



Implementation of Medical Rehabilitation and Social Rehabilitation for Addicts and Victims of Drug Abuse

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Abstract

The implementation of medical rehabilitation and social rehabilitation for addicts and victims of drug abuse by the National Narcotics Agency of Payakumbuh City is for drug addicts who are undergoing judicial proceedings can be placed in medical rehabilitation institutions and / or social rehabilitation. For addicts, both those caught and those through the IPWL program, before rehabilitation is carried out, they will first go through an assessment carried out by an integrated assessment team. In addition to medical treatment and/or rehabilitation, healing of drug addicts can be organized by government agencies or the community through religious and traditional approaches. The obstacle faced by the Payakumbuh City National Narcotics Agency in the implementation of medical rehabilitation and social rehabilitation of addicts and victims of drug abuse is that the recommendation letter of the integrated assessment team consisting of the medical team and the legal team is only a recommendation. Rehabilitation places in each area have not been fulfilled (none). Weak coordination between law enforcement, health services and social services. Optimization of the implementation of medical rehabilitation and social rehabilitation for addicts and victims of drug abuse at the National Narcotics Agency Payakumbuh City is carried out with counseling, supervision and monitoring, carried out so that victims of narcotics abuse do not return to using narcotics under any conditions by checking periodically for 4 months after completing rehabilitation at BNNK Payakumbuh. Optimization is measured from the results of the rehabilitation and the number of people who participate in rehabilitation. Rehabilitation participants then no one repeats. This shows that the implementation of rehabilitation has been optimal.

INTRODUCTION

Narcotics abuse in Indonesia is a very worrying problem because Indonesia's current position is not only as a transit area and marketing of narcotics, but has become a narcotics producing area. This is evidenced by the disclosure of large narcotics manufacturing factories from abroad to Indonesia. Because currently Indonesia's location is very strategic and not far from the golden triangle (Laos, Thailand, and Myanmar) and the crescent area (Iran, Afghanistan, and Pakistan) which is the largest opium producing area in the world, making Indonesia a dark traffic for narcotics.¹

The abuse of narcotics among the wider community signals us to care and pay more special attention to overcome, because the dangers posed can threaten the existence of the

¹ Anton Sudanto, *Application Law Punishment Narcotic In Indonesia*, Journal Science Just Law, Volume 7, Number 1, 2015, Pp. 140.

younger generation who we hope will one day become the heirs and successors of the nation's struggle in the future. Drug abuse is a form of crime. But the crime here is a crime committed by someone who is said to be an addict in terms of the illegality of the addict in consuming Narcotics, as well as against the Law, because it has been regulated about regulations about not being allowed to consume Narcotics illegally.²

The provisions of Article 54 state; Drug addicts and victims of drug abuse are required to undergo medical rehabilitation and social rehabilitation. Meanwhile, Article 127 paragraph (3) of Law Number 35 of 2009 concerning Narcotics explains that in the event that abusers who are entangled in Article 127 paragraph (1) of Law Number 35 of 2009 concerning Narcotics, must undergo rehabilitation. This means that here, rehabilitation decisions must also be handed down to abusers who are caught and entangled in Article 127 paragraph (1) of Law Number 35 of 2009 concerning Narcotics (Narcotics Law).

To regulate the above problems, the existence of criminal law is very necessary. Criminal law as one part of the law in general does not show any difference from other laws, namely that all these laws contain a number of provisions to ensure that the norms in the law are obeyed by the community. This shows that basically all laws aim to create harmony, order, legal certainty and so on in the association of social life.³

Criminal law is a rule consisting of norms that contain imperatives and prohibitions that have been associated with a sanction in the form of punishment, which is a special suffering imposed on the perpetrator in order to get a deterrent effect from the actions he has committed. So it can be said, criminal law is a sanction imposed on the perpetrator in order to get a deterrent effect on the use of narcotics.⁴

The formation of the law is an incessant illustration of the country's vigorous criminalization of drug users. In addition, the establishment of the law is a manifestation of Indonesia's consistent proactive attitude in supporting the international world movement in combating all forms of narcotics crime.⁵

If associated with Narcotics Crimes, the crime here, especially imprisonment, can be imposed on Drug Addicts and Victims of Drug Abuse if the Drug Addicts and Victims of Narcotics Abuse are caught consuming Narcotics illegally, so it is said to be against the governing law. But still, when the prison process is underway, rehabilitation is also applied, in addition to getting a deterrent effect from their actions, Drug Addicts and Victims of Drug Abusers also still have to get counseling and education about the dangers of Narcotics itself, by undergoing their obligations for rehabilitation, so that Drug Addicts and Victims of Drug abuse understand about the dangers of Narcotics and do not repeat their actions again.⁶

The rehabilitation process is an early stage process where drug addicts and victims of drug abuse report to the National Narcotics Agency who beg to be rehabilitated. This process can be used as a benchmark for drug addicts and victims of drug abuse itself to determine the length of rehabilitation period for drug addicts and victims of drug abuse who beg to be rehabilitated. From the results of the assessment, it is also used as a consideration for the Integrated Assessment Team in making decisions on applications.⁷ The problems that will be discussed in this paper are the implementation and constraints of medical rehabilitation and social rehabilitation for addicts and victims of drug abuse by the National Narcotics Agency of

² Elrick Christovel Sanger *Enforcement Law Towards Circulation Drug at Circle Generation Young Journal Lex Crimen*, Volume 2, Number 4, 2013, Pp. 5.

³ Muhammad Mustafa, *Criminology: Study Sociology Towards Crime, Behaviour Diverge and Offender Law FISIP University Indonesia Press*, Jakarta, 2007, Pp. 17.

⁴ P.A.F Lamintang, *Basics of Indonesian Criminal Law*, Citra Aditya Bakti, Jakarta, 1997, p. 2

⁵ A. R Surjono and Bony Daniel, *Comments and Discussion of Law Number 35 of 2009 concerning Narcotics*, Gramedia Pustaka, Jakarta, 2014, p. 13.

⁶ H. Siswanto, *Legal Politics in Narcotics Law*, Rineka Cipta, Jakarta, 2011, p. 13.

⁷ Joseph Apandi, *Say Drug Crimes*, Sybiosa Rekatama Mebia, Bandung, 2010, p. 12.

Payakumbuh City and the optimization of its implementation.

RESEARCH METHODS

Spesification research is *descriptive analysis*, with normative juridical approach method supported by empirical juridical. The types used are secondary data and primary data. Secondary data are obtained from the study of documents, primary data are obtained by means of interviews. The data obtained is then analyzed qualitatively.

RESULTS AND DISCUSSION

Implementation of Medical Rehabilitation and Social Rehabilitation for Addicts and Victims of Drug Abuse

The term rehabilitation in Law Number 35 of 2009 concerning Narcotics consists of 2 (two), namely: Medical rehabilitation, namely the process of integrated treatment activities to free addicts from narcotic dependence, in accordance with Article 1 number 16 of Law Number 35 of 2009 concerning Narcotics states Social Rehabilitation is the process of integrated recovery activities both physically, mentally and socially, so that former drug addicts can return to carry out social functions in community life, according to Article 1 number 17 of Law Number 35 of 2009 concerning Narcotics.⁸

Drug Addicts and Victims of Drug Abuse who are caught either without evidence and there is a certain amount of evidence can be placed in a rehabilitation institution with the guidance of Minutes of Laboratory Examination, Minutes of Examination by Investigators and equipped with a Letter of Recommendation of the Integrated Assessment Team which has previously been submitted by the Investigator to the National Narcotics Agency.⁹

The criteria for health facilities that can be proposed as medical rehabilitation facilities for Addicts, Abusers, and Victims of Narcotics Abuse who are in the process of investigation, prosecution, and trial or have obtained a court determination/decision are: Have a drug rehabilitation service unit, at least allocate beds for inpatient care for 3 (three) months; Have health workers consisting of at least doctors, nurses, and pharmacists who are trained in the field of drug use disorders; Designated as a Mandatory Report Recipient Institution (IPWL); Have a drug medical rehabilitation program, at least a short-term inpatient program with symptomatic services and simple psychosocial interventions; Have standard operational procedures for drug medical rehabilitation services; and Have minimum standard security procedures, which include procedures:

Rehabilitation programs can be undertaken by addicts who use the mandatory reporting program (IPWL), addicts who are undergoing judicial proceedings and addicts who are ordered based on court decisions. Provisions regarding the implementation of mandatory reporting are further regulated through Government Regulation of the Republic of Indonesia No. 25 of 2011 concerning the Implementation of Mandatory Report of Narcotics Addicts. Drug addicts are required to report voluntarily to the Mandatory Report Recipient Institution, hereinafter referred to as IPWL, in order to get treatment. IPWL is a community health center, hospital, community health center, medical rehabilitation institution and social rehabilitation institution designated by the government.

For drug addicts who are undergoing judicial proceedings can be placed in medical rehabilitation institutions and / or social rehabilitation which is the authority of investigators, public prosecutors, or judges according to the level of examination after getting recommendations from a team of doctors. The obligation to undergo medical rehabilitation

⁸ Ar. Sujono, Bony Daniel, *Comments and Discussion of Law Number 35 of 2009 concerning Narcotics*, Sinar Grafika, Jakarta, 2011, p. 74.

⁹ Interview with the Head of Rehabilitation of the National Narcotics Agency of Payakumbuh City on October 12, 2022.

and/or social rehabilitation also applies to drug addicts who are ordered based on a court decision if drug addicts are found guilty of drug crimes; or a court order if the drug addict is not found guilty of a drug crime.

For addicts, both those caught and those through the IPWL program, before rehabilitation is carried out, they will first go through an assessment carried out by an integrated assessment team. The Integrated Assessment Team is a team consisting of a Team of Doctors and a Legal Team determined by the head of the local work unit based on the decree of the Head of the National Narcotics Agency, Provincial National Narcotics Agency, National Narcotics Agency of Kab./Kota. The duties of the Assessment team as stipulated in article 9 paragraph (2) of the Joint Regulation of the Chief Justice of the Supreme Court, Minister of Law and Human Rights, Minister of Health, Minister of Social Affairs, Attorney General, Chief of Police, Head of BNN concerning the Handling of Drug Addicts and Victims of Drug Abuse into Rehabilitation Institutions are medical, psychosocial assessment and analysis, and recommending a person's therapy and rehabilitation plan.

The medical rehabilitation process includes assessment, preparation of rehabilitation plans, outpatient or inpatient rehabilitation programs and post-rehabilitation programs. Hospitalization in accordance with the rehabilitation plan that has been prepared taking into account the results of the assessment which includes medical intervention. Medical interventions include detoxification programs, symptomatic therapy, and/or medical maintenance therapy, as well as therapy for complication diseases. Psychosocial intervention is carried out through narcotic addiction counseling, motivational interviews, behavioral and cognitive therapy, and relapse prevention. The implementation of hospitalization includes medical intervention through detoxification programs, symptomatic therapy, and therapy of complication diseases. Psychosocial intervention includes individual, group, family or vocational counseling.¹⁰

Rehabilitation for drug addicts is carried out with the intention of recovering and / or developing the physical, mental, and social abilities of the sufferer concerned. Medical rehabilitation is a process of integrated treatment activities to free addicts from narcotic dependence. Social rehabilitation is a process of integrated recovery activities, both physical, mental and social, so that former drug addicts can return to carry out social functions in community life.

Medical rehabilitation is a process of integrated treatment activities to free addicts from narcotic dependence. Medical rehabilitation is carried out on drug abusers who have experienced a very high level of narcotic dependence, which is characterized by the urge to use narcotics continuously with increased doses in order to produce an effect that if its use is stopped will cause psychological symptoms to the addict. Medical rehabilitation is an effort to eliminate an addict's dependence on narcotics.

The stages that must be undergone by a drug addict who will undergo medical rehabilitation are: First, detoxification is the process of removing narcotic substances in the body of drug users. The detoxification process for narcotic addicts is carried out gradually, long and how many times this detoxification process depends on the amount of narcotic substances in the body of an addict. Then carry out community therapy, which is therapy by forming groups and groups of addiction counselors, where the appointed addiction counselors are former drug users who have been trained to guide addicts undergoing rehabilitation.

The author uses the theory of legal work to see how the implementation of medical rehabilitation and social rehabilitation of addicts and victims of drug abuse at the National Narcotics Agency of Payakumbuh City. The basis of the work of law is society, then the law

¹⁰ Lawrence Panggabean, *Drug Addiction Hospitals, Bulletins and windows of health data and information*, Data and information center of the Ministry of Health of the Republic of Indonesia, 2021, p. 46

will be influenced by social factors or forces starting from the stage of making to enactment. Social forces will try to enter every legislative process effectively and efficiently.¹¹ Regulations issued are expected to be in accordance with the wishes, but the effect of the regulation depends on social forces such as good legal culture, then the law will work well too, but on the contrary if the power is reduced or absent then the law will not work. Because society is the basis for the work of law.¹²

Laws can work and function not just what legal regulators expect, but need to be scrutinized on the elemental components that do not work as they should. The point is that it does not work, it can come from the makers of legal regulations, or from the implementers of regulations/implementers, or from stakeholders. In addition, it can be studied global external constraints that cause the law cannot be implemented properly. So that this theory is in accordance with the application of medical rehabilitation and¹³ social rehabilitation of addicts and victims of drug abuse at the National Narcotics Agency Payakumbuh City.

Obstacles Faced by the Payakumbuh City National Narcotics Agency in the Implementation of Medical Rehabilitation and Social Rehabilitation of Addicts and victims of Drug Abuse

The implementation of laws and regulations is a rule and norm and normative reality as to what should be done (*Das Sollen*) is not always in accordance with everything that is the implementation of everything or concrete events that occur (*Das Sein*).¹⁴

The theory of the legal system was put forward by Lawrence M. Friedman. Lawrence M. Friedman as quoted by Otje Salman and Anton F. Susanto, the legal system includes: First, legal structure, which are moving parts in a system mechanism or facilities that exist and are prepared in the system. For example, the police, the prosecutor's office, the courts. Second, Legal Substance, which is the actual result published by the legal system, for example a judge's decision based on the Law. Third, Legal Culture, which is the public attitude or values of moral commitment and awareness that encourage the working of the legal system, or the overall factors that determine how the legal system acquires a logical place within the framework of the culture belonging to society.¹⁵

And third, namely the weak coordination between law enforcement, health offices and social services so that it has an impact on obstacles to the implementation of medical rehabilitation and social rehabilitation. In the implementation of rehabilitation for addicts and drug abuse which is an obstacle to maximize the implementation of rehabilitation at BNN Payakumbuh City because of the low knowledge from the community related to rehabilitation, and because there are no facilities to place addicts and abuse.¹⁶

So it can be implied that BNN Payakumbuh City does not have adequate rehab home facilities, and urgently needs support for the provision of a special rehabilitation place for Payakumbuh City, considering that the number of drug addicts and abuse in Payakumbuh increases every year, so that addicts can be medically rehabbed at an affordable cost.

In addition, another obstacle in internal factors is the limited personnel of BNNK Payakumbuh. Limited personnel are an obstacle for the Payakumbuh City Narcotics Agency

¹¹ Satjipto Rahardjo, *Let the Law Know the Critical Note of Human Struggle and the Law*, PT Kompas Media Nusantara, Jakarta, 2007, p. 52.

¹² Hikmanto Juwana, *Law Enforcement in Law and Development Studies: Problems and Fundamentals for Solutions in Indonesia*, Varia Judiciary, Jakarta, March 2006 edition, Pp. 31.

¹³ Bernard L Tanya, Yoan N Simanjuntak and Mark Y Hage, *Legal Theory of Orderly Strategy Human Orderly Orderly Man Cross Space Cross Space and Generation*, Bell Publishing, Yogyakarta, 2010, Pp. 89.

¹⁴ Interview With Head Sexy Follow Punishment Common Prosecutors Country Payakumbuh, 14 October 2022

¹⁵ Otje Salman and Anton F. Susanto, *Legal theory remembers, collects and reopens*, Pt Refika Aditama, Bandung, 2004, Pp. 153.

¹⁶ Interview with Prosecutor at Payakumbuh District Attorney's Office, October 14, 2022

in carrying out the task of implementing medical rehabilitation and social rehabilitation for drug addicts, this is related to the age of formation of BNNK Payakumbuh which is relatively young. Then the limited budget is also an obstacle of internal factors. The National Narcotics Agency of Payakumbuh City in carrying out its duties and functions, of course, must have a budget that is not small or in this case is large enough. However, the budget received by BNNK Payakumbuh is still not enough to realize medical rehabilitation and social rehabilitation for addicts and victims of drug abuse at the National Narcotics Agency in Payakumbuh City, in the budget received has actually been determined according to portions.

Then other internal factors are extensive monitoring and supervision areas. The establishment and establishment of the National Narcotics Agency of Payakumbuh City, which is the only body that acts as an authority related to the abuse and illicit circulation of narcotics, is one of the obstacles to the limited process of direct monitoring of areas in the vast area of Payakumbuh City which is also associated with the large population of Payakumbuh City which is increasing every year. Furthermore, with the increasing population of Payakumbuh City, this also indicates that the wider BNNK Payakumbuh monitoring area for perpetrators of abuse and illicit circulation of narcotics.

Then, another internal factor, namely the medium of narcotics early detection technology is not yet available. The unavailability of sophisticated tools is one of the obstacles for BNN Payakumbuh City in carrying out its duties and functions that work automatically to detect incoming narcotics that utilize traffic gates in and out of people from inside and outside Payakumbuh City, or which are available at every border of Payakumbuh City area. So far, BNNK Payakumbuh in carrying out narcotics detection is assisted by police officials using sniffer dog media which has not been effective until now.

The following external factors in the implementation of drug rehabilitation in BNN Payakumbuh City are: First, because of concerns about facing the law, this is an obstacle in the effectiveness of rehabilitation implementation because of concerns about the law, they are afraid that after reporting their children or relatives will be imprisoned. In fact, after being reported, addicts and abuses will be rehabilitated on condition that they come and report themselves voluntarily for rehabilitation.

The community's concern is caused by the community's ignorance of the law which causes no family or community to dare to report if one of his families is involved with drugs. The second external factor is that the community is less enthusiastic about the socialization carried out by BNN Payakumbuh City so that the community lacks knowledge about rehabilitation, because of the lack of knowledge about rehabilitation, many of whom neglect to report addicts and victims of drug abuse to BNN or IPWL (institutions receiving mandatory reports).

And the third obstacle is the lack of health workers at BNNK Payakumbuh. The lack of health workers is caused by inadequate space so that health workers are limited, currently BNNK Payakumbuh can only employ 4 staff in the field of rehabilitation and only 3 of the health workers consisting of 1 doctor and 2 nurses.

Optimization of the Implementation of Medical Rehabilitation and Social Rehabilitation for Addicts and Victims of Drug Abuse at the National Narcotics Agency in Payakumbuh City

The amount of narcotics circulation is the result of a process of technological progress which then develops in social norms to be used for the benefit of medicine and science. The occurrence of the phenomenon of abuse and illicit circulation of narcotics, concrete action is needed to eradicate the abuse and illicit circulation of narcotics.

Drug crimes such as drug abuse in criminology studies can be classified as victimless crimes. This classification refers to the nature of the crime, namely the existence of two

parties who enter into a transaction or relationship (which is prohibited) but both feel that they do not suffer harm to the other party. Drug users are actually victims of drug crimes, but these users do not feel as victims, because they deliberately with their own will to use the drugs, either because of the advice of friends, or the desire to try.

Drug addicts are *self-victizing victims* because drug addicts suffer from narcotic dependence syndrome due to their own drug abuse. The way that is considered appropriate to cure dependence is to rehabilitate victims of drug abuse. Because rehabilitation can release drug dependence until you can enjoy a free life without narcotics.

Rehabilitation is one way to save victims of drug users from dependence. Because the understanding of rehabilitation is an effort to recover to make addicts addicted to narcotic dependence and normal life physically and spiritually healthy so that they can adjust and improve their skills, knowledge, intelligence, association in the environment or with their families which is also called resocialization. Rehabilitation of drug users is a series of coordinated and integrated efforts, consisting of medical efforts, mental guidance, psychosocial, religious, vocational education and training to improve the ability to adjust, independence and self-help and achieve functional abilities in accordance with their potential, both physical, mental, social and economic. In the end, they are expected to overcome the problem of drug abuse and re-interact with the community reasonably.¹⁷

Optimization of rehabilitation implementation by BNNK Payakumbuh is measured by the results of the rehabilitation and the number of people participating in rehabilitation. In 2019, 31 people (outpatient) participated in medical and social rehabilitation with outpatient treatment, meaning that patients came regularly to the rehabilitation center. In 2020 there was an increase to 35 people (outpatient). Likewise, in 2021 it increased again to 43 people (outpatient). Based on the data of rehabilitation participants, no one repeats rehabilitation. The increase in the number of participants shows the legal awareness of the community to participate in rehabilitation. Meanwhile, for inpatient rehabilitation, participants were sent to H.B. Saanin Hospital in Padang. This shows that the implementation of rehabilitation has been optimal

Another effort is Supervision and Monitoring. Done so that victims of narcotics abuse do not return to using narcotics under any conditions by checking periodically for 4 months after completing rehabilitation at BNNK Payakumbuh. In addition, victims of narcotics abuse are required to make a statement letter not to return to using narcotics to BNNK Payakumbuh, if victims of narcotics abuse return to using narcotics, they must be ready for the applicable legal process. Therefore, it is hoped that victims of drug abuse will not return to using narcotics because there is a threat of punishment for a deterrent effect on them.

In conducting an analysis of the optimization of the implementation of medical rehabilitation and social rehabilitation for addicts and victims of drug abuse at the National Narcotics Agency Payakumbuh City, the author uses the theory of the legal system according to Lawrence Friedman.

The three components of the legal system according to Lawrence Friedman above are the soul or spirit that moves the law as a social system that has a special character and technique in its study. Friedman distinguishes the legal system as a process that begins with an input in the form of raw materials in the form of sheets of paper in a draft lawsuit filed in a court, then the judge manages the raw materials to produce *an output* in the form of a verdict.

So that this theory is considered in line with the optimization of the implementation of medical rehabilitation and social rehabilitation for addicts and victims of drug abuse at the National Narcotics Agency Payakumbuh City. The implementation of rehabilitation must of

¹⁷ Ida Bagus Putu Swadharma Diputra, Rehabilitation Policy for Drug Abusers in Law Number 35 of 2009 concerning Narcotics, *Law Journal* Vol. I, Udayana University, Denpasar, p. 6.

course also harmonize the same views between law enforcement, supported by all the needs of addicts, abusers and victims of narcotics, including the fulfillment of technical needs, the provision of adequate budget for transportation of each summons and return of defendants in undergoing legal processes, the Integrated Assessment Team in Regional Districts must also maximize or play an active role, and the availability of rehabilitation places in each region Until the ideal of rehabilitation can be fulfilled. Strengthen coordination between law enforcement, health offices and social services so as to provide full rights for suspects and/or defendants to carry out medical rehabilitation and social rehabilitation.

Rehabilitation at BNNK Payakumbuh will affect the development of narcotics abuse in the future, therefore it is very appropriate for matters related to rehabilitation to be a top priority in healing addiction for drug abuse. If the provision of rehabilitation goes well, it gives pride to BNNK Payakumbuh in healing abuse from addiction diseases, so that BNNK Payakumbuh has a very heavy task in raising self-esteem and building a sense of responsibility for drug abuse to adjust to a peaceful and prosperous life in society and become a good person and high morals.

CONCLUSIONS

The implementation of rehabilitation can be carried out as well as possible, so cooperation and coordination must be carried out between all levels of legal processes passed by drug addicts. The government can further equip facilities and infrastructure as well as health workers in carrying out rehabilitation of drug addicts and victims.

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Ida Bagus Putu Swadharma Diputra, Rehabilitation Policy for Drug Abusers in Law Number 35 of 2009 concerning Narcotics, *Journal of Law* Vol. I, Udayana University, Denpasar