms, especially criminal law, is through the formulation of prohibitions accompanied by the threat of strict criminal sanctions against drug abusers. Criminal sanctions against such crimes must be such in order to be able to suppress this crime from the side of the perpetrator. The threat of imprisonment for narcotics crimes is a minimum of 2 (two) years in prison and a maximum of 20 (twenty) years in prison.

³ Sudarto, Kapita Selekt Criminal Law, Cet.4 (Bandung: PT Alumni, 2010), 36

⁴ Sudarto, Kapita Selekt Criminal Law, Cet.4 (Bandung: PT Alumni, 2010), 39-40

Life imprisonment or death penalty can be imposed on condition that the type of narcotic in the form of plants weighing more than 1 (one) kg or must not exceed 5 (five) tree trunks and for narcotics instead of plants weighing more than 5 (five) grams. Furthermore, lifelong criminal threats can also be dropped in terms of administering narcotics for the use of others resulting in the death of the other person or permanent disability.

In terms of criminal law reform and as another form of alternative use in overcoming the problem of narcotics is known as medical rehabilitation and social rehabilitation. The provisions of article 127 paragraph (2) of Law No. 35 of 2009 on Narcotics state that "in deciding the case as referred to in paragraph (1), the judge shall pay attention to the provisions referred to in Article 54, Article 55, and Article 103". Article 54 of the Narcotics Act regulates the obligation to undergo rehabilitation for addicts and victims of drug abusers. While article 55 regulates the obligation of parents or guardians of drug addicts who are not old enough to report for treatment and treatment through rehabilitation. Furthermore, for addicts who are old enough to report themselves or reported their families to get the rehabilitation.

Article 103 of Law No. 35 of 2009 on Narcotics stipulates that judges can disconnect or assign narcotics addicts to undergo medical rehabilitation and social rehabilitation. The above article shows that medical rehabilitation and social rehabilitation are one of the decisions that can be taken by judges in cases of narcotics abuse. In the Padang District Court, of the 321 narcotics cases (January to October 2017) there were 5 narcotics cases that were criminally imposed accompanied by medical rehabilitation (Compiled from the Case Search Information System data in the Padang District Court). From the data mentioned above, it is seen that the number of narcotics cases decided by the judge to undergo medical rehabilitation is still relatively small when compared to the overall narcotics cases tried.

The dominance of narcotics cases that boil down to the use of criminal sanctions can be understood as one of the efforts to eradicate civility and narcotics abuse. However, that does not mean that it is the only effort to break the dependence on narcotics. Criminal sanctions will look useless if we relate to the recovery of dependence and the effects of these narcotics on the people who use them.

Medical rehabilitation and social rehabilitation are appropriate efforts to overcome the problems described above. However, the effects of a person's dependence must be immediately reduced, prevented, and stopped so as not to arrive at the status of addiction and even to the worst condition that is death.

Medical rehabilitation and social rehabilitation can already be requested against people who are caught or undergo the examination process in narcotics cases at the investigation stage in the police or prosecution. To be able to determine a person who is in legal proceedings because of a narcotics case undergoing medical rehabilitation is determined through an assessment process. As for the assessment requirements for narcotics abusers in legal proceedings (compulsory treatment) as follows:

- 1) Application letter from the investigator / public prosecutor for examination
- 2) Application letter from the client / guardian / attorney, identity of the application from the suspect, the applicant's relationship with the suspect, chronological and the subject of the arrest of the suspect
- 3) Photocopy of the planned permit if the applicant is the suspect's attorney and power of attorney from the family
- 4) Photo courtesy of the suspect
- 5) Photocopy of id card of suspect, applicant or lawyer
- 6) Photocopy of family cards of the applicant and suspect
- 7) Photocopy of BPJS membership
- 8) Photocopy of arrest warrant and arrest warrant
- 9) Certificate from the rehabilitation center if the suspect has been or is in the process of rehabilitation
- 10) Urine test results from BNN Laboratory / Puslabfor Mabes Polri / government health agencies
- 11) Signing a rehabilitation application affidavit is free of charge and does not reward the BNN team
- 12) Investigators / public prosecutors willing to sign an affidavit will attach the results of the assessment in BAP.

In conducting assessments against narcotics addicts as suspected narcotics abusers formed integrated assessment team. This Integrated Assessment Team consists of:

- a. Team of Doctors that includes doctors and psychologists
- b. Legal Team, consisting of elements of Police, BNN, Prosecutor's Office, and Kemenkumham

The Integrated Assessment Team has the authority:

- 1) At the request of investigators to conduct an analysis of the role of a person who is arrested or caught as a victim of narcotics abuse, narcotics addicts, or drug dealers
- 2) Determine the criteria for the severity of narcotics users according to the type of content consumed, the situation, and conditions when arrested at the crime scene
- 3) Recommend therapy and rehabilitation plans for drug addicts and victims of narcotics abuse.

The legal team is tasked with conducting an analysis of the relationship between illicit narcotics, precursors, and narcotics abuse by coordinating with investigators who handle cases. The results of the legal team's analysis on the assessment process are useful to determine that the person concerned is not involved with the illicit circulation of narcotics.

Through this assessment, at the request of investigators, the legal team can conduct an analysis of the role of someone who was arrested or caught using narcotics as an addict or as a dealer.⁵If the assessment results show that the person concerned is not involved in the illicit circulation of narcotics, it will have a greater chance of getting rehabilitation.

Examination of the assessment process is very important to determine a suspect or defendant is a drug 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 impossible to implement. Rehabilitation of drug addicts is carried out in hospitals appointed by the minister. Against suspects or defendants who based on the decision of the Integrated Assessment Team undergoing medical rehabilitation, will

⁵Ratna WP, *Criminal Aspects of Narcotics Abuse: Rehabilitation Versus Prison (Highlighting Article 127 of Law No. 35 of 2009)*, (Yogyakarta: Legality, 2017), 93

then be submitted to the designated institution. Based on the Regulation of the Minister of Health No. 50 of 2015 on Technical Instructions for Mandatory Reporting and Medical Rehabilitation for Addicts, Abusers, and Victims of Narcotics Abuse, mentions the submission procedure as follows:

Submission:

- a) Submission is carried out by investigators or public prosecutors accompanied by the family and the National Narcotics Agency by attaching recommendations for rehabilitation therapy plans from the Integrated Assessment Team.
- b) Submission is made during the administrative working hours of designated medical rehabilitation facilities.
- c) The handover of the suspect or defendant in the designated rehabilitation facility must be accompanied by the provision of informed consent (i.e. approval after obtaining information from the rehabilitation facility) from the suspect or defendant, witnessed by the investigator or public prosecutor and the family.

Implementation:

- a) Medical rehabilitation for suspects or defendants is carried out by means of hospitalization or outpatient treatment in accordance with the official request written by the police, BNN / BNNP / BNNK (investigator), or prosecutor (public prosecutor) based on the recommendation of rehabilitation therapy plan from the Integrated Assessment Team, for a period of at least 3 (three) months.
- b) In the event that the suspect or defendant undergoes inpatient rehabilitation therapy, while undergoing custody in a medical rehabilitation facility, there are several things that must be considered by the patient, namely:
 - 1) must follow the program specified by the medical rehabilitation facility;
 - 2) Not carrying communication tools; and
 - 3) Communication with the family / other parties must be through health workers who perform rehabilitation.
- c) In the event that the suspect or defendant undergoes outpatient rehabilitation therapy, the authority to present the suspect or defendant to follow the

rehabilitation process lies with the investigator or public prosecutor (depending on the level of the case).

- d) The medical rehabilitation facility provides information to the court that determines 2 (two) weeks before the rehabilitation period is completed.
- e) Patients who have completed rehabilitation therapy as referred to in letter b are handed back to the party who left the suspect or defendant (investigator or public prosecutor) by submitting the final resume of rehabilitation therapy activities.

The security and supervision of suspects or defendants placed in medical rehabilitation facilities is carried out by the medical rehabilitation facility and can coordinate with the police.

The assessment process carried out against a suspect who is a narcotics addict at the stage of investigation or prosecution, generally ends in the granting of recommendations to undergo medical and social rehabilitation. As long as the requirement is fulfilled that the concerned are purely users who are not involved with the circulation of narcotics. Through the analysis of the Integrated Assessment Team can be known the severity of a person's addiction to narcotics, in addition to his involvement in the use of narcotics. This shows that in terms of assessment implementation is not a problem that can hinder the implementation of the medical rehabilitation process and social rehabilitation.

B. Coordination of Investigators and Public Prosecutors with the National Narcotics Agency in the Assessment Process

Coordination between law enforcement and related parties including BNN and other institutions in the framework of rehabilitation implementation is very decisive. Coordination related to efforts for medical rehabilitation and social rehabilitation can be seen when the assessment process is carried out on an addict or victim of drug abusers who are suspects.

The assessment process is carried out by an Integrated Assessment Team consisting of a legal team and a medical team. The legal team involved in the integrated assessment consists of the National Narcotics Agency, police, prosecutors, kemenkumham representatives, and a team of doctors / psychologists.

The Integrated Assessment Team in practice coordinated by the National Narcotics Agency can conduct an analysis of the role of someone who is arrested or caught as a victim of narcotics abuse or narcotics addicts based on the request of investigators or public prosecutors. Through the legal team, the Integrated Assessment Team will be determined the extent of a person's involvement in narcotics abuse. This will relate to the facts at the time of arrest or hand arrest. The amount of narcotics evidence obtained will be very decisive in this case. The results of this Legal Team research will be very useful to determine the attitude of investigators in the investigation and investigation process. Likewise, the assessment process requested by the Public Prosecutor, especially when entering the judicial process.

Any person who is arrested or caught using narcotics who submits an assessment process for medical rehabilitation as long as it does not meet the criteria as a dealer or with the amount of evidence in the form of narcotics does not exceed the specified limit, then the investigator based on the request concerned will file and conduct the management of the assessment process.

After the assessment application is submitted, the Integrated Assessment Team consisting of the Legal Team and the Doctor's Team will conduct an analysis of a person who is arrested and / or caught in the circulation and abuse of narcotics. This activity aims so that addicts and / victims of narcotics abuse who are designated as suspects or defendants in narcotics crimes during and after the judicial process can be placed into rehabilitation institutions to obtain treatment and treatment in order to recover dependence on narcotics. Coordination in this assessment process can be interpreted as one of the joint efforts of law enforcement to save a person from the dependence and danger of narcotics for himself. In this assessment process, a joint understanding is needed from investigators, public prosecutors, and the National Narcotics Agency related to the importance of medical rehabilitation and social rehabilitation of a person.

Medical rehabilitation is an alternative to the criminal law approach related to narcotics abusers. This step emphasizes the recovery aspect of a person's dependence on narcotics. With an understanding of the importance of the existence of medical rehabilitation as one of the breakthroughs in efforts to prevent dependence on narcotics, it will affect the way investigators treat someone who is being handled related to narcotics cases.

IV. Conclusion

Based on the results of research and debate conducted, the following things are concluded:

Against narcotics offenders who undergo legal proceedings at the stage of investigation or prosecution or after the court's decision can undergo medical rehabilitation and social rehabilitation after going through the assessment process. The assessment process is carried out by an Integrated Assessment Team consisting of a Legal Team and a Team of Doctors. Through the Integrated Assessment Team will be determined whether a suspect or accused drug abuser as a drug dealer or addict or victim of narcotics abusers and through the Medical Team will be tested the content and severity of narcotics users. If based on the examination of the Integrated Assessment Team it is decided that they can undergo medical rehabilitation, then the suspect or accused narcotics abuser will be handed over to the rehabilitation institution.

Coordination between investigators, public prosecutors and the National Narcotics Agency is seen when the Integrated Assessment Team works to conduct an assessment process or analysis of a person's role in the narcotics case that is being handled. Coordination begins with the delivery of a rehabilitation plan by the Investigator or Public Prosecutor to the Integrated Assessment Team coordinated by the National Narcotics Agency. Furthermore, the Integrated Assessment Team consisting of the Legal Team and the Medical Team will conduct an analysis of the role of a person who is requested rehabilitation. Finally, coordination between investigators, public prosecutors, and the National Narcotics Agency is when a person is approved for medical rehabilitation, the submission and supervision of the implementation of rehabilitation is carried out by law enforcement who send or apply for rehabilitation.

V. Suggestion

In order to handle narcotics abuse cases, especially for addicts and victims of drug abusers, Investigators and Public Prosecutors together with the national narcotics agency optimize the assessment process. With the optimal implementation of assessments, it is likely that medical rehabilitation and social rehabilitation efforts will be carried out.

The implementation of medical rehabilitation, as one of the new breakthroughs made possible by narcotics laws can be one of the efforts in addition to the use of criminal sanctions in breaking dependency and the possibility of increased narcotics circulation.

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