IMPLEMENTATION OF REPRESSIVE SOCIAL CONTROL AGAINST NARCOTICS ABUSERS OR ADDICTS TO REDUCE PRISON OVERCAPACITY

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<td>Overcapacity, Narcotics, Repressive Actions, Abusers or Addicts, Legal Certainty.</td>
<td>The failure to implement medical rehabilitation or social rehabilitation for narcotics abusers causes problems, one of which is the excess capacity of prisons/detention centers in Indonesia, especially in DKI Jakarta Province, as the author gathered from General SDP data as of July 2023. This research aims to examine legal certainty for narcotics abusers/addicts. This research uses normative legal research methods with a case approach. The results of the study show that legal certainty for narcotics abusers or people with an addiction refers to the Supreme Court Circular Letter (SEMA) Number 4 of 2010 concerning the Placement of Narcotics Abusers, Victims, and Addicts into Medical Rehabilitation and Social Rehabilitation Institutions, which states that Judges can decide whether people with an addiction The narcotics are undergoing rehabilitation. There are 5 (five) conditions for obtaining a rehabilitation decision, as well as articles regulated in Law Number 35 of 2009 concerning Narcotics regarding the possibility for narcotics abusers/addicts to be rehabilitated rather than being subject to physical imprisonment because, in reality, narcotics abusers/addicts are an addiction process that can be interpreted as a disease in every user that must be treated. Repressive social control usually takes the form of consequences for those who violate, appropriate punishment, advice, and counseling so as not to do it again, in this case, related to narcotics in the form of rehabilitation sentences and can reduce the number of prisons for abusers/addicts if the perpetrator/addict consumes less than the Circular. Supreme Court Number 4 of 2010 and has never been charged/violated the narcotics law.</td>
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INTRODUCTION

One of Indonesia's legal studies or fields of Law is Criminal Law (Anakotta, 2019). The Indonesian Criminal Law regulates the conditions under which a person can be punished for an act they commit. According to research, crime is suffering deliberately imposed on people who commit acts and fulfill certain conditions (Wijoyo et al., 2020). Criminal Law is regulated in the Criminal Code (KUHP). Criminal Law has unique criminal acts, including narcotics crimes. The legal use of narcotics can only be done for medical or scientific purposes (Dewi, 2019). Meanwhile, its illegal use can expose users to narcotics crimes as regulated in Law No. 35 of 2009 concerning Narcotics (Isnaini, 2017). Examples of narcotics that are often abused are cannabis, marijuana, morphine, heroin, pethidine, cocaine, and hashish.

Narcotics can also be interpreted as an addiction, a disease that should be treated, not by Law. The means of punishment is to punish the body and a person's body. Narcotics addicts should not get a deterrent effect in prison. However, narcotics addicts need to go through rehabilitation, especially
for users, users who are still new and who are not significant as users, let alone as distributors (Ramadhanhi, nd). In Article 103, letters a and b, Law Number 35 of 2009 concerning Narcotics, it is explained that the judge examining a Narcotics Addict can decide to order the person concerned to undergo treatment and treatment through rehabilitation. Few people in Indonesia also receive rehabilitation sanctions (Gani, 2015).

In Law Number 35 of 2009 Article 127, paragraph (3), Abusers, as referred to in paragraph (1), can be proven or proven to be victims of Narcotics abuse (Umaya et al., 2022). These Abusers are required to undergo medical rehabilitation and social rehabilitation. For example, in the case of Narcotics Addicts undergoing restoration, Jeffri Nicole was caught consuming marijuana weighing 6.01 grams; she was arrested in the East Kemang area, but in the decision, she was declared free on parole for seven months of rehabilitation at RSKO Cibubur, there are also public figures such as Raffi Ahmad, Anji and Nia Ramadhani and her husband Ardhik Bakrie as stated in the Judge's Decision, Judge's Decision Number 770/Pid.Sus/2021/PN.Jkt.Pst in their demands, the Public Prosecutor demands that they be sentenced to a crime in the form of Medical Rehabilitation and Social Rehabilitation (Hutabarat & Widijowati, 2023). According to the author, facts like this give rise to problems. Separately, according to the author's opinion, this creates injustice for narcotics addicts and abusers, which has the effect of denying the rights of those who should have the right to be rehabilitated by the provisions in Articles 54 and 103 of Law Number 35 of 2009, Article 13 –14 PP No. 25 of 2011 concerning Implementation of Mandatory Reporting of Narcotics Addicts and also Supreme Court Circular (SEMA) No. 4 of 2010 concerning the Placement of Abuse, Abuse Victims and Narcotics Addicts into Medical Rehabilitation and Social Rehabilitation Institutions (Delmiati, 2023).

Drug abuse in Indonesia has reached a very worrying level; facts on the ground show that 50% of prison inmates (Penitentiary Institutions) are caused by drug cases (Safitri et al., 2018). Abuse of illegal drugs in Indonesia, such as narcotics, psychotropic substances, and other addictive substances, has grown and made Indonesia a drug emergency country (Siletty & Rahaditya, 2022). In medicine and health, it is necessary to have enough availability of narcotics. Still, if misused, it will have dangerous effects, so strict supervision and control must be carried out (Basuki, 2020). However, it can also be seen that if Narcotics Abusers/Addicts have no intention of distributing/distributing, Imprisonment and Rehabilitation are two different things. Look at the Lightening Elements and Weighting Elements.

Based on the problem formulation above, the research aims to find out and describe how repressive social control is implemented against narcotics abusers/addicts to reduce prison overcapacity.

**METHOD**

The type of research used in this research is normative legal research. The norm system is about principles, norms, rules of laws and regulations, court decisions, agreements, and doctrines (teachings). Research specifications (research nature) use analytical descriptive research, describing the research results with data that is as complete and detailed as possible. The description is intended for primary and secondary data related to the research object. Next, an analysis of the research results was carried out using relevant laws and regulations.
RESULTS AND DISCUSSION

Narcotics

The term "Narcotics" is a word that comes from the Greek word "Narkoun," which means to paralyze or numb (Afrihadi et al., 2022). The term narcotics used here is not "narcotics" in pharmacology (pharmaceuticals) but has the same meaning as "drug," namely a type of substance which, when used, will have specific effects and effects on the user's body (Pakpahan, 2015), namely:
a. Influence consciousness.
b. It provides encouragement that can influence human behavior.
c. These influences are:
   1) Tranquilizer;
   2) Stimulant;
   3) causes hallucinations (the user is unable to differentiate between imagination and reality and loses awareness of time and place).

Based on Article 1 number 1 of Law of the Republic of Indonesia Number 35 of 2009, the definition of narcotics is a substance or drug derived from plants or non-plants, whether synthetic or semi-synthetic, which can cause a decrease or change in consciousness, loss of taste, reduce or eliminate pain, and can cause dependency, which is differentiated into categories as attached in this Law (Suherman et al., 2020). Article 1 number 15 of Republic of Indonesia Law no. 35 of 2009 concerning Narcotics states that an abuser is a person who uses narcotics without rights or against the Law.

Narcotics Addicts and Abusers should be treated if they are classified as new users. They should be given rehabilitation sanctions and refer to the applicable regulations to impose the appropriate punishment, remembering that in the Narcotics Law, there is a provision for rehabilitation sanctions where the guilt is considered (Paquette et al., 2018). During the investigation and from the assessment results, and considering that many prisons in Indonesia are overcapacity, it would be good for judges to be more selective in imposing prison sentences, whether the defendant deserves to be sentenced to prison or rehabilitation.

Drug abuse is still a chronic problem in Indonesia (Fahrizal et al., 2019). Cases of methamphetamine trafficking and the arrest of many international drug dealers in recent years are proof that Indonesia is in a drug emergency. The Indonesian Government prioritizes the role of the Police and the National Narcotics Agency (BNN) in preventing and eradicating drug trafficking in Indonesia (Pertasari et al., 2023).

Repressiveness is one of the characteristics of a social control system. Repressive actions usually take the form of pressure, restraint, or oppression (Mészáros, 2014). Meanwhile, social control is a process of control over possible social deviations. Repressive actions are often found in social life, especially between parties who are more powerful and those who are weaker (Mészáros, 2014). Some of the repressive measures that can be implemented include conducting social guidance and counseling sessions for perpetrators and their families, providing direction such as religious classes, and establishing a warm family atmosphere within the scope of rehabilitation.

This repressive effort is carried out when a criminal act or crime has occurred, namely in the form of law enforcement, by imposing penalties. Repressive efforts can also be interpreted as a conceptual aspect faced after a crime occurs. Countermeasures with repressive efforts are to handle or take action against the perpetrators of criminal acts according to the activities they have committed and show them how to correct them again so that they are aware that the steps they have committed are unlawful and detrimental to society, so they do not repeat them. Other people will not do them
either. Considering the sanctions are very heavy. Victims of drug abuse can apply this, and it can be one way to reduce excess capacity for hunger through rehabilitation. Many people in Indonesia, such as Raffi Ahmad and Adi Bakrie, also undergo rehabilitation with their wives and drivers.

The criminal justice system in Indonesia can be seen from various mechanisms and systems regulated in Law Number 8 of 1981 concerning the Criminal Procedure Code (Leksono et al., 2023). The institutions included in this system are First, Investigators and Investigators (Indonesian Police), as stated in Law Number 2 of 2002 concerning the Police, as the Police Function Bearers, assisted by the Special Police, Civil Servant Investigators, and other forms of security self-sufficient. Second, the Prosecutor is the Prosecutor's Office, as stated in Law Number 16 of 2004 concerning the Prosecutor's Office, given additional authority to conduct investigations into particular crimes such as narcotics. Third, according to the Law concerning the Principles of Judges' Powers, the Court is a judicial institution, separate from the executive institution, assisted by Registrars and Staff, who have the status of Civil Servants. Fourth. Penahan (Penasvarakatan Institution) manages the Correctional Institution in the context of punishment and punishment. Management of Detention Centers (Rutan) and the Confiscated Goods Depository (Rupbasan). These four institutions are a network that must work in a system to realize the goals of developing the field of criminal procedural Law so that the public can realize their rights and obligations and achieve and improve the development of each law enforcement officer by their respective functions and authorities. Then, for the sake of legal stability, justice, and protection, which is a protection for the nobility of human dignity, order, and legal certainty. So, these four institutions must work together in the law enforcement process. However, in implementation, it is not uncommon to encounter various deviations from the system that the Law has regulated.

The Criminal Justice System is a matter of Public Service by the Government. It requires awareness to respect citizens' human rights and privacy guaranteed by the 1945 Constitution (Justice & Meares, 2014). Expanding the scope of handling the Criminal Justice System is appropriate, while there is no replacement yet. As a reference, the existing Criminal Code is used first. Narcotics are included in unique criminal acts. As stated in Law Number 35 of 2009, narcotics crimes are formulated in formal offenses that detail the criminal acts committed (Nugroho & Arpangi, 2022). Article 204 of the Criminal Code, paragraph (1) states that anyone who sells, offers, hands over, or distributes goods that he knows endangers people's lives or health, even though their nature is: those who are dangerous are not notified, are threatened with imprisonment for a maximum of fifteen years. However, the Narcotics Law No. 35 of 2009 mentions Narcotics Addicts and Narcotics Abusers (Ariyanti, 2017). Narcotic abuse by a person can be interpreted as using narcotics not correctly; in this case, it is, of course, outside the supervision of a doctor. The occurrence of abuse in society certainly significantly affects society itself. This can influence peace in society, the emergence of crime, and so on.

Narcotics addicts are people who use or abuse narcotics and are in a state of dependence on drugs, both physically and psychologically (Lindesmith, 2017). In the author's opinion, this should be rehabilitated if they see that the defendant has never been convicted and is not a dealer. This action is one of the actions repressive because Law No. 35 of 2009 also states that judges can give narcotics addicts treatment. Efforts are through preventive channels, namely an outreach approach to every level of society. In contrast, applicable Law makes repressive efforts, namely Law Number 35 of 2009 concerning narcotics.

In Article 127, paragraph 2, the role of the state is responsible for recovering drug users through optimal rehabilitation (Marsch et al., 2020). It is appropriate that there should be no obstacles to
rehabilitation programs, including regarding infrastructure or recovery facilities for drug addicts. This rehabilitation will later be able to restore the mental condition and dependence of drug addicts. Drug rehabilitation consists of three stages. Namely the medical rehabilitation stage (detoxification), the social or non-medical rehabilitation stage, and the advanced development stage. The medical rehabilitation stage is carried out under the supervision of a doctor. Users will be physically and mentally examined, including examination for sexually transmitted infections, and decide whether certain drugs are needed to reduce withdrawal symptoms (sakau) (Hamja, 2019). With this, the state must be more severe and focused on eradicating drugs. Not all drug addicts fall into the category of dealers. If referring to a case where the defendant is still within reasonable limits for drug abuse, of course, there must be careful consideration because the defendant does not fall into the category of widespread criminals. The defendant only consumed it for himself for several reasons the judge had to consider.

Rehabilitation measures are repressive countermeasures, namely countermeasures that are carried out after a crime has occurred, in this case, narcotics, in the form of guidance or treatment for narcotics users (Ullah et al., 2018). With these coaching or treatment efforts, it is hoped that victims of narcotics abuse will be able to return to normal and behave well in social life. Optimizing the use of rehabilitation is regulated in Article 4, Letter D of the Narcotics Law, which states that this narcotics law was created to ensure the regulation of medical and social rehabilitation efforts (Analisa et al., 2022). Not only that, it is explained more clearly in Article 54 of the Narcotics Law, which states that narcotics addicts and victims of narcotics abuse are required to undergo medical and social rehabilitation. In other words, there is no longer any reason for people with an addiction and victims of narcotics abuse not to be rehabilitated. The Government also issued Government Regulation Number 25 of 2011 concerning Implementation of Mandatory Reporting of Narcotics Addicts to obtain therapy and rehabilitation services, then the Minister of Health also issued Minister of Health Decree Number HK.02.02/MENKES/502/2015 which appointed 434 agencies receiving mandatory reporting (IPWL) in 33 provinces and along with regulations that strengthen these rules, such as Joint Regulations of the Chief Justice of the Republic of Indonesia, Minister of Law and Human Rights of the Republic of Indonesia, Minister of Health of the Republic of Indonesia, Minister of Social Affairs of the Republic of Indonesia, Attorney General of the Republic of Indonesia, Chief of Police of the Republic of Indonesia, Head National Narcotics Agency of the Republic of Indonesia Number: 01/PB/MA/III/2014, Number: 03 of 2014, Number 11 of 2014, Number 03 of 2014, Number: PER-005/A/JA/03/2014, Number: 1 2014, Number PERBER/01/III/2014/BNN concerning Handling of Narcotics Addicts and Victims of Narcotics Abuse in Rehabilitation Institutions. In this way, narcotics addicts and abusers no longer end up being sentenced to imprisonment but instead end up in a place of rehabilitation because the sanction for narcotics addicts and abusers is agreed to be in the form of repair (Adipradana et al., 2020).

CONCLUSION

Based on these results and discussion, it can be concluded that repressive efforts in law enforcement in Indonesia, especially related to narcotics crimes, involve various institutions such as the Police, Prosecutor's office, courts, and correctional institutions. The criminal justice system in Indonesia is regulated by Law Number 8 of 1981 concerning the Criminal Procedure Code. The use of repressive measures in dealing with narcotics includes legal action against criminals, whether they are dealers or addicts. Apart from criminal sanctions, the treatment of narcotics addicts also involves
medical and social rehabilitation efforts. This guidance and therapy can help people with an addiction to recover and return to positive behavior in society.

Rehabilitation is the main focus in treating victims of narcotics abuse, in line with Law Number 35 of 2009 concerning Narcotics. The Government is responsible for ensuring the optimality of the rehabilitation program, including providing the necessary infrastructure and facilities. Awareness of citizens' human rights and privacy is also essential to public services in the criminal justice system context. With the existence of government regulations and decisions that regulate the mandatory reporting of narcotics addicts and rehabilitation procedures, it is hoped that the handling of narcotics problems can be more effective and lead to the recovery of people with an addiction. Prison sanctions for drug addicts and abusers have been replaced by rehabilitation as a repressive measure aimed at healing and social reintegration.

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