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# Effectiveness of Narcotics Crime Assessment at the National Narcotics Agency of Badung Regency

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**Abstract.** The problem of narcotics has become a very concerning problem in Indonesia in Bali in particular. The National Narcotics Agency is one of the institutions authorized to deal with narcotics problems and rehabilitate narcotics addicts. It is hoped that rehabilitation of narcotics addicts can reduce narcotic problems. Assessment Arrangement and Implementation of Rehabilitation by the National Narcotics Agency of Badung Regency. The research method used in the assessment arrangement and the impact of assessment in narcotics crimes is an empirical method. The goal to be achieved in this study is to find out how effective the assessment of narcotics crimes in the National Narcotics Agency of Badung Regency. The results showed that the implementation of assessments at the Badung Regency National Narcotics Agency has not been effective because the judge's decision still has not used the results of the Recommendations of the Integrated Assessment Team in consideration of the determination of the verdict. Judges are still inclined to sentence prison confinement to defendants without considering sanctioning in the form of rehabilitation measures on the accused for recovery from narcotics snares.

**Keywords:** assessment; narcotics; narcotics crime.

## INTRODUCTION

In indonesia's national development aims to realize the full Indonesian people and the entire Indonesian society that is fair and prosperous in an orderly and peaceful manner based on Pancasila and the 1945 Constitution. To realize order and peace based on Pancasila which needs to continuously improve efforts in the field of medicine and health services including the availability of Narcotics as a drug in addition to the development of science. Especially Indonesia, the negative impact of narcotics circulation will affect the development of the nation's progress, especially on the younger generation affected by the negative influence of narcotics. If the younger generation of a country has been damaged then it is certain that there will be a decline from the country in the future.

This phenomenon has a very bad impact on the development efforts to advance the nation, especially the younger generation who are pillars of the state and the successor of the nation. According to data released by the National Narcotics Agency in 2019, the number of narcotics users in Indonesia amounted to 5.9 million people, with an age range of 15 to 64 years. This number continues to increase with a percentage of 13.6% per year. As for the average death toll of 15,000 people per year or it can be said that there are 50 people who die every day due to narcotics abuse throughout Indonesia. The obstacle to fulfilling the right of rehabilitation for narcotics abusers is the lack of willingness of narcotic abusers to get out of narcotics traps because they still want to enjoy narcotics. Shame and fear become obstacles for narcotic abusers to want to report themselves. Constraints from the police are still likely to apply articles 112 and 114 of Law No. 35 of 2009 concerning Narcotics so that drug abusers will get a prison sentence. Rehabilitation facilities, medical personnel and drug substitution or substitute narcotics that are currently still inadequate become obstacles in fulfilling the right to rehabilitation of narcotic abusers.

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Therefore, the government and law enforcement officials made an understanding agreement in tackling narcotics crimes realized through the Joint Regulation of the Chief Justice of the Supreme Court of the Republic of Indonesia, the Minister of Law and Human Rights of the Republic of Indonesia, the Minister of Health of the Republic of Indonesia, the Minister of Social Affairs of the Republic of Indonesia, the Attorney General of the Republic of Indonesia, the Head of the Police of the Republic of Indonesia, the Head of the National Narcotics Agency of the Republic of Indonesia. No. 01/PB/MA/III/2014, No. 03 of 2014, No. 11 of 2014, No. 03 of 2014, No. PER-005/A/JA/03/2014, No. 1 of 2014, No. PERBER/01/III/2014/BNN concerning The Handling of Narcotics Addicts and Victims of Narcotics Abuse into Rehabilitation Institutions, hereinafter called joint regulations. Thus, abuse and narcotics addicts no longer focus on the criminal sanction of imprisonment, but rather get treatment in the form of rehabilitation. As an implementation of the joint regulation, an Integrated Assessment Team (TAT) was formed where this team consisted of a team of doctors, namely doctors and psychologists and a legal team consisting of elements of the Police, BNN, Prosecutor's Office and involving the Ministry of Law and Human Rights (BAPAS) if the suspect and /or defendant were children. The Integrated Assessment Team is domiciled at the central level, provincial level, district / city level consisting of a medical team and a legal team in charge of carrying out an analysis of the role of suspects arrested at the request of investigators related to narcotics circulation, especially for addicts. The Integrated Assessment Team then carried out legal analysis, medical analysis and psychosocial analysis and created a rehabilitation plan containing how long rehabilitation is needed.

The results of the assessment as the completeness of the case file serve as a description such as visum et repertum. The results of the assessment will determine the role of the suspect as a abuser, abuser as well as a dealer or dealer. The Integrated Assessment Team's analysis of narcotic abusers will result in a level of addicts ranging from heavyweight, middle and light class addicts where each level of addict requires different rehabilitation. The results of the assessment as the completeness of the case file serve as a description such as visum et repertum. The results of the assessment will determine the role of the suspect as an abuser, abuser as well as a dealer or dealer. The Integrated Assessment Team's analysis of narcotic abusers will result in a level of addicts ranging from heavyweight, middle and light class addicts where each level of addict requires different rehabilitation. With the government's policy to provide rehabilitation, of course, it will not necessarily stop the process for the criminal act of drug abuse. Therefore, it needs to be explored further about the implementation of assessments carried out by the Integrated Assessment Team so that it can be the right consideration in providing rehabilitation recommendations for narcotics abusers as an effort in tackling narcotics crimes. Based on the background of the description above, there are two focus studies in this study, namely: The regulation and impact of the assessment of narcotics crimes at the National Narcotics Agency of Badung Regency.

## METHODS

This research uses empirical legal research methods, by conducting research at the National Narcotics Agency of Badung Regency. The approach used in this research is the statutory approach, the analytical approach of data sources consisting of primary data (field data) and secondary data (legal materials). Data collection techniques are carried out with observation and interview techniques. Data analysis is carried out by descriptive-qualitative methods.

## DISCUSSION

### **The regulation and impact of the assessment of narcotics crimes at the National Narcotics Agency of Badung Regency.**

Based on the provisions of Article 54 of Law No. 35 of 2009 concerning Narcotics which reads narcotics addicts and victims of narcotic abusers must undergo medical rehabilitation and social rehabilitation. With this, Narcotics Addicts and Victims of Narcotic Abuse who are designated as Suspects or Defendants in narcotics and Narcotics Precursor Criminal Cases need to be handled specifically by placing them into rehabilitation institutions to obtain treatment and treatment in order to recover.

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In the provisions of Article 13 paragraph (3) of Government Regulation No. 25 of 2011 concerning the Implementation of Mandatory Reporting of Narcotics Addicts, that Narcotics Addicts who are undergoing the judicial process can be placed in a Rehabilitation Institution, through the recommendation of the Integrated Assessment Team first to be assessed to determine the involvement of suspects in the illicit circulation of narcotics and the level of dependence of suspects on narcotics themselves. The implementation of assessments for the recovery process for suspects in rehabilitation institutions is mandatory to be carried out as stipulated in Article 12 Paragraph (3) of Government Regulation No. 25 of 2011 concerning the Implementation of Mandatory Reports of Narcotics Addicts. In addition to removing narcotic substances in the addict's body through physical treatment, an addict must also get pisikhis treatment to eliminate suggestions that are in the mind of the addict.

Following up on this, in order to provide a legal umbrella in the implementation of assessments, the National Narcotics Agency Head Regulation No. 11 of 2014 was issued concerning Procedures for Handling Suspects and/or Accused Narcotics Addicts and Victims of Narcotics Abusers into Rehabilitation Institutions. And for the implementation of the process of placing suspected abusers into rehabilitation institutions appropriately and transparently between relevant agencies, an understanding agreement was made in the countermeasures of narcotic abuse crimes realized through the Joint Regulation of the Chief Justice of the Supreme Court of the Republic of Indonesia, the Minister of Law and Human Rights of the Republic of Indonesia, the Minister of Health of the Republic of Indonesia, the Minister of Social Affairs of the Republic of Indonesia, Attorney General of the Republic of Indonesia, Head of Police of the Republic of Indonesia, Head of national narcotics agency of the Republic of Indonesia No. 01/PB/MA/III/2014, No. 03 of 2014, No. 11 of 2014, No. 03 of 2014, No. PER-005/A/JA/03/2014, No. 1 of 2014, No. PERBER/01/III/2014/BNN concerning The Handling of Narcotics Addicts and Victims of Narcotics Abuse into Rehabilitation Institutions, hereinafter called joint regulations.

Quoted from the Technical Instructions for the Implementation of Integrated Assessments for Addicts and Victims of Narcotic Abuse in legal proceedings, the Integrated Assessment Team consists of a team of doctors and legal teams has the following duties and authorities:

Medical, psychosocial, and recommended therapy and rehabilitation plans for a person who is arrested and/or caught in the hand.

Analysis of a person who was arrested and/or caught in connection with illicit narcotics circulation and narcotics abuse.

The Integrated Assessment Team has the following authorities:

Team doctor

The team of doctors works in accordance with the competencies it has professionally and upholds the professional code of ethics.

Carry out assessments, physical and psychic examinations with the aim of:

Determine the severity criteria for the use of Narcotics in accordance with the type of content consumed, the situation and conditions when arrested at the crime scene;

Determining the severity of medical problems, dub) Determining the degree of severity of medical problems, life support, narcotic use, legal history, family and social history and psychiatric status; and

Determine the diagnosis of work in accordance with the diagnostic guidelines of PPDGJ III (Classification of Guidelines for diagnosis of Mental Disorders III).

The assessment of the team of doctors includes:

Physical examination;

Anamnesa and comprehensive assessment using the mandatory assessment form for medical reporting / rehabilitation issued by the Ministry of Health;

Rapid urine test.

In the event that further assessment is required can be carried out:

Psychological evaluation;

Psychiatric examination is more intensive as indicated;

Other diagnostic support checks as indicated.

The results of the assessment of the team of doctors became the recommendation material of the Integrated Assessment Team which contained the level of dependence on narcotic abuse, the place and length of rehabilitation according to the therapy plan. The assessment process is at least 1 (one) x 24 hours and a maximum of 2 (two) x 24 hours from the receipt of the application file to the integrated assessment team. Members of the doctor team can be called as experts in the judicial process accompanied by a legal team based on a written application from the State / High Prosecutor's Office, District / High Court, or the Supreme Court submitted. To the Head of BNN, Head of BNNP.

#### **a. Legal Team**

The legal team works in accordance with the competence it has professionally and upholds the code of ethics of the profession;

The Legal Team is in charge of conducting analysis in relation to the illicit circulation of Narcotics and Narcotics Precursors and narcotics abuse.

The duties of the Legal Team include:

Matching the identity of the Suspect, among others: photos, fingerprints, physical characteristics, and names / aliases, with narcotics network data in the BNN and Polri databases;

Analysis of related intelligence data, if any;

History of involvement in criminal acts;

Review of the News of the Suspect Examination Event related to other cases;

Review of the application of the articles of Law No. 35 of 2009 concerning Narcotics and The Circular Letter of the Supreme Court No. 4 of 2010 concerning the Placement of Narcotics AbuseRs into Medical Rehabilitation and Social Rehabilitation Institutions and the Circular Letter of the Attorney General Number SE-002 / A/JA/02/2013 concerning the Placement of Victims of Narcotics Abuse into Medical Rehabilitation and Social Rehabilitation Institutions.

The results of the legal team analysis are poured in the form of assessment results in accordance with the format of legal assessment instruments for the benefit of the judiciary and signed by the legal team that conducts the assessment.

The results of the assessment of the legal team become the recommendation of the Integrated Assessment Team in the form of the status of suspects and / or defendants and the continuation of the legal process.

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#### **b. Integrated Assessment Team Leader**

Leading the discussion of cases (case conference), namely discussing the results of the assessment of the team of doctors and legal teams which will then become the recommendation of the Integrated Assessment Team.

Sign the results of recommendations based on the results of the case discussion.

Head of BNN, Head of BNNP, or Head of BNNKab / City as The Head of the Integrated Assessment Team if unable to be present at the time of the case discussion, can appoint one of the members of the Integrated Assessment Team from BNN to lead the discussion of the case.

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Head of BNN / P / K / Kab as The Head of the Integrated Assessment Team is authorized to set the work schedule of the Integrated Assessment Team.

Optimizing the rehabilitation policy of narcotic addicts, then in the effort to deal with narcotics addicts is carried out by prioritizing , as follows:

Provide intensive services for narcotics addicts who are self-reported, by not being charged with death.

Provide medical and social rehabilitation treatment for narcotics addicts and victims of narcotic abuse.

Providing rehabilitation treatment for narcotics addicts who are undergoing legal proceedings.

Provide coaching programs to former addicts and victims of narcotics abuse.

The judge's decision is the culmination of a case that is being examined and tried by the Judge. Of course, the Judge in making decisions must pay attention to all aspects in it, ranging from the aspect of prudence, avoiding a little possible inaccuracy, both formal and material, to the existence of technical skills in making it. The judge must understand concretely a case that he has handled so as to give a verdict that can fulfill the sense of justice for the seeker of justice itself. This is the same as the opinion of J.C.T Simorangkir who said, "Rehabilitation is recovery, return to the original state".

Against the court's decision in the narcotics case, the author quoted from one of the verdicts in denpasar District Court with Decision Number No. 507 / Pid.Sus / 2021 / PNDps. As for the decision, the basis of the judge's consideration in handing down the following verdict:

Considering, that based on the legal facts revealed at the trial, the Panel of Judges agreed with the Public Prosecutor and the Defendant's Legal Counsel to choose the second alternative charge, namely Article 127 paragraph (1) letter a of The Republic of Indonesia Law Number 35 of 2009 concerning Narcotics, the elements of which are as follows:

1. Any abusers;
2. Abusing class I narcotics for yourself;

Considering, that against these elements the Panel of Judges considers as follows:

Ad.1. Every Abuser

Considering, that in Article 1 number 15 of the Indonesian Law Number 35 of 2009 concerning Narcotics, it has been explained that the intended Abuser is a person who uses Narcotics without rights or against the law, while the understanding without rights or against the law can be equated with understanding without having permission from authorized officials;

Considering, that in Article 1 number 1 of the Indonesian Law No. 35 of 2009 concerning Narcotics, that Narcotics is a substance or drug of plant origin or not plants, either synthetic or semisynthetic, which can cause a decrease or change in consciousness, loss of taste, reduce to relieve pain, and can cause dependence, which is distinguished in groups as attached in this Law;

Considering, that in relation to the element, at the trial have been revealed the following legal facts:

That the Defendant was arrested by Police Officer Sat Resnarkoba Badung Police on Wednesday, February 17, 2021 at 02.10 wita located in front of house No. 21 Lotus Road, Br. Negara Kelod, Sading Village, Kec. Mengwi, Kab. Badung;

defendant was arrested because the defendant was found to have prohibited narcotics in the form of meth for the defendant's own use;

That when the defendant was searched was found: 1 (one) plastic package of clips containing crystal clear crystal meth, 1 (one) pipette of blue drink;

That the one who told the Defendant to take the meth was his friend named Kadek Ardika;

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defendant explained the seized evidence in the form of:

1 (one) plastic package clip containing clear crystals suspected of meth weighing 0.31 grams of brutto or 0.1 grams of netto.

1 (one) blue drink pipette.

1 (one) white paper.

That it is true that the plan is evidence of meth weighing 0.1 grams netto will be used by the defendant both with Kadek Ardika (DPO).

That the defendant had consumed Ektasy narcotics with Kadek Ardika (DPO) once in 2005 at an entertainment venue in the Kuta area, then in 2016 consumed Meth until now only 5 (five) times consumed meth and the last time the defendant consumed meth about 1 (one) week ago before being caught.

That the way the defendant consumed meth first The defendant prepared a bottle filled with water, pipettes, gas matches and glass pipes, then the cap of the defendant's bottle holed as much as 2 (two) holes then the defendant's pipette input in the two holes then the defendant put meth into the glass pipe then the defendant burned until it released smoke then the defendant put the glass pipe into the pipette that had been assembled into a bong and the defendant suction by using the mouth and effect What the defendant felt after using meth felt fresh and strong staying up late besides that the defendant's vision became brighter.

defendant in his act of abusing Narcotics has no permission from the authorities for it.

Considering, that from the legal facts mentioned above, according to the Panel of Judges proved that the defendant had used meth-type narcotics without having permission from authorized officials, then the defendant is included in the narcotics abusers as intended from Article 1 number 15 of Law No. 35 of 2009 concerning Narcotics, so that thus the element of each abuser according to the Panel of Judges has been fulfilled;

Ad.2. Elements of abusing class I narcotics for themselves.

Considering, that as stated in the first element above, that the defendant has been using meth narcotics since 1 (one) year ago, which is in accordance with the results of the Assessment carried out by the Badung Regency Integrated Assessment Team No R / REKOM-32 / III / 2021 / TAT dated March 6, 2021 which states that basically the defendant I Wayan Albert Anggara Putra is a drug abuser in the form of Metamfetamina (meth) and is not indicated to be involved in the local narcotics illicit circulation network;

Considering, that based on a letter from the Badung Regency Integrated Assessment Team Number: R/REKOM-32/III/2021/TAT dated March 6, 2021, which stated that basically the defendant I Wayan Albert Anggara Putra was a abuser for narcotics in the form of Methamphetamine (meth) and was not indicated to be involved in the local narcotics illicit circulation network;

Considering, that based on the facts of the law mentioned above, according to the Panel of Judges the element of abusing class I narcotics for oneself has been fulfilled;

Considering, that because all elements of Article 127 paragraph (1) a of The Republic of Indonesia Law No. 35 of 2009 concerning Narcotics, have been fulfilled in the defendant's actions, then the Defendant must be declared to have been proven legally and convincingly committed a criminal act as charged by the Public Prosecutor in the second alternative charge;

Considering, that in the trial, the Panel of Judges did not find things that could eliminate criminal liability, either as a reason for the complainant and or forgiving reasons, then the Defendant must be held accountable for his actions;

Considering, that because the Defendant is able to be responsible, it must be found guilty and sentenced to a criminal;

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Considering, that in this case against the Defendant has been subject to lawful arrest and detention, the meal of the period of arrest and detention must be deducted entirely from the criminal imposed;

Considering, that because the Defendant is detained and the detention of the Defendant is based on sufficient reason, it is necessary to establish that the Defendant remains in custody;

Considering, that against the evidence presented at the trial to be further considered as follows:

- 1 (one) plastic package clip containing clear crystals suspected of meth weighing 0.31 grams of brutto or 0.1 grams of netto.
- 1 (one) blue drink pipette.
- 1 (one) white paper.

Which has been used to commit crimes and is feared to be used to repeat crimes, it is determined that the evidence is destroyed;

Considering, that in order to criminally impose a criminal against the Defendant, it is necessary to consider in advance the aggravating and mitigating circumstances;

Aggravating circumstances:

- The Defendant's actions disturbed the community;
- The defendant's actions do not support the government's program in combating narcotics and can damage the morale of the younger generation;

Mitigating circumstances:

- The defendant admitted frankly his actions so as to facilitate the investigation;
- The defendant has never been convicted;

Considering, that because the Defendant is criminally charged, it must also be burdened to pay the costs of the case; Noting, Article 127 paragraph (1) a of The Republic of Indonesia Law Number 35 of 2009 concerning Narcotics and Law No. 8 of 1981 concerning Criminal Procedure Law and other relevant laws and regulations;

Adjudicate:

Declaring Defendant, I Wayan Albert Anggara Putra proven legally and convincingly guilty of the criminal act of abusing Class I Narcotics for himself;

Criminally punishing the Defendant therefore with imprisonment for 1 (one) year 4 (four) months;

Stipulate the period of arrest and detention that the Defendant has served is deducted entirely from the sentence imposed;

Establish the defendant to remain in custody;

Establishing evidence in the form of: 1 (one) plastic package clip containing clear crystals suspected of meth weighing 0.31 grams of brutto or 0.1 grams netto. 1 (one) blue drink pipette. 1 (one) white paper. Deprived to be destroyed;

Charging the Defendant to pay a case fee of Rp. 2,000,- (two thousand rupiah);<sup>1</sup>

A judge is an official of a state court authorized by law to adjudicate (Article 1 number (8) of the Kuhap). Therefore, the function of a judge is a person authorized by law to conduct or adjudicate any case devolved to the court. Based on the above provisions, the duties of a judge are:

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<sup>1</sup> Putusan Pengadilan Negeri Denpasar, 2021, Nomor 507/Pid.Sus/2021/PNDps

- a) Accept any case presented to him;
- b) Examine every case presented to him;
- c) Adjudicate and resolve the case brought against him.

The freedom of judges to impose decisions in the criminal justice process is contained in Article 3 paragraph (1) and (2) of Law No. 48 of 2009 concerning the Principle of The Implementation of Judicial Power which states: Paragraph (1): In dropping their duties and functions, constitutional judges are obliged to maintain judicial independence. Paragraph (2): Any interference in judicial affairs by other parties outside the judicial power is prohibited, except in the cases referred to in the 1945 Constitution of the Unity of the Republic of Indonesia.

The content of the article is reaffirmed in Article 5 paragraph (1) of Law No. 48 of 2009 concerning the Principle of The Implementation of Judicial Power which states that Judges and constitutional judges are obliged to explore, follow and understand the values of law and the sense of justice that lives in society. Judging from the law enforcement factors, in the example of the results of the court's decision above it can be seen that the Judge only conducts juridical considerations based on the facts revealed in the trial.

In the case of narcotics abuse, the Judge should also consider in terms of non-juridical, namely considering the consequences of the defendant's actions and the condition of the defendant. In connection with narcotics crimes, the Supreme Court on April 7, 2010 has issued a Supreme Court Circular Letter (SEMA) Number 4 of 2010 concerning the Placement of Abuse, Abuse Victims and Victims of Narcotics Addicts into The Institute of Medical Rehabilitation and Social Rehabilitation. The issuance of the SEMA makes it possible for the court to decide narcotics criminal cases in the form of rehabilitation sentences. In the SEMA, it has been explained about the application of punishment as intended in Article 103 letters a and b of the Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics can only be dropped on the classification of criminal acts as follows:

The defendant at the time of arrest by police investigators and BNN investigators in the condition of being caught by hand;

At the time of being caught by hand according to item a above found evidence of use 1 (one) day with details such as follows:

- Metamphetamine group (meth) : 1 gram
- MDMA (ecstasy) group : 2.4 grams = 8 grains
- Heroin Group : 1.8 grams
- Cocaine Group : 1.8 grams
- Marijuana Group : 5 grams
- Coca leaves : 5 grams
- Meskalin : 5 grams
- Psilosybin group : 3 grams
- LSD group (d-lysergic acid diethylamide) : 2 grams
- PCP (phencyclidine) group: 3 grams
- Fentanyl group : 1 gram
- Methadone Group : 0.5 grams

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Morphine group : 1.8 grams  
Petidin group : 0.96 grams  
Codeine Group : 72 grams  
Bufrenorfin Group : 32 mg

Laboratory test letter positive using Narcotics based on the request of the investigator.

Need a Certificate from a mental doctor / government psychiatrist appointed by the Judge.

There is no evidence that the person concerned was involved in the illicit circulation of narcotics. From the provisions described in the SEMA above, judging from the defendant's evidence amounting to 0.1 grams netto and the results of the recommendation of the Integrated Assessment Team No. R / REKOM-32 / III / 2021 / TAT which stated basically that the defendant I Wayan Albert Anggara Putra was a narcotic abuser in the form of Metamphetamine (Shabu) and was not indicated to be involved in the local Narcotics illicit circulation network, It is clear that the Judge should be able to consider giving a verdict in the form of sanctions of action (rehabilitation) to the defendant. Quoted from the results of the assessment on behalf of the defendant I Wayan Albert Anggara Putra whose author got from the National Narcotics Agency of Badung Regency which mentioned in point 3 (three) that:

That based on the results of the assessment of the suspect an. I WAYAN ALBERT ANGGARA PUTRA is a metamphetamine (meth) abuser and conducted a Screening Test using DAST (Drug Abuse Screening Test) with substance results. The seized evidence was 0.31 grams of brutto or 0.1 grams of netto used for himself. When assessed, he did not show symptoms of Methamphetamine (Meth) dependence and was not indicated to be involved in the illicit circulation of local narcotics. Therefore, the Badung Regency Integrated Assessment Team (TAT) recommends that suspects be carried out Social Hospitalization Rehabilitation at Government-run Social Rehabilitation Institutions.

The defendant's recommendation was in the form of a Social Inpatient Rehabilitation act at a Government-run Social Rehabilitation Institution, but in his consideration the Judge did not include the social hospital rehabilitation recommendation in his ruling. The judge only weighed in terms of the defendant's incompetence in the illicit circulation of narcotics in accordance with the results of the assessment given by the National Narcotics Agency of Badung Regency. According to Herbert L. Packer, "rehabilitation is done to the perpetrator of the crime because in imposing sanctions must be oriented to the individual perpetrator, not to his actions. How to make the individual perpetrator of the crime to be better."

The humanistic approach in the policy or renewal of criminal law is also seen in Sudarto's opinion which states that: as a consequence of the idea of criminal individualization, the system of punishment in modern criminal law is in turn oriented towards perpetrators and deeds. The type of sanctions established includes not only criminal sanctions, but also action sanctions. The recognition of equality between criminal sanctions and sanctions of action is the fundamental nature or basic idea of the concept of a double track system.

In order to determine the level of addiction and the role of suspects and / or defendants in narcotics crimes, an assessment is carried out by the Integrated Assessment Team consisting of a team of doctors and a legal team.

The team of doctors consists of general practitioners or mental medicine specialists or forensic specialists and / or psychologists. The team of doctors can come from government health service facilities, professional organizations, the National Police of the Republic of Indonesia (Polri) and the National Narcotics Agency (BNN) who already have a certificate in the field of assessment of narcotic use disorders from the Ministry of Health. In the event that there are no mental medicine specialists, forensic specialists and psychologists then the team of doctors can come from a trained general practitioner.

The legal team consists of elements of the National Police, BNN, Prosecutor's Office and involves the Ministry of Law and Human Rights (Balai Penitentiary / BAPAS) if the suspect and / or defendant are children. The Doctor Team consists of at least 2 (two) people from the Mandatory Reporting

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Receiving Institution (IPWL) who have been certified by the Ministry of Health on the recommendation of the Ministry of Health for the Assessment Team at the central level, the Head of the Provincial / Regency / City Health Office for the Assessment Team at the Provincial / Regency / City level.

The Legal Team consists of 1 (one) person each consisting of elements of the National Police appointed by the Dir IV Narkoba, The Police Drug Dir / Police Drug Commissioner, the BNN element appointed by the Deputy eradication / Head of BNNP / K / Kab, the Prosecutor (Appointed Prosecutor) and the Ministry of Justice (BAPAS) if the suspect is a child.

The mechanism for implementing integrated assessments is regulated as follows:

The Integrated Assessment Team carries out assessments on written requests from investigators. Investigators apply for a maximum of 1 x 24 (one time twenty-four hours) after the arrest.

Then secretarial officers submit notification letters for the implementation of assessments to the leadership directly in their respective agencies in accordance with the assessment submission.

The Integrated Assessment Team conducts a maximum assessment of 2 x 24 (twice twenty-four hours), then the assessment results from the team of doctors and legal teams are concluded at the latest on the third day.

The assessment results of each assessment team are discussed at the case conference meeting on the fourth day to be determined as a recommendation of the Integrated Assessment Team. The recommendations of the Integrated Assessment Team contain information about the role of suspects and/or defendants in criminal acts, the level of dependence on narcotics abuse, recommendations for the continuation of the legal process and the place and length of time of rehabilitation. The recommendations of the Integrated Assessment Team are signed by the Head of the Integrated Assessment Team. In terms of the interests of the court process, the results of the Integrated Assessment Team Recommendation attached to the suspect file must be original not in the form of a photo copy.

The implementation of assessments by the team of doctors is carried out at the Mandatory Reporting Receiving Institution (IPWL) which has been determined by the Ministry of Health and/or at the secretariat of the Integrated Assessment Team. If in case of urgent conditions, the examination can be done at the office of the investigator who applied.

The implementation of assessment by the legal team is carried out at the secretariat of the Integrated Assessment Team and if in the event of urgent conditions, the examination can be carried out at the office of the investigator who submitted the application.

In order to obtain accurate data and optimize the results of assessments, the assessment process needs to be carried out in a room that can maintain privacy and is not attended by third parties, both family, other professionals, except in special cases.

## CONCLUSION

The assessment arrangement for narcotics abusers carried out at the National Narcotics Agency of Badung Regency is carried out by always guided by the existing rules without a special policy, referring to the Regulation of the Head of the National Narcotics Agency No. 11 of 2014 concerning Procedures for Handling Narcotics Addicts and Victims of Narcotics Abuse into Lemabaga Rehabilitation, Joint Regulation of the Chief Justice of the Supreme Court of the Republic of Indonesia, Minister of Law and Human Rights of the Republic of Indonesia, Minister of Health of the Republic of Indonesia, Minister of Social Affairs of the Republic of Indonesia, Attorney General of the Republic of Indonesia, Head of Police of the Republic of Indonesia, Head of the National Narcotics Agency of the Republic of Indonesia. No. 01/PB/MA/III/2014, No. 03 of 2014, No. 11 of 2014, No. 03 of 2014, No. PER-005/A/JA/03/2014, No. 1 of 2014, No. PERBER/01/III/2014/BNN concerning The Handling of Narcotics Addicts and Victims of Narcotics Abuse into Rehabilitation Institutions, as well as guided by the Technical Draft for the Implementation of Integrated Assessments for Addicts and Victims of Narcotics Abuse in Legal Proceedings.

The impact of assessment in the countermeasures of narcotics abusers in Badung Regency has so far not been effective, because in the court's decision the Judge still has not used the results of the Recommendations from the Integrated Assessment Team in consideration of the implementation of the verdict. Judges are still inclined to sentence prison confinement to defendants without considering sanctioning in the form of rehabilitation measures on defendants for recovery from narcotics snares as mandated in Law No. 35 of 2009 on Narcotics and strengthened by SEMA No. 4 of 2010 concerning the Placement of Abusers, Victims of Abusers and Narcotics Addicts into Medical Rehabilitation and Social Rehabilitation Institutions.

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