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THE EFFECTIVENESS OF REHABILITATION FOR DRUG ADDICTS AND VICTIMS OF DRUG ABUSE IN TACKLING DRUG ABUSE IN BULELENG DISTRICT

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Article Information

Abstract

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Regarding the implementation of rehabilitation for narcotics addicts and victims of narcotics abuse, it is an important thing to research, not only because there are not a small number of narcotics addicts in Buleleng Regency, but because the implementation of rehabilitation is very important in the entire system for dealing with narcotics abuse. This research examines the effectiveness of rehabilitation for narcotics addicts and victims of narcotics abuse in Buleleng Regency in overcoming narcotics abuse in Buleleng Regency and the obstacles encountered in implementing rehabilitation for narcotics addicts and victims of narcotics abuse in Buleleng Regency in overcoming narcotics abuse in Buleleng Regency. This research is descriptive empirical legal research, utilizing library data sources and field data sources to obtain secondary and primary data. Data collection was carried out by conducting literature studies and interviews. Data was obtained descriptively. Rehabilitation for narcotics addicts and victims of narcotics abuse in Buleleng Regency in tackling narcotics abuse in Buleleng Regency has been effective. Obstacles encountered in carrying out rehabilitation for narcotics addicts and victims of narcotics abuse in Buleleng Regency in overcoming narcotics abuse in Buleleng Regency include personal limitations, no permanent office, lack of public legal awareness, Buleleng National Narcotics Agency has not been able to provide inpatient services, as well as funding problems for people who do not have a Healthy Indonesia Card.

Introduction

The purpose of the State of Indonesia is stated in the fourth paragraph of the Preamble of the 1945 Constitution of the Republic of Indonesia, which states that the purpose of forming

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the Government of the State of Indonesia is to protect the entire Indonesian nation and the entire homeland of Indonesia and to advance the general welfare, educate the nation's life, and participate in implementing world order based on independence, eternal peace and social justice. Efforts to achieve the country's goals are carried out through the implementation of planned and sustainable development. Planned development has a strong legal basis, in the form of a law, namely Law of the Republic of Indonesia Number 25 of 2004 concerning the National Development Planning System. The implementation of sustainable development has become Indonesia's commitment, not only nationally but also internationally. For this reason, Indonesia is a country that is actively involved in international agreements to support the implementation of sustainable development globally.

The Sustainable Development Goals are global and national commitments in an effort to improve the welfare of society, including 17 goals namely: (1) no poverty; (2) no hunger; (3) healthy and prosperous lives; (4) quality education; (5) gender equality; (6) clean water and proper sanitation; (7) clean and affordable energy; (8) decent work and economic growth; (9) industry, innovation and infrastructure; (10) reduced inequality; (11) sustainable cities and settlements; (12) responsible consumption and production; (13) tackling climate change; (14) ocean ecosystems; (15) terrestrial ecosystems; (16) peace, justice and resilient institutions; and (17) partnerships to achieve the goals (Yudianto, et al. 2020:1). Drug abuse is part of the obstacles in realizing national development goals.

Drug abuse not only hampers development, it can even threaten the sustainability of the Nation. Ineffective countermeasures against drug abuse will have a direct impact on efforts to prosper the people in an equitable and sustainable manner, especially because the victims are generally the younger generation. Drug abuse is so dangerous because of the effects experienced by the user. The effects of drug use can be divided into three, namely depressants, stimulants, and hallucinogens. Depressants suppress the central nervous system and reduce the body's functional activities so that the user feels calm, can even make the user sleep and unconscious. If the dose is excessive, it can lead to death. Types of depressant drugs include opiates, and various derivatives such as morphine and heroin, a popular example now is putaw. Stimulants have the effect of stimulating bodily functions and increasing excitement and awareness. Types of stimulants include: caffeine, cocaine, amphetamines, examples that are now often used are shabu-shabu and ecstasy. Hallucinogens have the main effect of altering perception or causing hallucinations. Hallucinogens mostly come from plants such as *mescaline from* cacti and *psilocybin* from mushrooms, the most widely used is marijuana or cannabis (Siregar, 2019: 145-146).

Drug users or victims will experience the effects of drugs, among others: *first*, effects on the central nervous system, namely: *depressants* (slowing down the work of the nervous system), *stimulants* (stimulating the work of the nervous system), and *hallucinogens* (distorting the work of the nervous system). *Second*, physical: wet lung, acute ulcer, damaged organs. *Third*, social: withdrawn, anti-social: deceitful. *Fourth*, psychological: dreamy, hallucinatory, paranoid, sadistic. *Fifth*, faith: deifying drugs. *Sixth*, economic: bankruptcy (Hidayatullah, 2015:17). Given its tremendous impact on the sustainability of the nation and state, drug abuse is placed as a serious crime against humanity. Its countermeasures are difficult because it is criminologically categorized as a *crime without* victim, a crime that does not cause other victims. The victim of this crime is himself. The fundamental formulation of a crime is the existence of perpetrators and victims of crime. Crime is the result of interaction due to the interrelation between existing phenomena that influence each other. Efforts to tackle crime

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must find which phenomena are important and need to be taken into account in the occurrence of crime (Gosita, 2012: 98).

It has been widely reported that drug crimes involve millions of dollars, with a complex modus operandi with the use of sophisticated technology, involving syndicates that not only operate in one country but across countries that are neatly organized and secret. It is understandable that the problem of drug crime is no longer the responsibility of just one country, but has become the responsibility of almost all countries in the world. Because narcotics crime has caused so many negative aspects and has relevance to the emergence of several other crimes (Wirasila, et al., 2017: 4). The consideration of the letter of Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics states as follows:

"that the criminal act of Narcotics has been transnational in nature which is carried out using a high modus operandi, sophisticated technology, supported by an extensive organizational network, and has caused many victims, especially among the younger generation of the nation which is very dangerous to the life of the community, nation and state so that Law Number 22 of 1997 concerning Narcotics is no longer in accordance with the development of the situation and conditions that have developed to tackle and eradicate the criminal act".

In Criminal Law, it is known as a *double track system*, which is a two-track system regarding sanctions in criminal law, which has types of criminal sanctions and action sanctions. The focus of criminal sanctions is shown on wrongdoing that has been committed by someone through the imposition of suffering so that the person concerned becomes a deterrent. The focus of action sanctions is more focused on efforts to provide help to the perpetrator so that he changes. Criminal sanctions emphasize more on retaliation while action sanctions stem from the basic idea of community protection and guidance or treatment of offenders (Sujono, and Daniel, 2011: 23). The two-track system in overcoming criminal acts of narcotics abuse is stated in Article 54 of Law of the Republic of Indonesia Number 35 of 2009 which states: "Narcotics addicts and victims of narcotics abuse must undergo medical rehabilitation and social rehabilitation". The Explanation of Article 54 states that what is meant by a victim of narcotics abuse is someone who accidentally uses narcotics because they are persuaded, tricked, cheated, forced, and/or threatened to use narcotics.

Article 103 of Law of the Republic of Indonesia Number 35 Year 2009 states that judges examining cases of drug addicts can choose:

- a. decides to order the person concerned to undergo treatment and/or care through rehabilitation if the drug addict is found guilty of committing a drug crime, or
- b. stipulates to order the person concerned to undergo treatment and/or care through rehabilitation if the drug addict is not proven guilty of committing a drug crime.

If it is decided that the person undergoes treatment and/or care through rehabilitation, then the period of treatment and/or care for the drug addict is taken into account as the period of serving the sentence.

Article 1 point 1 of Government Regulation of the Republic of Indonesia Number 25 of 2011 concerning the Implementation of Mandatory Reporting of Narcotics Addicts confirms that narcotics addicts who are of legal age or their families, and/or parents or guardians of narcotics addicts who are not of legal age, are obliged to report, namely the activity of reporting themselves to the institution receiving the mandatory report to get treatment and/or care through medical rehabilitation and social rehabilitation. In relation to rehabilitation, Article 6 of Government Regulation of the Republic of Indonesia Number 25 of 2011 states that

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drug addicts who have carried out mandatory reporting, must undergo medical rehabilitation and/or social rehabilitation in accordance with the rehabilitation plan. The obligation to undergo medical rehabilitation and/or social rehabilitation also applies to narcotics addicts ordered under:

- a. court decision if the drug addict is found guilty of committing a drug crime;
- b. court decision if the drug addict is not proven guilty of committing a drug crime.

It is also stated that drug addicts who are undergoing the judicial process can be placed in medical rehabilitation and/or social rehabilitation institutions. Placement in a medical and/or social rehabilitation institution is the authority of the investigator, public prosecutor, or judge in accordance with the level of examination after obtaining a recommendation from the Medical Team. The provision of placement in medical and/or social rehabilitation institutions also applies to victims of drug abuse. In Supreme Court Circular Letter No. 3/2011 it is stated that the placement of suspects/defendants in medical treatment is not a new thing that existed after the enactment of Law of the Republic of Indonesia No. 35/2009. This is stated in the explanation of Article 21 paragraph (4) letter b of Law No. 8 of 1981 (KUHAP) which regulates as far as possible the detention of drug addict suspects and defendants in a certain place which is also a place of treatment.

Currently, the rehabilitation of drug addicts and victims of drug abuse is regulated in several laws and regulations. In addition to being regulated and mandated by Law of the Republic of Indonesia Number 35 of 2009, it is also regulated in Government Regulation of the Republic of Indonesia Number 25 of 2011; Supreme Court Circular Letter Number 3 of 2011 concerning Placement of Victims of Abuse and Narcotics Addicts in Medical Rehabilitation and Social Rehabilitation Institutions; Regulation of the Minister of Social Affairs of the Republic of Indonesia Number 3 of 2012 concerning Standards for Social Rehabilitation Institutions for Victims of Abuse of Narcotics, Psychotropic Substances, and Other Addictive Substances; Regulation of the Minister of Health of the Republic of Indonesia Number 4 of 2020 concerning the Implementation of Mandatory Reporting Recipient Institutions; Regulation of the Head of the National Narcotics Agency Number 11 of 2014 concerning Procedures for Handling Suspects and/or Defendants of Narcotics Addicts and Victims of Narcotics Abuse into Rehabilitation Institutions; and others.

Table 1 Special Cases Prisoners at Singaraja Class II B Correctional Institution 202 1

No	Case	Prisoners		Prisone rs		Total
•		P	W	Р	W	
1	Corrupti	10	1	10	3	24
	on					
2	Terrorist	-	-	-	-	-
	s					
3	Narcotic	87	9	16	-	112
	S					
Total		97	10	26	3	136

Source: Preliminary assessment at Singaraja Correctional Institution Class II B.

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Correctional institutions are still the focus of attention among criminal law experts and their problems that have not been able to be resolved properly. It is well realized that solving the problems of correctional institutions is not easy because there are so many knots of problems that must be described. The complexity of the existing problems causes every step to bring up paradoxes and lead to dilemmatic situations. Thus, looking at the problems in prisons actually requires a holistic frame of mind, especially if using a legal approach as part of the criminal justice system (Hartono, et al. 2023: 554). Drug abuse in Buleleng Regency has become a serious problem. One indication is the number of prisoners of narcotics abuse who are prisoners at Singaraja Class II B Correctional Institution, out of 136 prisoners of special cases, 112 people are prisoners of narcotics abuse. The total number of prisoners in Singaraja Class II B at the same time was 246, so that the percentage of prisoners who misused drugs was 45.5%. The implementation of rehabilitation for drug addicts and victims of drug abuse is important to study not only because the number of drug addicts in Buleleng Regency is not small, but because the implementation of rehabilitation is very important in the overall system of overcoming drug abuse.

Research Methods

The type of research that will be used in this research is empirical legal research. Empirical legal research means research that refers to legal facts that include social and cultural facts.

In examining this case, the research used descriptive properties. Descriptive research means one of the characteristics of research that explains or describes precisely, factually, and systematically to a certain population or area, regarding certain properties, characteristics, or factors (Ali, 2016: 10).

This research obtains data sourced from library data sources and field data sources. From field data sources, secondary data was collected consisting of primary, secondary and tertiary legal materials. Legal material collection techniques are carried out using two types of data collection, namely document study techniques, observation and interviews.

The sampling technique used in this research is *non probability sampling* technique. *The* form of implementation of *non probability sampling* technique in this research is *Purposive Sampling*. This research data is studied and processed in a qualitative way, namely data that is described not in the form of numbers but in the form of data in the form of words which will be arranged in an organized and systematic manner.

Results and Disscusion

The Effectiveness of Rehabilitation for Drug Addicts and Victims of Drug Abuse in Overcoming Drug Abuse in Buleleng Regency

The effectiveness of a legal norm relates to the achievement of legal objectives, namely to create justice, order and benefit. This goal can be achieved if the law not only applies normatively, but is also obeyed in reality. Quoting Lawrence M. Friedman, Alwin (2022: 114) states that the legal system is required to fulfill three elements so that *law in book* and *law in action* take place coherently. Legal effectiveness in society can be an indicator to assess whether there is a gap between *law in book* and *law in society or action*. If the level of legal effectiveness in society is good and high, then the law can be said to have been applied thoroughly and simultaneously, so that there is no gap between *law in book* and *law in society*. If the effectiveness of law in society tends to be low, then there is a gap between *law in book* and *law in society and* has an impact on not fulfilling the objectives of the rule of law (Alwin Ahadi, 2022: 115).

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The effectiveness of a legal norm is generally associated with the implementation of the legal norm and the achievement of the objectives of the legal norm. If a legal norm is actually enforced and the objectives can be realized, then the legal norm is effective. If a legal norm cannot be enforced in reality and the expected objectives cannot be realized, then the legal norm can be called ineffective. In relation to rehabilitation of drug addicts and victims of drug abuse in Buleleng Regency in tackling drug abuse in Buleleng Regency, it is effective if the legal norms governing it can be enforced or implemented, and the purpose of enforcement can be achieved.

In the preamble of Law No. 35/2009, it is emphasized that the regulation of narcotics is aimed at at least two things, namely the availability of narcotics as a medicinal substance and preventing/addressing its abuse. It is stated that to improve the degree of health of Indonesia's human resources in order to realize the welfare of the people, it is necessary to make efforts to improve in the field of treatment and health services, among others, by seeking the availability of certain types of Narcotics that are urgently needed as drugs and preventing and eradicating the dangers of abuse and illicit trafficking of Narcotics and Narcotic Precursors. This is because narcotics on the one hand is a drug or material that is useful in the field of treatment or health services and the development of science and on the other hand can also cause dependence which is very detrimental if it is misused or used without strict and careful control and supervision (Consideration letter b and letter c).

The establishment of a national narcotics agency (BNN) is mandated by Article 64 of Law No. 35/2009, which states that in order to prevent and eradicate the abuse and illicit trafficking of narcotics and narcotic precursors, a national narcotics agency (BNN) is established. BNN is a non-ministerial government agency that is under the President and responsible to the President. BNN is domiciled in the national capital with a working area covering the entire territory of the Republic of Indonesia. BNN has representatives in provinces and districts/cities. The provincial BNN is located in the provincial capital and the district/city BNN is located in the district/city capital.

The National Narcotics Agency of Buleleng Regency was formed relatively recently, in 2018. BNNK Buleleng is currently based at Jalan Teleng Number 3 Singaraja. BNNK Buleleng was established on 13 March 2018 based on the Regulation of the Head of the National Narcotics Board of the Republic of Indonesia No. 23 of 2017 concerning the Fifth Amendment to the Regulation of the Head of the National Narcotics Board No. 3 of 2015 concerning the Organization and Work Procedures of the Regency/City National Narcotics Board. The Head of the National Narcotics Board Regulation No. 3 of 2015 has been revoked by the Regulation of the National Narcotics Board of the Republic of Indonesia No. 6 of 2020 concerning the Organization and Work Procedures of the Provincial National Narcotics Board and the Regency / City National Narcotics Board).

Law No. 35/2009 on the sanctioning of drug abusers adheres to a *double track system*, namely in the form of criminal sanctions and action sanctions. The term *double track system* means that there is a separation between criminal sanctions and action sanctions. The development of this legal system has introduced measures (*maatregel*) as an alternative to the main punishment, especially imprisonment. This happened due to distrust of the success of "prison" as a form of punishment/sanction (Gita Santika Ramadhani, 2012: 5). One form of action sanction against drug abusers is rehabilitation.

The Head of the Rehabilitation Section of BNNK Buleleng explained that the legal basis for the implementation of rehabilitation for narcotics abusers is Article 54 of Law No. 35 of

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2009 which states: "Narcotics addicts and victims of narcotics abuse must undergo medical rehabilitation and social rehabilitation".

The Head of the Rehabilitation Section of BNNK Buleleng explained that until now there are 305 drug addicts who have participated and are currently participating in the rehabilitation program implemented by BNNK Buleleng. After assessment, drug addicts with mild addiction will be rehabilitated at the Primary Clinic of BNNK Buleleng on an outpatient basis. Addicts with moderate and severe addiction will be referred to inpatient care at Darmawangsa Hospital, which is managed by the Bali Provincial Government, or to Bangli Mental Hospital. He further explained that drug addicts who have participated in rehabilitation at BNNK Buleleng, who repeat the act of abusing drugs are around 10%. There is no record of the exact number at BNNK Buleleng.

In 2022, out of 65 people undergoing rehabilitation, 5 of them underwent inpatient rehabilitation, the rest underwent outpatient treatment. In 2021, out of a total of 129 people undergoing rehabilitation, there were 18 people undergoing inpatient rehabilitation. The Head of the Rehabilitation Section of BNNK Buleleng explained further, that in the officer's perspective, every drug addict is a victim, a victim of the circulation of narcotics and wrong relationships. Therefore, it must be assisted so that it is free from addiction, and does not repeat its bad actions.

Basically, rehabilitation is a form of depenalization (not punishing in the form of criminal sanctions) of drug abuse. Efforts to overcome the problem of drug addiction require appropriate steps and policies so that the high rate of drug abuse in Indonesia can be reduced. The handling of narcotics using a law enforcement approach has apparently not produced a solution that is in accordance with efforts to prevent, eradicate the abuse and illicit trafficking of narcotics. Based on this, a policy was taken, namely depenalization of narcotics addicts in order to build a paradigm that is developing in society today is to consider narcotics addiction as a serious offense and the perpetrators deserve a prison sentence, this perception needs to be changed in handling narcotics cases (Hafied Ali Gani, 2015: 5).

The implementation of rehabilitation by BNNK Buleleng does not only pay attention to BNN internal regulations. The Head of the Rehabilitation Section of BNNK Buleleng explained that one of the regulations that is also a reference is the Regulation of the Minister of Health of the Republic of Indonesia Number 80 of 2014 concerning Technical Guidelines for the Implementation of Medical Rehabilitation for Addicts, Abusers, and Victims of Narcotics Abuse who are in the Process of Investigation, Prosecution, and Trial or have Received Court Determination / Decision. This regulation states that addicts, abusers, and victims of narcotics abuse who have been decided/determined by the court for rehabilitation must undergo 3 (three) stages of treatment, namely the initial inpatient program, the follow-up program and the post-treatment program.

Constraints in the Rehabilitation of Narcotics Addicts and Victims of Narcotics Abuse in Overcoming Narcotics Abuse in Buleleng Regency

In Bali, along with the changes in the types of drugs consumed and the increasingly strict supervision and law enforcement against drug dealers, dealers, and users, the way of distributing drugs has also changed in Bali Province. The pattern of face-to-face transactions is very rare nowadays. Drug transactions are done using a transfer system, no longer meeting face to face, so it is more hidden. This makes drug transactions that occur difficult to uncover because they are invisible. Currently, drug trafficking uses a network system in which there are couriers, dealers, and bookies.

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Therefore, it is relatively difficult for police officers or the Bali Province BNN to uncover the drug trafficking network because it is disconnected. To get drugs, usually the order is made through cellphone communication and the payment is made through transfer to a certain bank account number. Meanwhile, the delivery system for drugs ordered via cellphone is done by pasting the purchased drugs on a wall. The ordering address that is often used is fake. BNNP Bali has uncovered several cases of illicit drug trafficking that were delivered using expedition services. For example, on January 6, 2019, BNNP Bali successfully uncovered the delivery of approximately 25 kg of marijuana from North Sumatra through an expedition service in Sanur, Denpasar. The seller and buyer did not know each other, so the BNNP did not know the drug dealer. According to BNNP's terms, they use the Shot Gun method, which is to break up the distribution of narcotics to various regions using a number of couriers in the hope that this method can pass more of the goods (Sri Lestari, 2019: 261).

The Head of the Rehabilitation Section of BNNK Buleleng explained the obstacles to the implementation of rehabilitation for drug abusers by BNNK Buleleng, among others:

- 1. Currently, personnel to carry out the duties and functions of BNNK Buleleng, both for prevention and control, are still limited. Given the vast area of Buleleng Regency, additional personnel who have the knowledge and skills to support the implementation of the duties of the National Narcotics Board of Buleleng Regency are still needed.
- 2. The Buleleng BNNK office still utilizes the Local Government building, which is basically not designed as a BNNK building, it would be better if a new building is built, with facilities that support the implementation of the duties and functions of the Buleleng BNNK, as a place of public service, including an adequate rehabilitation clinic.
- 3. Public awareness and knowledge about drugs is still relatively low and makes it difficult for BNNK Buleleng to implement rehabilitation policies. Public awareness and knowledge about drugs, especially in terms of rehabilitation, is very important to reduce the number of drug abusers and reduce the *relapse* effect for drug addicts who have undergone the criminal process and returned to the community. The rehabilitation policy is actually very important so that drug addicts who have just been released from prison get further supervision so that they do not repeat their mistakes or even cause new victims by inviting people around them to take drugs.
- 4. Until now, BNNK Buleleng can only provide outpatient services, for the implementation of inpatient care must still be carried out elsewhere.
- 5. For the implementation of outpatient care, the costs can still be reduced, and are not charged to rehabilitation participants, but for hospitalization it becomes a problem, especially for participants who do not have a Healthy Indonesia Card (KIS). For KIS holders, the cost of rehabilitation is borne by the state. For rehabilitation participants who require hospitalization, free of charge can only be provided at facilities managed by the Central BNN.

Important in the implementation of rehabilitation in the final stage is checking whether or not there is a possibility of the client using drugs again, either occasional use or *relapse* (*slip, lapse or relapse*). This monitoring is particularly important to assess consistency and adherence to therapy. This approach can be done in outpatient services to assess consistency and adherence and can also be provided in inpatient services, especially after rehabilitation participants get permission to leave the clinic for some reason. The substance use monitoring method used can be in the form of a urine test with a *rapid test of* at least 4 (four) parameters (Amp, Met, THC, Heroin), a self-report method under therapeutic relationship conditions or other evidence-based methods (BNN, 2016: 36).

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In her research, Setiawati (2023: 12) found that the obstacles faced by the National Narcotics Board of Buleleng Regency are internal and external. Internal constraints such as budget limitations and personal limitations of the National Narcotics Board of Buleleng Regency. This is related to Buleleng Regency which has a very large area which is divided into 9 sub-districts, 129 villages and 19 villages. Budget limitations are an obstacle in efforts to implement drug abuse prevention activities because the distance between the Office of the National Narcotics Board of Buleleng Regency and each sub-district has a considerable distance, even more so with the limited members/personalities of the National Narcotics Board of Buleleng Regency which only amounts to 20 people who should be in the organization of the National Narcotics Board at the Regency level with 75 members/personnel. The limited number of members/personnel means that it will not be able to reach all areas of Buleleng Regency.

In addition to the limited budget and members/personnel, the biggest obstacle faced by the National Narcotics Board of Buleleng Regency is transportation facilities. The lack of transportation used to go to the counseling place makes the quality of the implementation of the performance of the National Narcotics Board of Buleleng Regency less effective. External constraints faced by the National Narcotics Board of Buleleng Regency constraints that are very influential in the implementation of efforts to prevent drug abuse in Buleleng Regency experienced by the National Narcotics Board of Buleleng Regency are constraints that come from outside or external such as the still low awareness or concern of the community towards the prevention of drug abuse. Partly related to community support which considers that the problem of narcotics is a trivial problem that is not the responsibility of the community. People will care about the problem of narcotics if it has happened to their family or those closest to them.

Conclusion

Based on the results and discussion that have been presented, the following conclusions can be formulated.

- 1. Rehabilitation of drug addicts and victims of drug abuse in Buleleng Regency in tackling drug abuse in Buleleng Regency is effective, of all addicts and victims of drug abuse who have participated in rehabilitation who repeat their actions only 10%. There are no addicts or victims of drug abuse who can participate in rehabilitation that are not served. The existing facilities and infrastructure support can meet the needs to carry out rehabilitation for addicts or victims of drug abuse who are eligible to be included in rehabilitation.
- 2. The obstacles encountered in carrying out rehabilitation for drug addicts and victims of drug abuse in Buleleng Regency in tackling drug abuse in Buleleng Regency:
 - a. Currently, personnel to carry out the duties and functions of BNNK Buleleng, both for prevention and control, are still limited. Given the vast area of Buleleng Regency, additional personnel who have the knowledge and skills to support the implementation of the duties of the National Narcotics Agency of Buleleng Regency are still needed.
 - b. The Buleleng BNNK office still utilizes the Local Government building, which is basically not designed as a BNNK building, it would be better if a new building is built, with facilities that support the implementation of the duties and functions of the Buleleng BNNK, as a place of public service, including an adequate rehabilitation clinic.

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- c. Public awareness and knowledge about drugs is still relatively low and makes it difficult for BNNK Buleleng to implement rehabilitation policies. Public awareness and knowledge about drugs, especially in terms of rehabilitation, is very important to reduce the number of drug abusers and reduce the relapse effect for drug addicts who have undergone the criminal process and returned to the community.
- d. Until now, BNNK Buleleng can only provide outpatient services, for the implementation of inpatient care still has to be carried out elsewhere.
- e. For the implementation of outpatient care, the costs can still be reduced, and are not charged to rehabilitation participants, but for hospitalization it becomes a problem, especially for participants who do not have a Healthy Indonesia Card (KIS). For KIS holders, the cost of rehabilitation is borne by the state. For rehabilitation participants who require hospitalization, free of charge can only be provided at facilities managed by the Central BNN.

Furthermore, the suggestions that can be given are for BNNK Buleleng to continue to socialize to the wider community regarding the rehabilitation program for drug abusers, and always strive so that the implementation of rehabilitation for drug addicts and victims of drug abuse in Buleleng Regency can be carried out properly. The Regional Government is advised to find alternative financing for rehabilitation for poor people who do not have a Healthy Indonesia Card (KIS). Furthermore, the community is advised to actively support the prevention and control of drug abuse, including the implementation of rehabilitation.

Refrences

Books

Ali, Zainuddin. 2016. Legal Research Methods. Jakarta: Sinar Grafika. Gosita, Arif. 2012. The *Problem of Crime Victims*. Jakarta: PT Bhuana Popular Science.

Journals And Articles

Alwin Ahadi, Lalu M.. 2022. "Legal Effectiveness in the Perspective of Legal Philosophy: The Relation of the Urgency of Socialization to the Existence of Legal Products". *USM Law Review Journal* Vol 5 No 1 Year 2022.

BNN. 2016. Standards of Rehabilitation Services for Addicts and Victims of Drug Abuse. Jakarta: Deputy for Rehabilitation.

Gita Santika Ramadhani. 2012. "Criminal System and Double Track System in Criminal Law in Indonesia". *Diponegoro Law Review*. Volume 1. Number 4. 2012.

Hafied Ali Gani. 2015. *Rehabilitation as a Depenalization Effort for Narcotics Addicts*. Malang: Thesis Faculty of Law, Brawijaya University.

Hartono, Made Sugi, Muhamad Jodi Setianto, I Nengah Suastika. Beneficial Criminal Law Construction in Handling Criminal Acts of Narcotics Abuse. *Journal of Legal Communication*. 9(1).

Hidayatullah, Syarif. 2015. "Drugs in the Perspective of Religion and Philosophy". *UGM Invites: Achieve Achievement Without Drugs.* Yogyakarta: Gadjah Mada University Press.

Published Law Department, Universitas Pendidikan Ganesha

Volume 1 Issue 1, April 2023 | P-ISSN: 2830-6546

- Siregar, Rospita Adelina. "The Threat of Drugs to the Young Generation and its Prevention and Countermeasure Efforts". *Comunita Servizio Journal*, Volume 1, Number 2, 2019.
- Setiawati, Ni Made Febby et al. 2023. The Role of the National Narcotics Agency (BNN) of Buleleng Regency in Efforts to Prevent Narcotics Abuse in Buleleng Regency ". *Kertha Widya Journal of Law* Vol. 11 No. 1 August 2023.
- Sujono, A.R, and Bony Daniel. 2011. Commentary and Discussion of Law Number 35 of 2009 concerning Narcotics. Jakarta: Sinar Grafika.
- Wirasila, Anak Agung Ngurah, et al. 2017. *Narcotics Crime and Countermeasures*. Denpasar: Faculty of Law, Udayana University.
- Yudianto, Arifin, et al. 2020. *Technical Guidelines for the Preparation of Action Plans for Sustainable Development Goals (Tpb/Sdgs)*. Jakarta: Deputy for Maritime Affairs and Natural Resources, Ministry of National Development Planning/National Development Planning Agency.

Legislation

Government Regulation Number 25 of 2011 concerning the Implementation of Mandatory Reporting of Narcotics Addicts (State Gazette of the Republic of Indonesia of 2011 Number 46, Supplement to the State Gazette of the Republic of Indonesia Number 5211).

Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics (State Gazette of the Republic of Indonesia Number 506