

# The Implementation of Rehabilitation for Drug Using Police Members (Case Study in the Blora Police Legal Area)

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## ABSTRACT

In general, the Indonesian people and the international community are today confronted with a very concerning scenario as a result of the widespread unlawful usage of numerous sorts of narcotics. Narcotics misuse is employed not just by the general populace, but also by the police. As we all know, the police have a critical role in combating and eliminating drug usage in society. The legal system that applies in Indonesia as a state of law certainly upholds equality before the law and the government for every citizen, not to mention perpetrators of criminal acts committed by law enforcement officers themselves, in this case members of the Indonesian police, who must go through a legal process in accordance with the applicable legal rules if proven legally and convincingly to commit a crime. The investigation of police officers is governed by the rules of the general criminal procedure legislation and Law Number 2 of 2002 regulating the Indonesian National Police. Thus, it is expected that the vision and mission of determining criminal sanctions can be realized, namely creating a deterrent effect for all those who have violated the rules of criminal acts regardless of the person who committed the crime, and this is expected to be a means of enforcing criminal law by the police. The issue at hand is the introduction of rehabilitation programs for active members of the National Police (Case Study in the Legal Area of the Blora Resort Police). This study employs normative legal research. The normative research approach is strongly tied to library research because it will require secondary data from the library.

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## ABSTRAK

Secara umum masyarakat Indonesia hingga masyarakat dunia saat ini dihadapkan pada situasi yang cukup mengkhawatirkan akibat maraknya penggunaan berbagai jenis narkoba secara ilegal. Penyalahgunaan Narkotika bukan hanya dipergunakan oleh masyarakat pada umumnya, tetapi juga pada aparat kepolisian. Dimana yang kita ketahui, polisi memiliki tugas penting untuk menanggulangi dan memberantas penyalahgunaan narkotika di masyarakat. Sistem hukum yang berlaku di Indonesia sebagai negara hukum tentunya menjunjung tinggi persamaan di depan hukum dan pemerintahan bagi setiap warga negara, tidak terkecuali para pelaku tindak pidana yang dilakukan oleh aparat penegak hukum itu sendiri, dalam hal ini anggota kepolisian Indonesia, jika terbukti secara sah dan meyakinkan melakukan tindak pidana harus menjalani proses hukum sesuai dengan aturan hukum yang berlaku. Mekanisme penyidikan terhadap anggota kepolisian mengacu pada ketentuan yang berlaku dalam hukum acara pidana umum dan Undang-Undang Nomor 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia. Sehingga, diharapkan visi dan misi penetapan sanksi pidana dapat tercapai yaitu menciptakan efek jera bagi semua orang yang telah melanggar aturan-aturan tindak pidana tanpa memandang latar belakang orang yang melakukan tindak pidana tersebut, hal ini diharapkan dapat menjadi sarana penegakan hukum pidana oleh kepolisian. Permasalahan yang akan dibahas adalah pelaksanaan rehabilitasi bagi anggota Polri yang Menggunakan Narkotika (Studi Kasus Di Wilayah Hukum Kepolisian Resor Blora). Penelitian ini menggunakan jenis penelitian hukum yang bersifat normatif. Metode penelitian normatif merupakan penelitian yang erat kaitannya dengan studi pustaka karena akan membutuhkan data sekunder yang ada pada data kepustakaan.

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## I. INTRODUCTION

The issue of drug abuse and trafficking in Indonesia has grown significantly, and it is feared that this could put the lives of Indonesian citizens in danger. In addition to serving as a stopover for these crimes, drug circulation has also turned into a haven for dealers and a site for illegal drug production. Drugs were first only employed as a therapeutic technique. However, narcotics are sometimes used inappropriately, which is actually the case in the field of narcotics medicine used for anesthetic patients before to the surgical procedure. Since Law Number 35 of 2009 about Narcotics repealed Law Number 22 of 1997 concerning Narcotics, which forbade their use without a permit, it is clear that drugs were previously regarded legal in Indonesia.

Law enforcement officials, such as the police, are present in every country with a legal system, and they are all tasked with upholding the rule of law while also ensuring public safety and justice. The National Police of the Republic of Indonesia is subject to Law Number 2 of 2002, which broadens the police's responsibilities as one of the state government's responsibilities for defending human rights while preserving security and public order and enforcing the law.

As a result, the police have a critical responsibility to combat and eliminate community drug usage. Police officers risk becoming trapped in a cycle of drug misuse if their work is not founded on Pancasila, the Republic of Indonesia's 1945 Constitution, and related rules and regulations. They also risk doing so if their religion and attitude are not strong enough.

The legal system that applies in Indonesia as a state of law certainly upholds equality before the law and the government for every citizen, not to mention perpetrators of criminal acts committed by law enforcement officers themselves, in this case members of the Indonesian police, who must go through a legal process in accordance with the applicable legal rules if proven legally and convincingly to commit a crime. The method for investigating police officers is based on the principles of the general criminal procedure legislation and Law Number 2 of 2002 addressing the Indonesian National Police.

Provisions regarding the Police Professional Code of Ethics as regulated in the Regulation of the Chief of Police Number 7 of 2006 and the Regulation of the Chief of Police of the Republic of Indonesia Number 8 of 2006, is a moral principle with the hope of fostering a high commitment for all members of the National Police to obey and implement the Police Professional Code of Ethics in all their lives, namely in carrying out their duties, in daily life and in serving the community, nation and state.

As stated in Article 1 number 11 of the Regulation of the Head of the National Police of the Republic of Indonesia Number 14 of 2011 concerning the Professional Code of Ethics of the State Police of the Republic of Indonesia, that KEPP enforcement is a series of actions by Polri officials who are authorized according to this regulation, to conduct preliminary examinations, examinations at the KKEP trial, examination of the Appeals Commission of the Police Code of Ethics against Police Members suspected of committing KEPP Violations and rehabilitation of Police Members who are declared to have violated or are not proven to be violators. Disrespectful dismissal, also known as PTDH, is defined in Article 1 number 17 as "the termination of the police term of office by an authorized official against a member of the National Police for having been proven to have committed a violation, discipline, and/or violation of the KEPP of a criminal act".

Thus, it is hoped that the vision and mission of determining criminal sanctions can be realized, namely creating a deterrent effect for all those who have violated the rules of criminal acts regardless

of the person who committed the crime, and this is expected to be a means of enforcing criminal law by the police. Furthermore, the perpetrators of crime are police officers. Certainly, accountability is required in the form of sanctions, both criminal and the imposition of sanctions by the relevant agencies, so that the punishments imposed are as harsh as possible so that state officials do not repeat the same error.

## II. RESEARCH METHOD

The author employs normative legal research in this legal research methodology. The normative research method is closely related to literature analysis because it calls for secondary material from library sources such as statutes, encyclopedias, legal theory, and possibly expert opinions.

## III. RESULT AND DISCUSSION

### **The Overview of Narcotics**

According to Law Number 35 of 2009 concerning Narcotics, "narcotics" are defined as "substances or drugs, both synthetic and semi-synthetic, derived from plants or non-plants, which can cause a decrease or change in consciousness, loss of taste, reduce or eliminate pain, and can cause dependence that can lead to addiction" (emphasis added).

Narcotics According to Soerdjono Dirjosisworo, narcotics are drugs that, when injected into the body, can have specific effects on persons who use them. The anesthetic, lack of pain, exhilaration, hallucinations, or emergence of delusions are just a few of these side effects. This property is well-known and may be found in the medical community and is intended for use in the sectors of surgery, pain relief, and other human interests. According to Sumarno Ma'sum the factors for the occurrence of narcotics abuse are grouped into 3 (three) parts, as follow.

- a. Can be obtained easily, weak legal status, easy to cause dependence or addiction;
- b. Personality factors, including: minimal religious education, lack of information about hard drugs and their abuse, unstable development (both physical and mental), failure to realize desires, problems in love, achievement, position and others, lack of self-confidence and shutting oneself off from others, running away from reality, curious and adventurous in search of self-identity;
- c. Environmental factors, including chaotic household and community conditions, less parental responsibility, unemployment, and weak legal sanctions.

Narcotics crime is regulated in Article 111 to Article 148 of Law Number 35 of 2009 concerning Narcotics. This can be seen from Supramono's opinion that if narcotics are only for treatment and for scientific purposes, then acts outside those interests are crimes (criminal acts). In essence, the law regulates society well and usefully by determining what is required or allowed and vice versa. Types of Narcotics in Article 6 paragraph (1) of Law Number 35 of 2009 concerning Narcotics states that narcotics are classified into 3 (three), as follow: Narcotics Group I, Narcotics Group II; and Narcotics Group III.

### **The Overview of Rehabilitation**

In Law Number 35 of 2009 concerning Narcotics and Law Number 5 of 1997 concerning Psychotropics, there is no explicit mention of Depenalization. However, the law states that "rehabilitation must be carried out for addicts and victims of narcotics abuse." The word "mandatory" forces law enforcement to take health into account in addition to measures to punish. Medical or social rehabilitation can be used to treat drug abusers and those who have abused drugs. The terms "medical rehabilitation" and "social rehabilitation" are defined as follows.

- a. Medical Rehabilitation. According to Article 1 number 16 of Law Number 35 of 2009 concerning Narcotics explains that "Medical Rehabilitation is a process of integrated treatment activities to free addicts from narcotics dependence,"

- b. In administering Medical Rehabilitation for Addicts and Victims of Narcotics Abuse, the Minister of Health of the Republic of Indonesia issues Regulation of the Minister of Health of the Republic of Indonesia Number 80 of 2014 concerning Technical Guidelines for the Implementation of Medical Rehabilitation for Addicts, Abusers, and Victims of Narcotics Abuse who are in the process of investigation, prosecution, and trial or has obtained a Court Decision and Regulation of the Minister of Health of the Republic of Indonesia Number 50 of 2015 concerning Technical Guidelines for Compulsory Reporting and Rehabilitation Treatment for Addicts, Abusers, and Victims of Narcotics Abuse.
- c. Social Rehabilitation. According to Article 1 number 17 of Law Number 35 of 2009 concerning Narcotics explains that "social rehabilitation is a recovery process, both physical, mental, and social, so that former narcotics addicts can return to carrying out their social functions in social life."
- d. In implementing Social Rehabilitation for Narcotics Addicts and Abusers, the Minister of Social Affairs of the Republic of Indonesia issued Regulation of the Minister of Social Affairs of the Republic of Indonesia Number 8 of 2014 concerning Guidelines for the Social Rehabilitation of Addicts and Narcotics Victims and Victims of Narcotics Abuse Facing the Law in Social Rehabilitation Institutions.

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### **The Overview of the Police Professional Code of Ethics**

The Code of Ethics for the Police Profession must be based on needs, as regulated in Law Number 2 of 2002 concerning the Indonesian National Police and followed up with the Regulation of the National Police Chief Number 7 of 2006 as amended by Regulation of the Head of the State Police of the Republic of Indonesia Number 14 of 2011 concerning the Code Professional Ethics of the State Police of the Republic of Indonesia, so that the Code of Professional Ethics of the Police is binding on every member of the State Police of the Republic of Indonesia.

Professional ethics is a way of life that embodies justice in the form of providing professional services to the community with full responsibility and skill as a service in the context of carrying out duties in the form of obligations to the community to be served. In relation to the relationship between the profession and the community it serves, the profession itself, professional organizations, and professional organizations and the government, the Police Professional Code of Ethics examines certain standards or principles. The manufacturing carried out by an individual Polri and the community regarding their job is one type of interaction between a professional and a client (service user).

Based on Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, it can be understood the important essence of the roles, functions and main tasks of the State Police, as follow.

- a. The National Police of the Republic of Indonesia is a state instrument that plays a role in maintaining public security and order, enforcing the law, and providing protection, protection and services to the community in the context of maintaining domestic security.
- b. The function of the National Police is one of the functions of the State Government in the field of maintaining security and public order, law enforcement, protection, shelter, and service to the community.
- c. The National Police of the Republic of Indonesia aims to realize internal security which includes the maintenance of public security and order, order and the rule of law, the implementation of protection, protection, and service to the community, as well as the realization of public peace by upholding human rights.

The three main tasks aren't actually in any particular order of importance because they are all equally important; rather, the implementation of the three main tasks will depend on the circumstances, community, and environmental conditions that arise because the three main tasks are typically completed concurrently and can be combined as needed.

### **The Implementation of Rehabilitation for Drug Using Police Members (Case Study in the Blora Police Legal Area)**

The description of the law enforcement process for members of the police who commit narcotics crimes, as follow:

- a. Investigation Stage  
Police officers who are suspected of engaging in a criminal offense involving drug misuse might be reported with and from public complaints throughout this inquiry stage. This complaint will be investigated by the appropriate Provos section after being followed up with by the appropriate police authority. With solid evidence, the Provos unit refers the investigation to the Paminal unit for further inquiry; in this investigation, not only the Paminal unit but also the Narcotics Satres join in the investigative process. If the Paminal unit believes the evidence is strong, it will be turned over to the Provos unit, which will conduct an investigation into infractions of the police code of ethics. The Narcotics Unit, on the other hand, is continuing the investigation in accordance with the Criminal Procedure Code.
- b. Investigation Stage  
Entering the investigation process, suspected police officers who breach the code of ethics and commit criminal actions of narcotics misuse might be investigated based on the unit's location. This is done in compliance with the KUHAP rules.
- c. General Court Stage  
In accordance with the rules of the Criminal Procedure Code, defendants of drugs misuse offences and members of the police are handled similarly and on an equal footing with other criminals during examination in court. This is consistent with the idea that all people are equal in the eyes of the law.
- d. Code of Conduct Judicial Stage  
The next phase that the suspected police officers who take drugs must go through after the legal one is an enforcement of the police professional code of ethics. The National Police Propam plays a key role in enforcing this code of conduct. Of course, there are legal repercussions for violations made by National Police officers. Settlement of KEPP Violations by the Police of the Republic of Indonesia for Violators of Crimes of Morals must go through numerous levels of KEPP enforcement, which include: Preliminary Check; KKEP session; Appeals Commission Session; Determination of Sentencing Administration.
- e. Rehabilitation Stage  
If there is proof that a police officer has broken the Propam code of ethics, the Propam code of ethics will be enforced by rehabilitation, dishonorable discharge, or expulsion from the National Police unit. Members of the National Police who have engaged in criminal activity related to illegal drug trafficking will face punishments such as dishonorable dismissal or expulsion from the National Police division. In the meanwhile, police officers who misuse drugs or who have addictions will receive rehabilitation.

### **The Rehabilitation Process for Drug Using Police Members (Case Study in the Legal Area of the Blora Resort Police)**

If the offender of a criminal act of drug abuse is not a recidivist, the investigators of the Narcotics Satres of Blora Police coordinate with the Provincial BNNP (National Narcotics Agency) of Central Java to carry out the Assessment. This process is known as the Rehabilitation Process for Police Members Who Use Narcotics (Case Study in the Legal Area of the Blora Resort Police). According to Article 1

Number 13 of Law Number 35 of 2009 Concerning Narcotics, those who use or abuse drugs and are physically and psychologically dependent on them are considered drug addicts.

A timeline for the execution of the assessment is determined after coordination with the Central Java BNNP in connection with the request to carry out or send the offender for an assessment, and the investigator quickly fulfills the relevant requirements. Once the time was known, the Central Java BNNP took the member, who was the perpetrator, and had him evaluated by the Integrated Assessment Team (TAT), which included the BNNP, medical professionals, psychologists, the Semarang High Prosecutor's Office, the Central Java Police Narcotics Directorate, and the Ministry of Law and Human Rights. The results of the assessment were then released. The results of the recommendations of the investigator's assessment carried out:

- a. The Medical Team gave their opinion, namely Social Drug Rehabilitation inpatient for three months.
- b. The Legal Team provides recommendations, namely further legal processes.

From the results of the assessment, the investigators sent the narcotics abuser to the Recipient Institution for Compulsory Reporting (IPWL) for Social Rehabilitation

#### IV. CONCLUSION

Narcotics are substances or medications generated from plants or non-plants, both synthetic and semi-synthetic, that can cause a decrease or change in consciousness, loss of taste, pain reduction or elimination, and reliance that can lead to addiction. Narcotics rehabilitation can be accomplished by medical or social rehabilitation for addicts and sufferers of narcotics misuse. The National Police, as a responsive government subsystem, has attempted to contribute to the realization of the ideals of Good Governance and Clean Government by carrying out major tasks, among others: Maintain public security and order (Kamtibmas); Law enforcement; Protecting, nurturing and serving the community as well as in the internal environment of the Police themselves.

The three main tasks are not in any particular order of importance; rather, which main tasks will be prioritized during implementation will depend on the situation, community, and environmental conditions encountered, because the three main tasks are carried out concurrently and can be combined based on needs. The execution of rehabilitation for police officers who commit drugs offenses, including: the investigation stage, the general court stage, the code of ethics trial stage, and the rehabilitation stage. Investigators from the Narcotics Unit of the Blora Police brought the offender, i.e. the member, to the Central Java BNNP after learning the assessment's schedule. The BNNP itself, doctors, psychologists, the Semarang High Prosecutor's Office, the Central Java Police Narcotics Directorate, and The Ministry of Law and Human Rights then conducted the assessment and released the assessment's findings.

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