

Law Implementation for Drug Abuse: Between Prison and Rehabilitation

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Abstract

Drug sales is strictly prohibited if it is misused by certain parties. This is because the threats that arise can threaten the existence of the younger generation who will lead the nation in the future. The sanctions for someone who abuses or distributes drugs without permission and without rights are determined as a result of punishment. This is qualitative research with a phenomenological approach. Data collection was done by semi structured interview with 20 people, namely students who have experienced in drug abused, BNN (National Board of Narcotics and Addictive Substances) Officer, University leaders, Head of prison and Legal practitioners to get the perspectives on how rehabilitation and law enforcement should be implemented without bias meaning. The result of this research shows that the Law on Narcotics is the authority of judges to pass a sentence on a narcotics abuser to carry out rehabilitation. This authority recognizes that narcotics abusers, apart from being perpetrators of criminal acts, are also victims of the crime itself. Criminal sanctions are expected to have a deterrent effect on perpetrators of crimes. However, apart from punishment, drug users are also given rehabilitation, namely medical rehabilitation and social rehabilitation, as stated in the Supreme Court Circular Letter No. 4 of 2010.

Keywords

criminal sanctions;
rehabilitation; abuses



I. Introduction

Drugs can cause dependence on the body when abused, and the consequences of drug dependence are very dangerous for the body, because it can lead to the death of the user. There is no prohibition if this type of drug is used for health promotion and scientific development.

Therefore, the dangers that exist can threaten the existence of the younger generation who will become the nation's successors in the future. In order to prevent and eradicate the abuse and circulation of narcotics, then this matter is regulated in Law No. 35 of 2009. The classification of Narcotics in Law No. 35 of 2009 is divided into 3:

- a. a. Narcotics Category I are Narcotics that can only be used for the purpose of developing science and technology and are not used in the therapeutic process, and have a very high potential to cause drug dependence.
- b. b. Narcotics Category II are Narcotics with medicinal properties which are used as the last resort and can be used in the therapeutic process and/or for scientific development purposes and have a very high potential to cause dependence.
- c. c. Narcotics Category III are Narcotics useful for treatment and are widely used in therapeutic processes and/or for the development of science and have a mild potential to cause dependence.

Law No. 35 of 2009 concerning Narcotics contains the definition of abusers, narcotics addicts, and victims of narcotics abusers with the following definitions:

- a. Abuse is a person who uses narcotics without a right or against the law.
- b. Narcotics addicts are people who use or abuse Narcotics and in a state of dependence on narcotics, physically and psychologically.
- c. Victims of abuse are someone who accidentally uses narcotics because they are persuaded, or tricked, coerced, and or threatened to use narcotics.

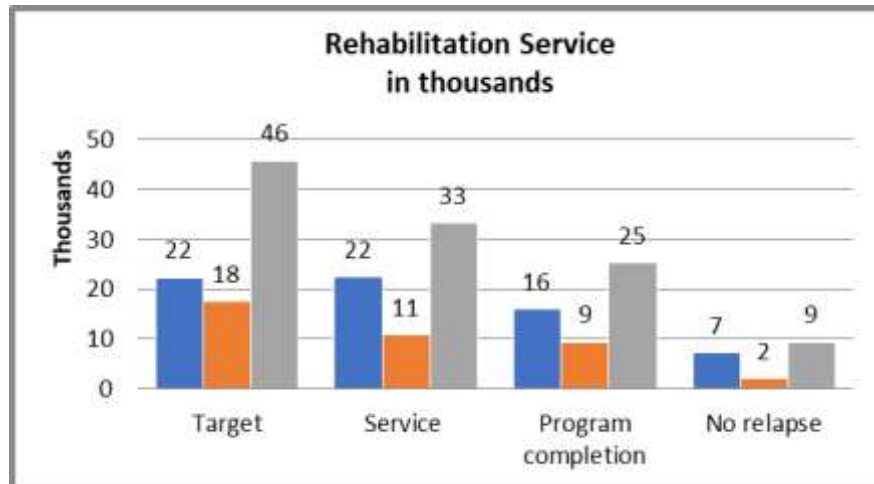
The judge can impose a maximum prison sentence of 4 years against the abuser as stated in Article 127 paragraph 1 of Law Number 35 of 2009 concerning Narcotics, namely that every abuser:

- a. Narcotics Category I for oneself shall be punished with a maximum imprisonment of 4 (four) years;
- b. Narcotics Category II for oneself shall be punished with a maximum imprisonment of 2 (two) years; and
- c. Narcotics Category III for oneself shall be punished with imprisonment for a maximum of 1 (one) year.

Judges can also decide to order drug abusers to undergo medical rehabilitation and social rehabilitation. We can see the legal basis for rehabilitating perpetrators of narcotics abuse in Law Number 35 of. In Article 103 paragraph (1) of Law Number 35 of 2009 it is stated that the judge who examines cases of narcotics addicts may decide to order the narcotics abuser to undergo treatment and/or treatment through rehabilitation if the narcotics addict is proven guilty of committing a narcotic crime.

In Article 127 paragraph (3) of Law Number 35 of 2009 it also states that in the case of abusers as can be proven or proven to be victims of Narcotics abuse, the abuser is required to undergo medical rehabilitation and social rehabilitation. Article 103 paragraph (1) and Article 127 paragraph (3) of Law Number 35 of 2009 was strengthened by the Supreme Court Circular Letter (SEMA) No. 4 of 2010 which is a revision of SEMA Number 07 of 2009 regarding the placement of Victims of Narcotics Abuse and Addicts to be included in the Institute for Medical Rehabilitation and Social Rehabilitation. The circular letter clearly stipulates that rehabilitation decisions are applied in cases where the perpetrator has been caught red-handed, then at the time of his arrest, evidence of only one use was found, there was a letter from the doctor's laboratory test that the perpetrator was only a drug user, and had not there is evidence to suggest that the perpetrator is a dealer or dealer or producer of narcotics. The imposition of sanctions in this form is intended so that the perpetrators must be able to eliminate their dependence on narcotics so that they do not repeat themselves.

In 2016, BNN (National Anti Narcotics Agency) gave rehabilitation to 22,485 drug addicts and drug users and post-rehabilitation services to 10,782 drug addicts and abusers. Of these, there were 15,971 drug addicts and drug abusers who had completed rehabilitation programs and 9,408 drug addicts, and drug addicts who had completed the post-rehabilitation program. Then, from that number there were 7,292 former relapsers who had not relapsed from rehabilitation institutions of government agencies and community components and 2131 former addicts from post-rehabilitation institutions (Infodatin, BNN, 2018).



Source: Infodatin, BNN (2017)

Figure 1. Rehabilitation Service

The interesting thing in the Law on Narcotics is the authority of the judge to pass a sentence on a narcotics abuser for rehabilitation. This authority recognizes that narcotics abusers, apart from being perpetrators of criminal acts, are also victims of the crime itself (Tongat, 2002). But the problem is whether imprisonment and rehabilitation can be carried out simultaneously. The imposition of criminal sanctions in the form of imprisonment by judges for narcotics offenders is something that cannot be separated from the norms of criminal law adhered to by this criminal law, so the reform of criminal law essentially aims to make criminal law better in accordance with the values that are currently circulating. Which is a sanction in the form of a crime aimed at giving suffering to the offender so that he also feels the consequences of his actions. Law as a tool to eradicate a crime and restore disturbed values (Ariman dan Raghil, 2011).

Judges can consider what type of punishment is most appropriate for a particular case by knowing the effects of various criminal sanctions. The use of punishment as a means to influence a person's behavior will not immediately succeed, if you do not know at all about the person who is the object. Criminal which has a function must be carried out, then it is a legal basis to allow processes to change a person's personality to be carried out.

In 2009 the Supreme Court issued a Circular Letter of the Supreme Court of the Republic of Indonesia No. 7 of 2009 which was addressed to Courts throughout Indonesia to place Narcotics abusers in authorized rehabilitation institutions/institutions and which was later revised with the issuance of Circular Letter of the Supreme Court Number 04 of 2010 concerning Abuse, Victims of Narcotics Abuse Placed in Medical and Social Rehabilitation Institutions. The Supreme Court Circular Letter Number 04 of 2010 explained that the judge must explicitly and clearly designate the nearest rehabilitation site in his decision where this rule has not been previously regulated in SEMA No 07 of 2009. Of course, the purpose of this Supreme Court Circular Letter being issued is to provide an understanding or explanation to the judge in deciding a legal issue.

With the occurrence of a legal reform, especially criminal law in the provisions of this law, namely with the existence of a new system of sanctions, namely the provision of rehabilitation for perpetrators of narcotics abuse. Criminal law reform in the current narcotics law in Indonesia is very evident in the process of a social and technological development that influences the development of crime in Indonesia, which demands anticipatory actions and policies.

This research is aimed at answering the questions (1) How is the application of punishment for narcotics and drug abusers, (2) Can Narcotics abusers be subject to criminal sanctions in prison and at the same time be rehabilitated based on general court decisions. The results of this research will contribute to law in Indonesia, especially regarding how the law should be applied to narcotics and drug abusers.

II. Review of Literature

2.1 Definition of Drugs

The term "drugs" stands for narcotics and dangerous drugs/substances. Gradually it was realized that the abbreviation for narcotics was wrong because the term "dangerous" drugs in medical science meant drugs that could not be sold freely, because their administration could be dangerous if medical considerations were not taken. Many types of narcotics and psychotropics provide great benefits when used properly and correctly in the medical field. The operation (surgery) performed by a doctor must be preceded by anesthesia. People experiencing stress and mental disorders are given drugs that are classified as psychotropic by doctors so they can recover. Many types of drugs are very useful in the field of medicine. Therefore, the anti-drug attitude is very wrong, what is right is anti-drug abuse (Partodiharjo, 2003: 10).

All substances that are included in NAZA cause addiction (addiction) which in turn results in dependence (dependency). Substances included in NAZA have the following characteristics: (a). An irresistible desire (an over-powering desire) for the substance in question, and if necessary, by any means possible to obtain it. (b). The tendency to increase the dose (dose) in accordance with the body's tolerance. (c). Psychological dependence, that is, when substance use is stopped it will cause psychiatric symptoms such as anxiety, anxiety, depression and the like. (d). Physical dependence, that is, if the substance use is stopped it will cause physical symptoms which are called withdrawal symptoms (Hawari, 2009: 6).

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2.2 Definition of Criminal Law

Basically, the presence of criminal law in society is intended to provide a sense of security to individuals and groups in society in carrying out their daily activities. The sense of security that is meant in this case is a state of calm, without any fear of threats or actions that can harm individuals in society. The losses referred to are not only related to losses as we understand them in civil terms, but also include losses to body and soul. The body in this case includes the body which is also related to one's soul, the soul in this case includes feelings or psychological states. The term criminal law is a translation of the Dutch term "Strafrecht", Straf means criminal, and Recht means law. According to Wirjono Prodjodikoro, the term criminal law has been used since the Japanese occupation of

Indonesia to mean strafrecht from Dutch, and to differentiate it from the term civil law to mean “Burgelijkrecht” from Dutch.

The definition of criminal law has been put forward by many legal scholars as stated by Wahyuni (2010), including:

1. Soedarto (2009)
 - ˘ Criminal law contains legal rules that bind to actions that meet certain requirements for a consequence in the form of a crime. Furthermore, Soedarto stated that in line with the understanding of criminal law, it cannot be separated from the Criminal Code which contains two main points, namely:
 - a. Contains a description of the actions of a person who is subject to punishment, meaning that the Criminal Code contains conditions that must be met that allow the court to impose a sentence. So here it is as if the state is declaring to the public and also to law enforcers what actions are prohibited and who can be punished.
 - b. The Criminal Code determines and announces what reaction will be received by the person who committed the prohibited act.
2. W.L.G. Lemaire

The criminal law consists of norms containing requirements and prohibitions which (by the legislators) have been associated with a sanction in the form of punishment, namely a special suffering. Thus it can also be said that criminal law is a system of norms that determine which actions (things to do or not to do something where there is a compulsion to do something) and in what circumstances the law can be imposed. , as well as what penalties can be imposed for these actions.
3. W.F.C. van Hattum

Criminal law is a whole of the principles and regulations followed by the state or other general law society, where they as custodians of public law order have prohibited acts that are unlawful in nature and have linked violations of the regulations. regulations with a special nature of suffering in the form of punishment.
4. Prof. Moeljatno

Meaning that criminal law is part of the overall law in force in a country, which provides the basics and rules for (a). Determine which actions may not be carried out, which are prohibited, and accompanied by threats or sanctions in the form of certain penalties for those who violate these prohibitions, (b) Determine when and in what cases those who have violated these prohibitions can subject to or sentenced to punishment as has been threatened, (c). Determine in what way the punishment can be carried out if there are people who are suspected of having violated the prohibition.

From the several opinions that have been cited, an overview can be drawn about criminal law, that criminal law is at least a law that regulates: (a) Prohibition to commit an act; (b). Conditions for a person to be subject to criminal sanctions; (c). What criminal sanctions can be imposed on a person for committing an act that is prohibited (delict); (d) How to defend/enforce criminal law (Wahyuni, 2010).

2.3 Definition of Rehabilitation

Rehabilitation, according to article 1 number 23 of the Criminal Procedure Code, is: "the right of a person to have his rights restored in terms of ability, position, and dignity given at the level of investigation, prosecution or trial for being arrested, detained, prosecuted or tried without reason based on law or because confusion regarding the person or the law applied according to the method regulated in this law." Rehabilitation is a form of punishment that aims as recovery or treatment.

Meanwhile, according to Soeparman, rehabilitation is a facility that is semi-closed in nature, meaning that only certain people with special interests can enter this area. Rehabilitation for prisoners in correctional institutions is a place that provides training in skills and knowledge to avoid narcotics.

From the above understanding it can be concluded that rehabilitation is one of the efforts to restore and restore conditions for drug abusers and victims of narcotics abuse so that they can return to carrying out their social functionality, namely being able to carry out activities in society normally and fairly.

The rehabilitation program implemented at the Cipinang Narcotics Penitentiary, East Jakarta, is a series of coordinated and integrated efforts, consisting of medical, mental, psychosocial, religious and educational guidance to improve self-adjustment, independence and self-help abilities and achieve functional abilities in accordance with potential both physically, mentally, socially and economically. This program is implemented to help inmates free from addiction to narcotics and psychotropic substances, with this rehabilitation it makes an integrated treatment center under one roof or One Stop Center (OSC).

To achieve the aims and objectives mentioned above, a rehabilitation program is needed which includes medical, psychiatric, psychosocial, and psychoreligious rehabilitation in accordance with the definition of health from WHO (1984), and the American association/APA (1992). Based on the above understanding that the goal of rehabilitation is also the goal of coaching. This can be emphasized that the guidelines in other prisons are also the same guidelines in the Narcotics Correctional Institution, namely Law Number 12 of 1995 concerning UUP and other regulations.

The importance of the need for therapy and rehabilitation in Correctional Institutions/Detention Centers is caused by: (a). The negative impact of drugs in the long term. (b). The increase in the average death rate due to co-morbidities as a bad impact of drug abuse such as TB, HIV-AIDS and Hepatitis. (c). Reducing transmission of TB, HIV-AIDS and Hepatitis. This is in line with new ideas about the function of punishment which is no longer deterrent but has turned into a rehabilitative and reintegrative effort with the aim that convicts realize their mistakes, not repeat their crimes again and can return to being responsible citizens for themselves, family and society and useful for the homeland and the nation (Sujatno, 2008).

III. Research Method

In this research, a qualitative research method is applied. According to Patton (1990) as quoted in Crabtree & Miller (1992, p.19) the purpose of qualitative research is not formulating general statements but exploring specific social contexts to achieve better understanding of specified social settings. That is why the qualitative sample is selected purposively.

The types of data required in this study include primary data and secondary data. The data were collected by interview and documentation techniques. This study employed semi-structured interviews, because it can direct the interview more closely, to have a pre-determined set of questions while simultaneously allowing the interviewees sufficient flexibility to shape the flow of information given (Wilkinson and Birmingham, 2003). Robson (2002) also says that it is appropriate to use the interview when the individual perceptions of processes within a social unit are to be studied and the interviewer can ask more questions, if the answer does not come up to expectations.

In this study, a phenomenological approach is employed. Phenomenology is an approach to qualitative research that focuses on the commonality of a lived experience within a particular group. The fundamental goal of the approach is to arrive at a description of the nature of the particular phenomenon (Creswell, 2013). According to Creswell (2007), a phenomenological study “describes the meaning for several individuals of their lived experiences of a concept or a phenomenon” (p. 57). When the research problem is to understand the common experiences of several individuals about a phenomenon, a phenomenological study is appropriate. Therefore, this study uses a phenomenological approach since it explores the experiences of the participants when they consumed drugs and the treatment they got.

Data analysis technique used in this research is qualitative analysis technique. The process of data analysis begins by reviewing all data that has been obtained from various sources. Then data reduction was done by making the abstraction. The next step is to organize the data in units. The units were then categorized in the next step. Categorization was done while making coding. The last stage was to check the validity of the data. After this stage was completed, then interpretation of data was done, so that the stages in qualitative data analysis include: data unit processing, data reduction, categorization of data including checking the validity of data, and interpretation of data (Moleong, 2008).

The participants for in depth interview consist of 20 people, namely students who have experienced in drug abused (15 people), BNN Officer (1 person) (National Board of Narcotics and Addictive Substances), University leaders (2 people), Head of prison (1 person) and Legal practitioner (1 person) to get the perspectives on how rehabilitation and law enforcement to get the perspectives on how rehabilitation and law enforcement should be implemented.

IV. Result and Discussion

From the description above the position of drug users as perpetrators and victims is very difficult to distinguish. Drug users who were initially guaranteed rehabilitation, based on Article 127 above, can be threatened with criminal penalties. In the criminal law it is known that "there is no crime without victims", so it can be said that they were victims because of their own crimes.

Having conducted interviews with 20 students who were once drug users, data were obtained that 8 of them explained they had fallen into drugs caused by less harmonious family factors. The problems of busy parents who both have businesses cause a lack of communication with their children, which in turns make them look for an escape to get out of trouble. This is in accordance with what was stated by Dirdjosisworo (2013) that one of the causes of drug use by young people is to avoid the reality of life and consider the anesthetized state to be the most beautiful place of escape (the oblivion seekers). This is reinforced by the opinion of Sessa, FM (2005) and Standing L and Nicholdon, B (1989) who stated that "attitudes regarding alcohol consumption and subsequent alcohol-related behaviors of college students correlate with parental attitudes and behaviors."

While the other 12 students said that they were influenced by friends. Actually there were no problems in the family, but the influence of friends made them increasingly want to try new experience. This is in accordance with the statement of Dirdjosisworo (2010), namely youth who can be grouped in the experience seekers, always wanting to try something new.

Of the 20 students who were affected by drug cases, they found that they received different sanctions. One student was even charged with a sentence of 4 years in prison for

being arrested with 0.7 grams of methamphetamine evidence and from the urine test results which was positive. So far the articles in Law No. 35 of 2009 on Narcotics cannot distinguish between users and dealers or suppliers. He once asked for legal remedies to be rehabilitated as users, but the Supreme Court rejected on the legal basis of Article 112, which states that anyone without rights or against the law possesses, maintains, owns, stores, controls or provides Narcotics Group I not in the form of plants, will be punished with a minimum imprisonment of 4 (four) years and a maximum of 12 (twelve) years and a fine of at least Rp. 800 million and a maximum of Rp. 8 billion.

“ This article does not distinguish between drug users or addicts and drug agents or suppliers. In fact, law enforcers often use the article to ensnare narcotics abusers because they are easier to prove. In fact, the article should only apply to drug agents or suppliers. This condition results in narcotics abusers not having the opportunity to recover their dependency. By not recovering dependency, it is potential a drug abuser reuse narcotics even in prison. As a result, the practice of buying and selling narcotics in prison is growing fast.” (ER- university student)

While the other 12 students received a verdict from the panel of judges which was lighter than the prosecutor's demands, namely a sentence of 2 years. The panel of judges also decided to reduce the sentence during the arrest and detention period. In addition, they were ordered to undergo rehabilitation for the remainder of the sentence. The other 7 students, at the time of the trial were declared as victims and immediately rehabilitated without having to stay in prison. From the handling implemented against drug abusers, there are still many inequalities that often harm the abusers. In terms of policy on campus, all students interviewed said that they were sanctioned dropping out because the universities were worried about their reputation. Universities seemed to care less about students who were exposed to drug cases. There was no help at all given as if campus which served as higher education institution also considered substance users as criminals.

According to the Head of the Prison interviewed, those with drug dependence should not be sentenced to prison but rehabilitated. Prison sentences can cause new problems. Prison does not have a regulation to rehabilitate its inmates so that officers do not understand how to deal with prisoners who are addicted. Those who are entering the drug dependency phase, drugs become a basic necessity. For that, they will often do anything to meet their needs. Users who are in prison will do their best to get drugs because they are dependent. They will try to bribe officials even for those who are very dependent there is no fear of killing people. Therefore placing them in prison is not a solution but this creates new problems. He often handles prison inmates who are hallucinating to attack officers and other peers.

From the interview with BNN officer, it is known that the views of people turned out to be different about drug abuser. Many people consider a drug abuser as a pure criminal who deserves to be punished by imprisonment, so that there is a social effect. Prevention of narcotics abuse must be carried out as soon as possible with anticipatory actions, including primary prevention, secondary prevention, and tertiary prevention. Primary prevention aimed at individuals, groups or the wider community who have not been exposed to drug abuse cases whereas secondary prevention aimed at individuals, groups or the wider community who are vulnerable to drug abuse cases and tertiary Prevention aimed at those who have already become users or who have suffered dependency. Prevention can be done through medical services, rehabilitation, and keeping them from relapse and addiction.

In August 2017, BNN and the Ministry of Law and Human Rights inaugurated a pilot project for rehabilitation centers for drug addicts. BNN stated that the rehabilitation locations were spread in 16 districts and cities. The 16 districts / cities that have these rehabilitation locations are Batam, East Jakarta, South Jakarta, Bogor Regency, South Tangerang City, Semarang, Surabaya, Maros City, Makassar, Samarinda, Balikpapan, Padang, Sleman, Pontianak, Banjar Baru, and Mataram. The goal is that after the projects in 16 locations have been inaugurated, the users will not be subject to criminal sanctions. It turned out that it is not running well in the field. Until now, we know that many substance users still have to spend several months in prison. In dealing with drug problems, there are three approaches taken, namely the supply reduction, demand reduction and harm reduction approaches. BNN uses two of these approaches, namely the supply reduction and demand reduction approach. The supply reduction approach is aimed at breaking the chain of suppliers of narcotics from producers to the distribution network, while the demand reduction approach breaks the chain of the users.

From interviews with legal practitioners, the data obtained was that the rules regarding rehabilitation of Law Number 35 of 2009 concerning Narcotics overlapped between article 54, 112 and 127. Article 54 states that narcotics addicts and victims of narcotics abuse must undergo medical rehabilitation and social rehabilitation. Article 54 of Law No. 35 of 2009 concerning Narcotics is a form of change in the perspective on crime that must be followed by law enforcement officials. This regulation that allows accused addicts to be medically and socially rehabilitated is not only a proof of the change in perspective towards perpetrators of crime, but also as a manifestation of the country's commitment. But if it turns out that the addict who was sentenced to rehabilitation still repeats the act three times, the person concerned can be convicted.

This means that rehabilitation must also have strict rules so that students do not repeat their actions. Conversely, if the rules in the rehabilitation sites are loose, more and more students will use drugs because they think there are no legal sanctions.

“Ideally, current drug abuse victims no longer have to be in prison, but they are placed in these rehabilitation centers. However, once again there must be strict rules so that coercive actions can be applied and the learning process can be gained to lead a deterrent effect.” (FU- Legal Practitioner)

This is in line with what Indriani and Hartanto (2017) states that many young people use narcotics for themselves because law enforcement in Indonesia is considered not to have a deterrent effect (Indriani and Hartanto, 2017).

However, Article 127 and 112 ordered that narcotics abuser of class I to III has to be imprisoned. This matter seems very controversial and has an ambiguous meaning. For this reason, the House of Representatives must immediately encourage the revision of the Narcotics Law. Determining narcotic abusers as victims is certainly not an easy job for investigators and prosecutors. This refers to the vagueness of the definition of 'victim' of narcotics abuse in Law No. 35 of 2009. Fortunately, the PP No. 25 of 2011 then clarified it. It was stated that the victim was someone who accidentally used narcotics because he was persuaded, deceived, cheated, forced, and / or threatened with using narcotics. But for prosecutors, proving that the element was persuaded, deceived, deceived, forced or threatened was not an easy matter. The prosecutor's confidence was very influential.

Other irregularities of Law No. 35 of 2009 is found in article 55. This article requires parents or guardians of addicts to report to health center, hospital, and / or medical rehabilitation and social rehabilitation for the treatment. This article finally has never been

implemented. It seems strange because the addicts and the parents or guardians have been afraid if reporting will be subject to a prison sentence.

From the interviews with university leaders, the data obtained were that students became the main target of suppliers and drug sellers. It is expected that at that age, students turn addicts and become regular customers for a long time so that they will get financial benefit. In addition, many of our students are dragged into negative lifestyles with unproductive activities, hanging out, smoking, and being addicted to alcoholic beverages. In fact, it is commonly known that cigarettes and alcoholic drinks are one of the entrance points for drugs. Some time ago, the community was shocked by the news of a large number of drug discovery cases at a university in Jakarta and the capture of university leaders in South Sulawesi who were partying with their students which exposed the iceberg phenomenon of the existence of drugs on campus. This must be dealt with and solved as soon as possible by the universities. Drug abuse encourages crime and increases social vulnerability. Expensive drugs have the potential to encourage perpetrators to commit criminal acts, such as theft, robbery, and even murder.

It is recommended that each campus tightens the rules regarding drugs. This certainly does not only apply to students, but also to the entire academic community in higher education institutions, including lecturers. The government, in this case the Ministry of Research, Technology and Higher Education must also provide strict sanctions for campuses whose students or their academic community are found to be involved in drugs. So far there have never been sanctions given by the government to universities, so that drug cases on campus are considered to be personal and not institutional responsibility.

Academic counselors have a very large function to prevent drug abuse and its circulation on campus. Academic advisers should also pay attention to things such as health, personality development, and fluctuations in student academic achievement under their guidance. One of the effects of drugs is the decline in student academic performance. Students with drug dependency tend to fail to get involved in academic activities. The value will decrease and the behavior and social relations will get worse. When a student whose academic performance goes down is accompanied by the above symptoms, the academic adviser can direct him to the university counseling service center. That way, the presence of drugs on campus can be detected early. Therefore, Narcotics addicts deserve to be called victims.

However, it is very unfortunate that up to now most schools, colleges, and universities have given sanctions in the form of drop outs to students who are addicted to drugs. Drop out will not solve the problem of addicts and also not a solution to reduce the rate of prevalence of substance users.

“ In general, universities are worried that not giving drop out sanctions will damage the campus image. However, it should not be like that. If there are students affected by narcotics, the campus is obliged to facilitate them to get rehabilitation assistance. School or campus can provide temporary leave to carry out the rehabilitation program to completion and can return to school or campus after getting a recommendation letter from BNN. ” (WS- University leader)

However, the spirit that must be taken from this policy is the rescue of students from the narcotics snares as a manifestation of the country's presence in protecting the nation's next generation.

V. Conclusion

From the analysis above, it can be concluded that the handling of students affected by drug cases has not been implemented properly. This happened because there were still ambiguous articles in the Narcotics Law, which could ultimately harm the abusers. The interesting thing in the Law on Narcotics is the authority of judges to pass a sentence on a narcotics abuser to carry out rehabilitation. This authority recognizes that narcotics abusers, apart from being perpetrators of criminal acts, are also victims of the crime itself. The government should make a clear statement so that the handling of drug cases becomes better and clearer. For future research, the authors recommend a more in-depth and specific analysis of rehabilitation procedure with a different approach.

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