

Research Article

Narcotics Addicted Based on Constitution No. 35 of 2009 about Narcotics

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ABSTRACT: Incipience of the constitution No. 35 of 2009 on narcotics are the most tend to be more humanist / humane in view of victims of drug abuse, but very hard on the dealers, importers and manufacturers of the drug itself. Moreover, the law is also confirmed for the addicts who are of age and their parents / guardians of the addicts who are not old enough for a mandatory report to health centers, hospitals or institutions medical and social rehabilitation are appointed by the government, to get a recovery or rehabilitation.

Through the experience where in the world that has grown up to be an addict stigma society's belief that drug addicts are evil. Stigma is only made increasingly decline addicts. The enactment of constitution No. 35 of 2009 on narcotics provide fresh air to the shifting treatment of drug addicts. They are the victims that must be cured with the loving support. Supreme Court Circular (SEMA) No. 4 of 2010 and reinforced by SEMA No. 3 of 2011 confirms that addicts narcotics were caught red-handed by the authorities, and proved to be the judge can impose criminal penalties to undergo medical and social rehabilitation at a rehabilitation have been determined.

In accordance with constitution No 35 point 54 of 2009 on Narcotics, narcotics addicted shall undergo medical rehabilitation and social rehabilitation at a rehabilitation center for drug dependence. With medical rehabilitation and social rehabilitation are intended to restore and / or develop the physical, mental and social addicts, with the ultimate goal to heal addicts from the bondage of drug addiction, then this method will become a tool chain breaker cycle illicit trafficking (in contrast to the demand and supply) which was recently increased.

So at the present time law enforcement officers should be able to decide whether an offender substance abuse was a criminal narcotics or just as a drug addict.

Key words: Addicted, Narcotics, Constitution No. 35 of 2009

INTRODUCTION

Background

Development abuse narcotics from time to time showed a trend that more and more increased, even cases that revealed by the police just mountain icephenomenon, which only partially small are appear in surface while depth no measurable. Abuse of narcotics is a national and international problem because the negative impact that could ruin and threaten various aspects of society life, nation and country and even if could hamper the national development process¹.

Narcotics are substances or drugs derived from plants or not a plant, either synthetic or semisintetis, which may cause deterioration or alteration of consciousness, loss of taste, reduce to eliminate pain, and can lead to dependence. On one side is a narcotic drug or useful materials in the fields of medicine, health care, and the development of science. However, on the other hand can cause dependence highly detrimental when used in the absence of strict control and

supervision and carefully².

Narcotics in Indonesia when viewed from the juridical aspect is legitimate existence when held and used for medical purposes and science, as stated in Point 7 of Constitution No.

35 of 2009 which reads: "*Narcotics can only be used for the benefit of health care and / or the development of science and technology*"

The Constitution No. 35 of 2009 on Narcotics only prohibits the use of narcotics without a license by law. Such situation is the reality on the ground, the use of narcotics is often misused and not for medical purposes and science. But far from it, made the event a promising business and growing rapidly, which is where these activities impact on the physical and psychological damage to the wearer mental narcotics, especially the younger generation.

We are looking forward to cleaning operations on a large scale against the misuse of the drug to be launched, either by initiative of various circles of society, and the police today,

¹Elizabeth siahaan, *Peranan penyidik polri dalam PenangananTindak Pidana Narkotika di Sumatra Utara*, Tesis, (Medan : Sekolah Pascasarjana, Universitas Sumatera Utara, 2009).page 24.

²Subagyo Partodiharjo, *Kenali Narkoba Dan Musuhi Penyalahgunaannya*, (Esensi : Surabaya, 2009) , page 7

will achieve optimal results, can at least limit the spread of abuse. The efforts in the form of prevention, eradication and prevention issues illicit trafficking of narcotics and other illicit drugs has been done by all elements of the nation. Call it an effort to reform the law on Narcotics of the Constitution No. 9 of 1976 into Constitution No. 22 of 1997 and then changed again to Constitution No. 35 of 2009³. According to the Constitution No. 35 of 2009 on Narcotics, that the regulatory implementation of the Constitution No. 22 of 1997 on Narcotics remain valid as far not contrary to and / or replaced by new regulations based on the constitution. With the enactment of the Act - this legislation, of the Constitution No. 22 of 1997 on Narcotics (Official Gazette number 67 in 1997, an additional number LN 3698) declared void. Constitution No. 35 of 2009 was enacted into force on October 12, 2009⁴.

The constitution No. 35 of 2009 is believed to provide a deterrent effect that accompanied the hopes of getting a reduced number of abuse of narcotics and other illegal drugs in Indonesia. Implementation of prevention efforts also have been made both by the Police and the National Narcotics Agency (BNN) at central level to the district through the efforts of education and socialization about the dangers of drugs and measures of law enforcement carried out by the police assisted by agencies other relevant. Various factories that produce Narcotics successfully revealed by the officers, but still be a danger of these crimes must be aware of the problems community⁵.

Society is often regarded as people who abuse narcotics the dregs of society, this is not to blame. Because of the new constitution No. 35 of 2009 which provides different treatment for drug abusers. Before this law applies, there is no difference in treatment between the dealers, the city, as well as manufacturers of drugs, both jailed both in prisons generally and prison specialty drugs, there is a clear distinction to each offender substance abuse such as producer is a person who without rights and illegally possess, store, retain and sell drugs, while drug users are people who use drugs but had not yet reached the stage of addiction, addicts are people who use drugs and in a state of dependence on the drug, both physically and psychologically⁶. Narcotics addicted desperately need community support. After all addicts are citizens who have equal rights with other community members. It is inevitable - campaigns that have been done tend to put drug users as an isolated group, thus indirectly affect their opportunities to access services⁷.

Experience elsewhere in the world that has grown up to be an addict stigma society's belief that drug addicts are evil. Stigma is only made increasingly decline addicts. The enactment of

³Siswanto, *Politik Hukum Dalam Undang – Undang Narkotika*, (Rineka Cipta:Jakarta, 2012), page.31

⁴Siswanto, *Politik Hukum Dalam Undang – Undang Narkotika*, (Rineka Cipta:Jakarta, 2012), page.31

⁵*Ibid*

⁶Hasil wawancara dengan Fitri Yanti, S.Sos (divisi jaringan & komunikasi) Primansu, dilakukan tanggal 5 7 2012

⁷*Ibid*

the constitution No. 35 of 2009 on narcotics provide fresh air to the shifting treatment of drug addicted. They are the victims that must be cured with the loving support. Supreme Court Circular (SEMA) No. 4 in 2010 and reinforced by SEMA No. 3 of 2011 confirms that addicts Narcotics were caught red-handed by the authorities, and proved to be the judge can impose criminal penalties to undergo medical and social rehabilitation at a rehabilitation have been determined⁸.

The constitution No. 35 of 2009 on narcotics are the most tend to be more humanist / humane in view of victims of drug abuse, but very hard on the dealers, importers and manufacturers of the drug itself. Moreover, the law is also confirmed for the addicts who are of age and their parents / guardians of the addicts who are not old enough for a mandatory report to health centers, hospitals or institutions medical and social rehabilitation are appointed by the government, to get a recovery or rehabilitation⁹.

According to constitution No. 35 point 54 of 2009 on narcotics, narcotic addict shall undergo medical rehabilitation and social rehabilitation at a rehabilitation center for drug dependence. With medical rehabilitation and social rehabilitation are intended to restore and / or develop the physical, mental and social addicts, with the ultimate goal to heal addicts from the bondage of drug addiction, then this method will become a tool chain breaker cycle illicit trafficking (in contrast to the demand and supply) which was recently increased¹⁰.

Arrangements regarding the implementation of action rehabilitation of the narcotics constitution bladder on point 54, 103, and 127 as mentioned above. Besides that, Supreme Court Circular No. 4 of 2010 regulating the placement of abuse, victims of abuse, and drug addicts into the Rehabilitation Institute of Medical and Social Rehabilitation, which also explains the things that can be taken into consideration in deciding Judge Accused drug abusers to obtain action Rehabilitation. A sovereign, when calculated since October 12, 2009 enactment of constitution No. 35 of 2009, whether this constitution may facilitate the judge in apply action rehabilitation of abusers and drug addicts? And whether legislation has been able to protect the rights of the rehabilitation of addicts? Because until the end of 2010, National Narcotics Agency only recorded as many as 16 addicted that has been convicted judge by reference of SEMA to undergo rehabilitation¹¹.

Formulation of the Problem

⁸www.kadarmanta.blogspot.com, A. Kadarmanta , *Penegakan Hukum bagi Pecandu Narkotika Paradigma Undang - Undang NO. 35 Tahun 2009*, access on 28 January 2011

⁹www.id-id.facebook.com/, *Perlindungan Hukum Pecandu/Pemakai Narkotika*, access on 20 April 2012

¹⁰www.Abhymaulana.inituliskanu.blogspot, *Tindak Pidana Narkotika; Penyalahgunaan Dan Pecandu Narkotika (Penjatuhan Tindakan Rehabilitasi)*, access on 19 April 2012

¹¹www.BNN.co.id, *Data Residen 2010, Unit Terapi dan Rehabilitasi Badan Narkotika Nasional*, access 10 March 2012

Who is the narcotic addicted based on the constitution No. 35 of 2009?

The Aim of the Research

To describe the narcotic addicted based on the constitution No. 35 of 2009.

RESEARCH METHOD

Desing of the Research

The research method has a very important role in the research. The method used in this research is descriptive normative method, ie legal research done by researching library materials or secondary data in the form of positive law and its application in practice in Indonesia.

Data Source

The data used by the researcher is the literature data that the data collection is done by collecting and studying law books, literature, scholarly writings in magazines, legislation and other readings that are related to the object of research. In this study using secondary data sources that consists of three (3) legal materials, which includes primary legal materials, secondary law and tertiary legal materials, namely:

1. Materials of primary law binding legal material consists of:
 - a. Constitution No. 35 of 2009 on Narcotics
 - b. Government Regulation No. 25 of 2011
 - c. Supreme Court Circular No. 3 of 2011 on Narcotics Abuse Victims Placement In The Rehabilitation Institute of Medical and Social Rehabilitation.
 - d. Regulation of the National Narcotics Board of the Republic of Indonesia No. 2 of 2011 on the Procedures for Handling suspect or defendant abusers, Abuse, and Narcotic Addicts
2. Materials secondary law, namely the legal materials that explain the primary legal materials consisting of:
 - a. Books that discuss Narcotics.
 - b. The articles on the internet about narcotics
3. Tertiary legal materials herein consist of dictionary and encyclopedia online.

Technique of Collecting Data

To support the collection of data required in this study, we used secondary data obtained through library (*Library Research*). This study aimed to obtain the theoretical basis that will be used in analyzing the case. The theoretical foundations derived from the literature as well as from other writings related to the problem being studied.

Technique of Analyzing Data

Overall the data obtained in this study are then used to obtain the theoretical foundation material in the form of positive law, opinions or writings of experts or other parties in the form of information either in the form of formal or through the official text. The data obtained will be analyzed qualitatively, in the

sense that the researcher starts the process of organizing and sorting data into a pattern by selecting the clauses relating to drug addicts, category and unit basic outline to make the systematics of those chapters, which will produce certain classification according to the issues discussed in this study. The data were analyzed qualitatively be expressed in the form of description that systematically describes the relationship between different types of data, then all the data selected and processed, and then analyzed descriptively so that in addition to describe and disclose the results of the research, is also expected to provide solutions to the problems in this study.

RESEARCH RESULTS AND DISCUSSIONS

Narcotic Addicted

On constitution No. 35 of 2009 on Narcotics, it is difficult to find what is referred to as “drug addicts”. According to Indonesian dictionary, the term of “addicts” are people who use opiate (narcotic), when associated with the notion of narcotics as provided for in point 1 number 1 constitution No. 35 Year 2009 on Narcotics, can be attributed that a narcotic addict are people who use substances or drugs derived from plants, either the synthesis or semi-synthesis which can lead to decreased or alteration of consciousness, loss of taste, reduce to eliminate pain, and can lead to dependence, which divided into factions as attached in Constitution. The use of the term ‘drug addict’ is used to ease in chanting for people who use drugs in a state of dependence, to distinguish with growers, manufacturers, distributors, couriers and drug dealers¹².

Drug abuse is the use that is made not for the purpose of treatment, but because they want to enjoy influence, in excessive amounts, less regular, and lasts long enough, causing disruption of physical health, mental and social life. Abuse of narcotic conducted continuously will affect the function of thinking, feeling and behavior of people who wear them. This situation can cause addiction (*addiction*) that ultimately lead to dependence (*dependence*)¹³. Drug dependence is a condition characterized by an urge to use drugs continuously with increasing doses to produce the same effect, and if its use is reduced and / or stopped suddenly, causing physical and psychological symptoms¹⁴. *Addiksi* is the term used to describe the state of a person who is abusing drugs such that the body and soul need the drug to function normally. Dependence, addiction, *addiksi* called a disease, not a moral weakness, although there is a moral element at first. As a disease, drug abuse can be described typical symptoms, who repeatedly relapse (*relapse*), and takes place progressively worsened means, if not rescued and cared for¹⁵.

When associated with the people who use narcotics, in narcotics constitution can be found a variety of terms such

¹² www.aidsindonesia.or.id, Totok Yuliyanto, *Op.cit*

¹³ Badan Narkotika Nasional, *Pencegahan Penyalahgunaan Narkotika Sejak Dini*, (Jakarta: 2009),page. 36.

¹⁴ www.Abymaulana-inituliskanu.Blogspot.com, Aby Maulana, *Tindak Pidana Narkotika; Penyalahguna Dan Pecandu Narkotika (Penjatuhan Tindakan Rehabilitasi)*, diakses 4 April 2012

¹⁵ *Ibid*

as¹⁶:

- a. Narcotics addicts as people who use or abuse of narcotics and in a state of dependence on the drug, both physically and psychologically (point 1 paragraph 13 of narcotics constitution)
- b. Addiction Narcotics is a condition characterized by an urge to use the Narcotics continuously with doses increased in order to produce the same effects and if its use is reduced and / or stopped suddenly, causing physical and psychological symptoms are typical (point 1 number 14 narcotics constitution). Physical dependence is a condition in which the body requires of narcotics and if discontinued will cause physical symptoms called withdrawal. While psychological dependence is a desire that is always in memory, so if drug use is stopped will cause anxiety, and depression¹⁷.
- c. Abusers are people who use narcotics without the right or against the law (point 1 number 15 of narcotics constitution)
- d. Victim trespasser is a person who unintentionally using drugs, because coaxed, tricked, deceived, coerced, and / or threatened to use a narcotic (Explanation of point 54 of narcotics constitution)
- e. Patients as a person based on medical indications can use, acquire, store and carry narcotic class II and class III in limited quantities and certain dosage;
- f. Former Narcotics Addicts are people who have recovered from dependence on narcotics physically and psychologically (explanation of point 58 of narcotics constitution)

On this chapter, the writer will be pursuing the explanation of what is meant by addicts by constitution No. 35 of 2009 on Narcotics through observations in the points of regulating drug addicts and the constitution relating to narcotics addicts.

Constitution No. 35 of 2009 on Narcotics says Narcotic Addicts are people using or abusing narcotics and in a state of dependence on narcotics, both physically and psychologically. However difficult it stronger addicts or abusers narcotics also turned out to be placed in a difficult position. As part of the *Victimless Crime*, addicts or abusers should not be placed as an offense, unless the group proved to be the part of the dealer distribution network of Narcotics.

According to the constitution governing narcotic drug addicts legally recognized divided into two, namely:

Addicts Narcotics Because Reporting To Report Obligatory Recipient Institution (IPWL)

Indonesia has had constitution No 35 of 2009 on narcotics which in point 54 states that Addicts Narcotics and Narcotics abuse victims to undergo mandatory medical rehabilitation

¹⁶ www.aidsindonesia.or.id, Totok Yuliyanto, *Op.cit*

¹⁷ www.Scribd.com, *Penyuluhan Tentang Dampak Peredaran Dan Penyalahgunaan Narkoba Dalam Upaya Menciptakan Kalianda Bebas Narkoba*, access on 8 April 2012

and social rehabilitation. For addicts, therapy and rehabilitation is the best step. Addiction is a disease that must disembuh right and not punished.

The provisions on compulsory reporting for a drug abuser who is a drug addict increasingly punctuated by the release ernment Regulation No. 25 of 2011 on the Implementation of Mandatory Report Addicts Narcotics, described in this regulation that had to report an activity report to that done by narcotic addicts who are of age or family, and / or the parents or guardians of drug addicts who are not old enough to the recipient institution must report for the treatment and / or treatment through medical rehabilitation and social rehabilitation. Government Regulation No. 25 of 2011 regulates more clearly explained that the Institution Recipient Obligation Report is a community health center, hospital, and / or the medical rehabilitation and social rehabilitation institution appointed by the Government. Mandatory Report can be done by parents or guardians addict minors Narcotics and Narcotic Addicts who are of age or family. Point 4 says that the Obligation Report Addicts Narcotics conducted in Institutions Recipient Obligation Report, Health centers, hospitals, and / or medical rehabilitation institution as the Institution Recipient Obligation Report established by the Minister of Health, Institute of social rehabilitation as the Institution Recipient Obligation Report established by minister held government affairs in the social sphere.

This Government Regulation also regulates the procedure of compulsory reporting, as described in Point 6 which says Obligation Report as done by reporting Addicts Narcotics to the Institution Recipient Obligation Report, in which case the report is done in addition to the Institution Recipient Obligation Report, officers received a report forwarded to the Institutions Recipient Obligation Report. Point 7 states that Institution Recipient Obligation Report referred to Point 6 shall conduct assessments (assessment which is a stage in the pre-treatment for prospective patients to assess or determine the severity and healing needs)¹⁸ against the Narcotic Addict to determine the condition of Narcotic Addict, assessments include aspects of medical and social aspects. Point 8 says assessment as conducted by interview, observation, and physical and psychological examination of the Narcotic Addict. Interviews include medical history, a history of the use of narcotics, medication and treatment history, history of involvement in crime, psychiatric history, and family history and social Narcotic Addicts. Observations made include observation of the behavior of Narcotic Addicts.

Point 9 describes the phase after the assessment that the assessment results are recorded in the medical record or record of Narcotic Addict behavior change, the assessment results are confidential and are the basis of a rehabilitation plan against narcotics addict is concerned, the confidentiality of the results of the assessment carried out in accordance with the provisions of the legislation. Rehabilitation plan was agreed by the Narcotic Addict, parents, guardians, or family Addicts

¹⁸ *Majalah Sinar BNN*, edisi 11, 2010. page 32

Narcotics and leadership Institutions Recipient Obligation Report. Point 10 describes the Narcotic Addicts who have reported themselves or reported to the Institution Recipient Obligation Report given a report card after undergoing assessment. Report card valid for two (2) times the duration of the treatment, report card given by the Leadership Institute Recipient Obligation Report.

Constitution No. 35 of 2009 and Government Regulation No. 25 of 2011 clearly stipulates that a person can be said to be a drug addict when he reported himself to the Institution Recipient Obligation Report (IPWL), to carry out the compulsory reporting of drug addicts that it is necessary to set Institution Recipients Obligation Report (IPWL), addressing this health minister issued Decree Number 1305 / Menkes / SK / VI / 2011, which establishes Dr H. Adam Malik -Medan, PHC Tanjung Morawa - Deli Serdang and Mental Hospital - Medan as mandatory Recipient Institution Report, for the region of North Sumatra. Minister of Social Affairs is also preparing several IPWL in North Sumatra, namely: Sibolangit Center and Pamardi Putra Social Institution (Panti Insaf).

Addicts Narcotics Due to Apply At The Living the Judicial Proceedings

Liabilities medical rehabilitation and / or social rehabilitation this also applies to a drug addict who is still at the stage of the proceedings, although not falling verdict as stipulated in Government Regulation No. 25 Year 2011 on the Implementation of Mandatory Report Addicts Narcotics in Point 13 explains the obligation to undergo rehabilitation medical and / or social rehabilitation is true for Narcotics addict that saying by: 1. the court ruling if the Narcotic addict guilty of the crime of Narcotics, 2. Determination of the court if Narcotic Addicts are not guilty of the crime of Narcotics.

Point 13 is also said that the Narcotics addict who is undergoing judicial process can be placed in a medical rehabilitation institution, and / or social rehabilitation. Placement in a medical rehabilitation institution, and / or social rehabilitation as mentioned above description is the authority of the investigator, prosecutor or judge in accordance with the level of inspection after getting a recommendation from the team doctor. Conditions of placement in a rehabilitation institute of medical and / or social rehabilitation goes for Victims of Abuse of Narcotics.

Provisions stipulated in Government Regulation No. 25 of 2011 is actually very authorizes law enforcement officials to be able to check properly whether someone is injecting pure or indeed he was also an addict, if he was an addict then he should immediately in rehab to get treatment.

Government Regulation No. 25 of 2011 was strengthened with the issuance of the Supreme Court Circular No. 3 of 2011 on Placement of Abuse of Narcotics In The Institute of Medical Rehabilitation and Social Rehabilitation, in SEMA No. 3 In 2011, the Supreme Court stated that with the rules in Constitution No. 35 of 2009 on Narcotics and Government Regulation No. 25 of 2011 on Implementation of Mandatory Report Addicts Narcotics, which also regulates the

rehabilitation of victims of drug, providing a very central position to the police, prosecutor and judge, especially related to the placement in the institution of medical and social rehabilitation since in the process of investigation, prosecution until the inspection process in the hearing to establish the determination, however, the judge may still be asked to provide a command-setting and decision taking into account and refer to the Supreme Court Circular No. 4 of 2010¹⁹.

National Narcotics Agency in dealing with Government Regulation No. 25 Know 2011 it has issued a decree that Regulation National Narcotics Board of the Republic of Indonesia No. 2 of 2011 on the Procedures for Handling suspect or defendant abusers, Abuse, And Addicts Narcotics, in its advisory opinion stating that the abuser, the victim abuse and drug addict named as a suspect or defendant in criminal narcotics narcotics and precursors for the judicial process need special handling by placing it in the institute of Medical Rehabilitation and / or Social Rehabilitation in order to obtain treatment and care in the context of recovery.

The Regulation of BNN provides technical guidance in the handling of abusers are named as a suspect or defendant to be able to undergo medical rehabilitation and / or social rehabilitation during the judicial process takes place. In Point 3 to Point 7 of this Regulation explained the procedure of submission of application for the suspect or the accused may be in rehab, namely, the suspect or defendant must submit a written request to the investigator, the public prosecutor, or judge the appropriate level of scrutiny, in Point 6 of this Regulation also described requirements that must completely for your application to be processed further²⁰.

In point 8 explained that for the handling of requests that have been received, namely, head of BNN form Team Handling Abuse order, where the composition of the team include:

- a. BNN head protector
- b. Primary Superintendent BNN as supervisor
- c. Principal Secretary BNN as Advisor
- d. Deputy Rehabilitation BNN as undertaking
- e. Deputy Law and cooperation BNN as Team Leader
- f. Deputy Eradication Coordinator of Assessment Network BNN Narcotics
- g. Director of Strengthening Communities Component BNN Rehabilitation Institute as a Medical Assessment Coordinator.
- h. Deputy Legal Director of Law and Cooperation BNN Study Coordinator law
- i. Representatives of Deputy Eradication BNN, Deputy of Rehabilitation, and the Directorate of Legal Deputy Legal Affairs and Cooperation BNN as Secretary and Team Members²¹.

Handling procedure petition by BNN team described in point 11 until point 20 of this Regulation, where this pointstated that after the team received a petition, the file will be checked by

¹⁹Look at SEMA No 3 Tahun 2011

²⁰Look atPoint 6, Peraturan kepala BNN No 2 Tahun 2011

²¹LookPoint 8, Peraturan Kepala BNN No 2 Tahun 2011

the team leader, having researched the completeness requirements application documents subsequently the team perform the duties and form a team to do assessment and review of medical, psychosocial and social of the suspect or the accused. Assessment and medical studies covering several activities, namely interviews, about the medical history, a history of drug use, history of treatment and care, history of involvement in crime, history of psychiatric, family history and socio suspect or defendant, observation of the behavior of the suspect or the accused, as well as a physical examination and psychic²².

Study the next thing to do is study of narcotics and precursor drugs in which the activities for this study include matching the suspect's identity, such as photos, fingerprints, physical characteristics, and the name / nickname, with data narcotics networks in the database Deputy Eradication BNN, analysis related data intelligence, as well as the study of the Minutes of Examination suspect or defendant are related. Recently a study conducted is Legal Studies which includes the study of the results of the assessment and the results of medical studies and the results of the study of networks of narcotics and precursor drugs, the study of the application of points of Constitution No. 35 of 2009 on Narcotics and the provisions of the Supreme Court Circular No. 4 of 2010 and manufacture of legal opinions.

Teams can request information from the suspect or the accused and other parties involved when conducting assessments and studies, the results of the assessment and medical studies, the results of the study of networks of narcotics and precursor drugs, and a review of the law conveyed to the head of the team, then the team leader called a meeting of decision-making no later than three (3) days from the date of receiving the results of the assessment and studies, assessments and assessment team perform their duties within a maximum period of 15 working days. Assessment and studies conducted in the Office of BNN²³.

The decision can be either team in the grant request, and the team will provide placement recommendations Suspect in Medical Rehabilitation agencies and / or Social Rehabilitation, Recommendation is given in the form of a certificate signed by the team leader was delivered to the applicant. The decision could also be a rejection of the request, the rejection is notified to the applicant with the reasons of rejection.

The defendant alleged drug dealers and / or precursors of narcotics and the suspect or defendant is proven to have narcotic exceed a certain amount and proved positive for narcotics appropriate assessment results being kept home detention BNN to keep getting treatment and care in order to restore both medically and socially²⁴.

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²²LookPoint 11 – Point 20, Peraturan kepala BNN No 2 Tahun 2011

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²⁴*Ibid*

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