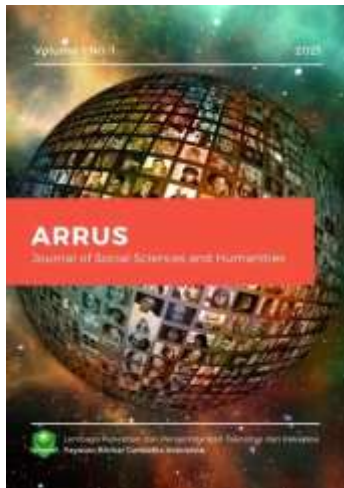




RESEARCH ARTICLE / REVIEW ARTICLE [Calibri 11pt]

MEDICAL REHABILITATION RELAPSE RATE AT BNN BULELENG REGENCY: JURIDICAL AND SOCIOLOGICAL PERSPECTIVES

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Abstract: Drug abuse is a crime that not only has a legal dimension but also wide-ranging sociological implications, including the emergence of relapse among users after undergoing the recovery process. This research aims to analyze narcotics within the legal dimension and examine the optimization of relapse rehabilitation for individuals at the National Narcotics Agency (BNN) of Buleleng Regency from a juridical-sociological perspective. The research uses an empirical legal method with a descriptive-analytical nature thru a legislative approach and factual reality in the field, particularly related to the implementation of Article 54 of Law Number 35 of 2009 concerning Narcotics. The research results show that normatively, drug addicts and victims of drug abuse are required to undergo medical and social rehabilitation as a form of recovery, not merely punishment. However, in practice in Buleleng Regency, the implementation of medical rehabilitation has not been optimal due to limited facilities and infrastructure. The Buleleng District Narcotics Agency (BNN) does not yet have independent inpatient medical rehabilitation facilities, so patients must be referred outside the region, such as to the Bali Provincial Mental Hospital in Bangli and the Mangunsada Hospital in Badung. This condition indicates a gap between the ideal (*das sollen*) and the reality (*das sein*) in the implementation of narcotics rehabilitation. In addition, factors such as the social environment, regional characteristics, and the strong addictive nature of narcotics also increase the risk of relapse. Thus, the optimization of rehabilitation in Buleleng requires strengthening the infrastructure of medical services, enhancing the institutional capacity of the National Narcotics Agency (BNN), and synergizing legal and social approaches so that the recovery of users can proceed effectively and sustainably.

Keywords: legal, relapse, narcotics

1. INTRODUCTION

Narcotics offenses are illegal cases that have sociological implications. The case of drug abuse has significant impacts such as the destruction of an individual's identity, environment, society, and nation. With significant impacts that threaten national stability, a regulation regarding narcotics was created with the aim of preventing, eradicating, and following up on these criminal acts. Narcotics crimes have been regulated, and various efforts have been made, along with cooperation from various agencies and the community in striving to prevent and eradicate abuse. However, this crime continues to increase every year and occurs repetitively. The repetition of this case can be seen structurally-agentially, starting from the massive number of users, sellers, and couriers of narcotics. On the other hand, it is difficult to identify and distinguish between tracking the whereabouts of drug offenders and the

general public (Atkinson, 2023; Holdt, 2013). This is caused by the absence of specific characteristics because the crimes committed occur across all social strata, not just among people with economic limitations, lack of education, or from unhealthy environments. In fact, the emergence of these actions targets those who are materially well-off, educated, and from healthy environments. This is what causes drug-related crimes to increase and even develop further (Fowler, 2006; Rossier, 2019; Wacquant, 2013).

Indonesia is a rule of law country or referred to as a *rechtsstaat*. The essence of this adage is the presence of a state that is capable of fulfilling constitutional obligations with the aim of providing legal protection and security to every citizen, as stated in The Constitution of the Republic of Indonesia 1945 (Undang- Undang Dasar Negara Republik Indonesia Tahun 1945). This has been mandated and must be implemented (Greenberg, 2008; Simanyi, 2014; Sonpar, 2015). However, in practice, the crime rate that occurs becomes an obstacle and hindrance in realizing the mandate of the constitution. Indonesia is a country with a record of dense population and poverty levels occurring throughout its regions. Various criminal acts that occur are caused by various factors and different social classes (Bastian et al., 2012; Stets et al., 2018; Wesselmann & Williams, 2017). One of the criminal acts that can threaten the national resilience of the country is drug-related crimes.

Drug-related crimes in Indonesia have occupied a crucial position and reality. With this, the Indonesian government places the status of the country as “Indonesia Drug Emergency” or “Indonesia Darurat Narkoba”. This status is established due to the sporadic abuse of illegal drugs, occurring in many places and carried out by various agents. Even, drug-related crimes are rapidly and widely expanding. The rapidly growing narcotics crimes are being exploited by certain individuals who take advantage of the conditions and situations. Sporadization and marketing of narcotics have become increasingly massive due to Indonesia’s topography, which consists of a cluster of islands (Aberson et al., 2000; Jiang et al., 2021; Krishnan, 2015). Narcotics offenses that occur in Indonesia, particularly in the role of agents as buyers, users, dealers, or couriers, are already substantively regulated by legal sanctions. However, the existing sanctions and regulations, as well as the pursuit of rehabilitation (medical and social), do not have any effect on the offenders. On the contrary, drug abuse has increased, involving both old actors (recidivists) and new actors (Cass et al., 2005; Jordan, 2003; Renstrom et al., 2020).

From the above explanation, the existence of drug-related crimes is caused by various dimensional factors and the presence of multidimensional impacts. One of the effects produced by this action is the emergence of a relapse risk for drug abusers. In other words, individuals who experience a relapse condition are highly likely to use those illegal drugs again. Therefore, this research will focus on two aspects: a) how is the analysis of narcotics in the legal dimension? b) how to optimize relapse rehabilitation in individuals from a juridical-sociological perspective? The objective of this research is to conduct an analysis and elaboration on the dimension of narcotics from a legal perspective. And, conducting a study and providing a holistic explanation of optimizing relapse rehabilitation for individuals from a legal and sociological perspective.

2. Method

This research uses the framework of empirical legal research. This means that the research analyzes and examines a legal phenomenon or reality that occurs in an actual-factual manner. Additionally, empirical legal research uses legislative analysis as the point of view for the issue being studied. The legal system used is the Narcotics Law. In this study, the gap between *das solen* and *das sein* can be seen between the regulations related to rehabilitation contained in Article 54, Law Number 35 of 2009, concerning Narcotics, and the gap in its implementation in the field reality, particularly the continued occurrence of relapses experienced by narcotics users. In this study, a descriptive-analytical research approach is used. The implementation of the descriptive-analytical approach systematically, comprehensively, and accurately describes the phenomena occurring in the field (Chafe, 2023; Denzin et al., 2017; Furlong & Lester, 2022; Urcia, 2021). In this study, the depiction related to relapse and the absence of

medical rehabilitation clinics in The National Narcotics Agency of Buleleng Regency (Badan Narkotika Nasional/BNN Kabupten Buleleng) has become its focal point. This research aims to implement Article 54 of Law Number 35 of 2009 on Narcotics, specifically at the BNN Buleleng Regency as a rehabilitation center.

3. Results and Discussion

Narcotics Analysis in the Legal Dimension

Based on Article 1 of Law Number 35 of 2009 on Narcotics, it is explained that narcotics are defined as substances or drugs derived from plants or non-plants, whether synthetically or semi-synthetically, that can cause changes or even a decrease in the level of consciousness, eliminate pain, and are capable of causing dependence for the user. Explicitly, this is also stated in Article 7 of the Republic of Indonesia Law Number 35 of 2009, which explains that narcotics are only intended for medical purposes and as a means of developing research in the field of science. However, in practice, the use of narcotics is not only for medical and research purposes but is also misused for negative activities and personal interests (Frost & Hoggett, 2008; Janmaat, 2011; Killaspy et al., 2014).

Individuals or agents who misuse narcotics provisions are new agents or people categorized as novices in the misuse of illegal drugs. And, longtime agents or people who repeatedly use, abuse, and experience repetition in legal sanctions. The rules and regulations regarding narcotics are outlined in Law Number 35 of 2009 on Narcotics, which contains provisions related to narcotics and sanctions for perpetrators who intentionally misuse these drugs. This regulation also includes sanctions, medical rehabilitation, and social rehabilitation (Jaegher & Froese, 2009; Pleasants, 2019; Shteynberg et al., 2022; Strydom, 2017), punishments or fines that have been imposed. Explicitly, these rules must be enforced and held accountable by all users, including buyers, sellers, couriers, those who have completed rehabilitation, and those who relapse and reuse the narcotics (Burkitt, 2016; Juul, 2010; Taki, 2021).

The analysis of narcotics in the legal dimension can also be seen from the essence of Law Number 35 of 2009, which not only aims to deter criminals with mandatory imprisonment. Instead, it strives to restore the condition of the victim. Therefore, in this case, the sanctions of punishment and fines have been clearly established and enforced. In narcotics regulations, efforts for rehabilitation, both medically and socially, are also included, from the perspective of offenders who have received sanctions as well as those who directly undergo rehabilitation. In the current cases, many drug offenders are found to experience relapse. This term refers to someone who experiences a failure in recovering from the effects of addiction to illegal drugs. For a drug abuser, (viewed from the legal perspective), relapse has similarities with recidivism in criminal offenders, who generally repeat an offense after receiving a punishment, whether imprisonment or rehabilitation (Ellemers & Jetten, 2013; Lee & Ko, 2018; Thompson, 2019).

The phenomenon of continuous relapse not only causes physical, psychological, and intellectual harm to users but also leads to wasteful government spending and the lack of legal certainty regarding patient recovery. This poses a significant challenge in the enforcement of rehabilitation laws for drug offenders. If viewed from the perspective of narcotics law, the issue of relapse is not significantly addressed. On the contrary, the phenomenon of relapse provides an answer to the implementation of rehabilitation as stipulated in Article 54 of Law Number 35 of 2009. This can be seen as a catalyst or correlation with narcotics because it can measure the success of a user receiving rehabilitation treatment to not return to abusing illegal drugs (relapse). Specifically, a relapse case is not just someone who is new or has just started abusing narcotics, but rather someone who repetitively engages in substance abuse (Bai et al., 2019; Epstein, 2016; Procyshyn, 2017). From a legal perspective on narcotics, the occurrence of relapse is caused by one of the characteristics of addiction. Therefore, the availability of rehabilitation care at BNN clinics must be adequate as an intensive recovery facility and is an infrastructural obligation as a complement to preventing drug addicts or abusers (Carter, 2013; Steele, 2017; Zambrana, 2021).

Optimization of Relapse Rehabilitation in Individuals from a Juridical-Sociological Perspective

Bali is not free from drug abuse. Bali's position as the epicenter of world tourism makes it a medium for the entry and exit of illegal drugs. In other words, the regions on the "Island of the Gods" have become a market for the sale and purchase of narcotics, including the northern region of Bali or Buleleng Regency. The people of Buleleng Regency tend to have an open and tough character. If viewed from external factors, the influence of the environment that dominates both the local community and migrants is suspected to be a contributing factor to the crime of drug abuse. If we focus on drug-related crimes in Buleleng Regency, this area has already been categorized as entering the red zone. In addressing the narcotics offenses that occur, the government established a Non-Ministerial Agency as stipulated in Article 64 paragraph (1) of Law No. 35 of 2009 on Narcotics, with the substance aimed at the Prevention and Eradication of narcotics abuse and illicit trafficking of narcotics and narcotics precursors. Under this law, the National Narcotics Agency, abbreviated as BNN (Badan Narkotika Nasional), was formed.

The eradication of narcotics in the legal jurisdiction of Buleleng Regency is initiated by the establishment of the National Narcotics Agency (BNN) of Buleleng Regency, which has a vision, mission, duties, and authority in accordance with the provisions of Law Number 35 of 2009, with full responsibility specifically in the Buleleng Regency area. The purpose of establishing this agency is to facilitate, serve, and provide a platform, particularly in the processes of enforcement, sanctions, and rehabilitation (Honneth, 2019; Lynch, 2016). Especially in the case of relapse, rehabilitation actions are expected to serve as a means for self-recovery and to prevent relapse among users. Legally, rehabilitation efforts (from a legal and sociological perspective) are included in Article 54 of Law Number 35 of 2009 on Narcotics, which states that narcotics addicts and victims of narcotics abuse are required to undergo medical and social rehabilitation (Bidanure, 2016; Renger et al., 2017).

Based on empirical data, the juridical-sociological implementation related to rehabilitation carried out at the National Narcotics Agency (BNN) Buleleng Regency, specifically, is medical rehabilitation. However, medical rehabilitation services still need to be referred if the patient undergoes inpatient rehabilitation. This is because the Buleleng District Narcotics Agency (BNN) is not yet adequate for inpatient patients. Although it has been regulated in the legislation to achieve a recovery facility for drug abusers thru medical rehabilitation, abusers still require services and infrastructure to optimize this mandate (Bernardo et al., 2021; Yilmaz & Saribay, 2019). Field practice shows that the National Narcotics Agency (BNN) of Buleleng Regency has a clinic for community services but does not yet have an independent medical rehabilitation clinic facility. This limitation allows the National Narcotics Agency (BNN) of Buleleng Regency to provide optimal services by transferring narcotics rehabilitation patients outside the Buleleng Regency area. With the limited rehabilitation facilities and infrastructure, drug users or patients who will undergo medical rehabilitation are referred to inpatient care at several locations, such as the Bali Provincial Mental Hospital in Bangli Regency and the IPWL RSD Mangunsada Service in Badung Regency. This is because there is currently no Narcotics Special Hospital in Buleleng, so inpatient rehabilitation is transferred to these two locations.

Medical rehabilitation is a recovery process that focuses on an individual's health, in other words, restoring the health of users who experience disorders due to the effects of drug use or abuse. This is stated in Article 1, number 16 of Law Number 35 of 2009, which explains that medical rehabilitation is a recovery process thru treatment or care, including examination, diagnosis, and routine training, with the hope of restoring a person's condition from drug dependence (Connolly, 2013; Laughlin, 2011). This medical rehabilitation process can provide a pathway for someone to avoid entering the network of drug abuse (relapse) (Bauder, 2012; Harris, 2019).

4. Conclusion

This research shows that the issue of narcotics abuse in Buleleng Regency cannot be understood merely as a legal violation, but also as a sociological problem related to the environment, access, social interactions, and the strong addictive nature of narcotics that triggers relapse. In a juridical perspective, Law Number 35 of 2009 on Narcotics, specifically Article 54, has emphasized that addicts and victims of narcotics abuse are required to undergo medical and social rehabilitation. However, at the empirical level, the implementation of that legal mandate at the BNN Buleleng Regency has not been optimal. The local context of Buleleng shows a disparity between legal norms and field reality. Although the Buleleng District BNN has a rehabilitation service function, independent medical rehabilitation facilities, especially for inpatient care, are not yet adequately available. As a result, patients who require intensive rehabilitation must be referred outside the region, such as to the Bali Provincial Mental Hospital in Bangli and the IPWL RSD Mangunsada in Badung. This condition shows that the weakness of facilities and infrastructure is a serious obstacle in reducing the relapse rate. Thus, the optimization of rehabilitation for drug users in Buleleng should be directed toward strengthening medical rehabilitation infrastructure, enhancing the capacity of the BNN services in Buleleng Regency, and fostering a sustainable synergy of legal and social approaches. The success of narcotics handling is not only measured by the imposition of sanctions but also by the extent to which the state can provide an effective recovery system so that users do not fall back into narcotics abuse.

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