

JUDGES' CONSIDERATIONS IN IMPOSING REHABILITATION TO ADDICTS IN THE PREVENTION AND TREATMENT OF DRUG ABUSE (Study of Sei Rampah Court Decision Number 9/Pid.Sus/2024/PN Srh)

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ABSTRACT

Drug abuse is qualified as a criminal act in Law Number 35 of 2009 concerning Narcotics. The application of the criminal punishment system for perpetrators of drug abuse prioritizes a humanistic approach that pays attention to the principle of individualization of punishment in the use of criminal sanctions as a means of overcoming crime. In essence, drug abusers are also victims who need medical help. The application of measures in the form of medical and social rehabilitation aims to improve the condition of drug abusers so that they are free from drug dependence so that they can return to society normally. The purpose of the study was to determine and analyze the factors that cause rehabilitation of drug addicts, to determine and analyze the objectives of punishment to be achieved through rehabilitation sanctions for drug addicts, to determine and analyze the judge's legal considerations in imposing imprisonment and rehabilitation of methamphetamine users in the Sei Rampah Court decision Number 9 / Pid.Sus / 2024 / PN Srh.

1. Introduction

In line with the increasing prevalence of drug abuse, the government has taken firm action against drug syndicates and dealers by imposing severe penalties, even up to the death penalty. For victims of drug use or addiction, the government has sought to mitigate the negative impacts of drug use by providing rehabilitation facilities, both medical and social. This is done so that drug users can recover, become productive individuals, be able to work, provide for themselves and their families, and become a healthy and strong generation.

Drug users can be distinguished between drug addicts and victims of drug abuse. A drug addict is someone who uses or abuses drugs and is dependent on them, either physically or psychologically. A victim of drug abuse is someone who unintentionally uses drugs, due to being persuaded, tricked, deceived, coerced, and/or threatened into using drugs.



Drug addicts are self-victimizing victims, as they suffer from a dependency syndrome, originally called addiction and habituation, resulting from their own drug abuse. Indonesia currently faces a highly alarming drug problem, with more than four million people already using drugs, compounded by the widespread circulation of illegal drugs, both synthetic and natural, and newer forms.

Despite numerous efforts to address the drug problem in Indonesia, particularly by law enforcement, the number of drug addicts has not decreased, and in fact, it is increasing. One contributing factor to this unresolved problem is the public's perception of drug users as criminals, social outcasts, and various other stigmas, leading to the punishment of drug addicts.

Drug addicts, according to the law, are, on the one hand, perpetrators of the crime of drug abuse, as stipulated in the narcotics law, which regulates the prison sentences imposed on drug abusers. Furthermore, on the other hand, it can be said that drug addicts are victims, as evidenced by the provision that drug addicts can be sentenced to rehabilitation. This means that the law, on the one hand, still considers drug addicts as criminals, and on the other hand, they are victims of their drug abuse.

The punishment of drug users cannot be separated from the criminal justice system adopted by the Indonesian legal system. The purpose of the criminal justice system is essentially the operationalization of law enforcement carried out by the judicial system based on the legal instruments that criminalize drug abuse and illicit trafficking, namely Law Number 35 of 2009 concerning Narcotics.

Rehabilitation is a form of sanction, and this is in accordance with Article 103 of the Narcotics Law, which stipulates that judges can decide or order drug addicts to undergo treatment and/or care. The period of treatment and/or care is counted towards the time served in prison. This aligns with one of the objectives of the Narcotics Law, namely to ensure the regulation of medical and social rehabilitation efforts for drug addicts.

2. Research Methods

This research is descriptive and analytical, explaining the laws and regulations related to the legal theories that are the object of the research. This paper outlines matters regarding prison sentences and rehabilitation for drug addicts.

This research employs a normative legal research approach. Normative legal research refers to legal norms, specifically through library or secondary sources.



The technique for obtaining data related to the research problem involves two stages of library research. This library research seeks concepts, theories, opinions, or findings closely related to the main problem.

The data collection tool used to gather the necessary supporting data is a documentary study. This study is used to obtain secondary data by reading, studying, researching, identifying, and analyzing secondary data related to the research object. This secondary data is obtained by examining books, research results, and legal documents related to the rehabilitation of drug addicts.

3. Results And Discussion

Results

It is no secret that the effects of drugs can damage vital organs in the body. HIV/AIDS, hepatitis, brain damage, heart disease, lung disease, and other diseases constantly threaten drug users. Addiction, if not promptly addressed, can ultimately lead to death. Furthermore, the social impact of drug abuse can destroy many families, both physically and mentally. The most appropriate place for an addict is a rehabilitation center. Therefore, it is highly recommended that families immediately send drug abusers to a rehabilitation center to save their lives and those around them.

The surrounding environment greatly influences an addict's behavior. A negative environment or peer group can be a trigger for drug use. To overcome addiction, a person should be separated from the environment that encourages them to use drugs. A rehabilitation center is a community where people live with the same goal: to be free from the shackles of drugs. They help each other overcome their problems. This more positive environment and peer group are expected to encourage behavioral changes in drug addicts.

Addicts often have a habit of being lazy and indifferent to their surroundings. Rehabilitation centers teach simple things related to daily life, from waking up to going to bed. They are trained to be sensitive and pay attention to the little things around them. They practice proper self-care and community care, thus creating the atmosphere within their home environment. When done well, these small things can bring joy to all.

One reason addicts use drugs is that they cannot cope with the problems in their lives. Relationships with their families are often disrupted, as society tends to stigmatize them negatively. These damaged relationships are caused by their behavior and misguided views. During rehabilitation, they are encouraged to repair their relationships, especially with their families. Forgiveness is a very



appropriate attitude for rebuilding relationships in life. Several rehabilitation sessions provide opportunities for addicts and their families to reconcile.

Victims are divided into those who volunteer for rehabilitation, reported by their parents/guardians, and those who have been sentenced to rehabilitation by the district court. In accordance with Article 54 of the Narcotics Law, drug addicts are required to undergo medical and social rehabilitation. The Rumah Ummi Medan Sunggal Rehabilitation Foundation is tasked with treating (curing) drug addicts through two approaches: medical and social.

The public is afraid to voluntarily report for medical treatment, and a continuing obstacle is that drug users sometimes only consider rehabilitation after they have been caught by the law. However, whether caught or not, every drug user should immediately receive help through rehabilitation. Therefore, it is important for the surrounding community, especially families as the closest circle, to be sensitive to their family members. If anyone is involved in a drug abuse case, take immediate action by seeking out a rehabilitation institution for drug addicts.

4. Discussion

The high threat of punishment for drug users, coupled with the lack of regulation of access to health and social approaches through rehabilitation for users, results in many drug users being punished without access to health and rehabilitation. Criminalization approaches that do not take into account access to medical and social rehabilitation do not resolve the problem of illicit drug trafficking, as the cycle repeats itself after users are released from prison. Worse, these criminalization approaches lead to the problem shifting to detention centers, where illicit drug trafficking within detention centers continues to thrive.

Legal action taken against victims of drug abuse during criminalization is rehabilitation, as rehabilitation is one of the government's efforts to combat drug abuse. The determination of rehabilitation for victims of drug abuse is an alternative punishment imposed by a judge and is calculated toward the time served. Legal action in the form of rehabilitation is a process of recovery for clients with drug use disorders, both over a specific period, aimed at changing behavior and restoring the individual's function in society to the same level as before they used drugs.

Sanctions can achieve the goal of rehabilitation as punishment. The goal theory also considers punishment as a path to reform or rehabilitation for convicts. Mistakes or criminal acts are considered a social disease that disintegrates





society. Crime is also seen as a symptom of mental disharmony or personal imbalance that requires psychiatric therapy, counseling, spiritual practices, and so on.

Therefore, a characteristic of this view is that punishment is a social and moral healing process for a convict so that he can reintegrate into his community or society properly. In utilitarian terms, it can be said that the preventive effect of this rehabilitation process is primarily focused on the convict. Punishment, in the form of legal action in the form of rehabilitation, is a social and moral healing process for a convict so that he can reintegrate into his community or society properly.

An addict lives a false life. The pleasure or happiness they experience is only temporary; they escape the realities of life and hide behind the influence of drugs. In rehabilitation centers, they are cut off from this false life. No matter how painful it is, they must strive to face the reality of life. While this isn't easy, with the help of counselors and like-minded friends, they are expected to be able to return to normal life. During rehabilitation, their behavior is reshaped, emotions are managed, they are given spiritual support, and they are trained in survival skills. It's clear that attending a rehabilitation center restores a person biologically, psychologically, spiritually, and socially. This allows them to reclaim their lost lives and return to their true selves.

The legal action imposed on victims of drug abuse during criminal proceedings is rehabilitation, which is one of the government's efforts to combat drug abuse. The determination of rehabilitation for victims of drug abuse is an alternative punishment imposed by a judge and is calculated as part of the sentence served. Rehabilitation is a process of rehabilitating clients with drug use disorders over a specific period of time, aimed at changing their behavior and returning them to their pre-drug functioning.

Drug addicts, both physically and psychologically, require medical and social assistance. Therapy used to eradicate addiction cannot be achieved through imprisonment alone. Imprisonment for addicts is ineffective in curing their drug dependence. What is the point of incarcerating drug addicts without treatment? Once released, they will remain addicts.

Drug addicts require medical assistance to overcome their addiction. Law Number 35 of 2009 provides protection for drug abusers, including drug addicts and victims of drug abuse, by opening up the application of medical and social rehabilitation measures. This has undoubtedly shifted the paradigm of the purpose of sentencing drug abusers.



The use of criminal law as a means of combating drug abuse ultimately boils down to how judges render decisions. The judge's reasoning in imposing a sentence will significantly determine whether a decision is considered fair and whether the decision is accountable.

The judge's reasoning in issuing a decision can be used as material for analysis regarding the judge's orientation in making the decision and is also crucial in determining how the decision is relevant to the stated objectives of sentencing. In general, it can be said that a judge's decision that is not based on the correct orientation, meaning that it does not align with the stated objectives of sentencing, will actually negatively impact the crime prevention process itself and will not benefit the convict.

When sentencing a drug abuser, the judge considers several factors. According to observations from the Sei Rampah District Court's ruling, judges tend to use judicial rather than non-judicial considerations when sentencing drug offenders. The panel of judges during the trial found no justification or excusal for the defendant, therefore, the defendant must be found guilty of the crime charged in the second indictment and sentenced to a sentence commensurate with his actions.

Rehabilitation is far better than imprisonment because rehabilitated users recover from their addiction and will refrain from using illicit substances again. This is because the legal framework in this country adheres to a double-track sentencing system, which essentially requires users who are sentenced to a prison sentence to serve their rehabilitation. This rehabilitation is not carried out in a correctional facility, but in a special rehabilitation facility.

Rehabilitation is one way to save drug users from dependence. Rehabilitation is an effort to restore addicts from drug dependence and lead normal, physically and mentally healthy lives, enabling them to adapt and improve their skills, knowledge, intelligence, and relationships within their community or with their families, a process known as resocialization.

When handing down a rehabilitation sentence for a drug addict, the panel of judges must consider both aggravating and mitigating factors. The aggravating factor is the defendant's actions, which do not support the government's program to eradicate drug abuse.

The primary goal of rehabilitation is to help drug addicts who have become dependent on drugs recover after leaving a rehabilitation facility and reduce relapse rates. Surveys have shown that using criminal sanctions for drug addicts indicates that the majority of drug addicts are at risk of relapse after leaving a correctional facility. This is because correctional facilities do not implement





optimal treatment methods, such as those used in rehabilitation facilities, such as the lack of detoxification. Based on the author's analysis of sanctions for drug addicts, the author examines the numerous benefits and effectiveness of rehabilitation in addressing the problem of drug trafficking and abuse.

5. Conclusion

Factors contributing to the rehabilitation of drug addicts include: rehabilitation can significantly save lives by connecting with new networks and meeting more positive people; rehabilitation opens a window of opportunity to stay clean and sober; rehabilitation can facilitate successful long-term recovery; rehabilitation can restore many of the small joys of life; rehabilitation can improve holistic health; rehabilitation can save significant money in the long term; rehabilitation provides an opportunity to rebuild relationships in life; and rehabilitation can help restore spiritual life.

The goal of sentencing, achieved through rehabilitation sanctions for drug addicts, is that the application of imprisonment for abusers, especially drug addicts, will not be able to address the root of the problem if the perpetrator is not provided with treatment to break free from drug dependence. Drug addicts require specialized treatment, both medical and social, so they can reintegrate into society normally. The implementation of rehabilitation measures for drug addicts reflects a humanistic approach to law enforcement regarding drug abusers. This law requires judges to carefully consider the circumstances and interests of the perpetrator. Legal sanctions should not simply be used as a means of retribution but should also be able to reintegrate the perpetrator into society. In other words, this law is also oriented towards protecting the perpetrator's interests.

An analysis of the judge's legal considerations in imposing a prison sentence and rehabilitation for a methamphetamine user in the Sei Rampah Court decision Number 9/Pid.Sus/2024/PN Srh is that during the response, evidence was found in the form of Class I narcotics, namely methamphetamine weighing no more than 1 (one) gram, sufficient for one day's use. Furthermore, a laboratory test report showed the defendant's urine tested positive for narcotics. The trial found that the defendant was not involved in illicit drug trafficking, but rather purchased the drugs for his own use.

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