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THE IMPLEMENTATION OF DRUG ABUSE REHABILITATION DURING THE COVID 19 PANDEMIC IN SOUTH SUMATRA

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Abstract

Drug abuse in Indonesia has become a serious and disheartening problem in Indonesia in recent years, making it a national problem. As a developing country, Indonesia has become a potential target for illegal drug dealing. The offenders of drug laws, as stipulated by Law number 35 of 2009 concerning narcotics and Law number 5 of 1997 concerning psychotropic drug abuse, must face the possibility of being sent to prison. However, it is also possible for them to be sent to rehabilitation centers for treatments. Indonesian law has stipulated laws on narcotics, which mention that drug users can be sent to rehabilitation centers. This study discusses the implementation of rehabilitation for drug abusers in South Sumatra province during the pandemic. Empirical method was used in this field sociological research by incorporating normative data supported with sociological approach. Therefore, based on the background, the researchers conducted a study about “The Implementation of Drug Abuse Rehabilitation during the Covid 19 Pandemic in South Sumatra Province” The rehabilitation service in the National Narcotics Agency of South Sumatra is not reduced, but it uses a different model. The consultation is held using the current technology, but the initial and final assessment, to see whether or not a patient has recovered from their addiction, is held face to face. The use of technology in the rehabilitation is closely related with *Salus Populi Suprema Lex Esto* principle and is a way to protect the patient from Corona virus. The obstacles of the rehabilitation are the poor law enforcement, patient’s motivation, and other hindrance due to the C-19 pandemic.

INTRODUCTION

Drug abuse in Indonesia in recent years has been a serious problem. The disheartening condition has made drug abuses a national problem. As a developing country, Indonesia is a potential target for illegal narcotic dealing. Drug abuse is still a chronic problem for Indonesia.¹ Special treatments are needed to handle narcotic abuse in Indonesia. According to Law number 35 of 2009 concerning narcotics, drug abusers might be sent to prison or treated in rehabilitation centers. Regulation about drug abuser rehabilitation in the law is stipulated in article 54 to 59, while Law number 5 of 1997 concerning psychotropic drugs arranged the matter in article 36 to 41. Rehabilitation is a better measure in terms of resocialization in that

¹ Bayu Puji Hariyanto, *Pencegahan dan Pemberantasan Peredaran Narkoba Di Indonesia*, Jurnal Daulat Hukum Vol. 1. No. 1 March 2018, p. 201

its participants are able to regain their social and moral quality to reintegrate in the society.² There are two types of rehabilitation: social and medical; each of which is tailored according to the condition of participant based on the substance they use (i.e. dextromethorphan, heroin, cannabis, cocaine) and based on their gender.³

The medical rehabilitation is conducted in government or private hospitals prescribed by the minister of health and in other government or non-government managed rehabilitation institutions. Treatments for drug users can also be held by the community through religious and traditional approach, or social rehabilitation.⁴ It is widely accepted in many places in the world that drug abusers are bad people. Such stigma will just worsen their psychology. The aforementioned laws are a new air for drug users. They are actually victims that need to be healed with the support of love. The circular letter of Indonesia Supreme Court number 4 of 2010, supported by another letter number 3 of 2011, states that drug users arrested by the police or other anti-drug authoritative bodies can be sentenced to medical and social rehabilitation in appointed centers.⁵

In South Sumatra, forty percent of crimes are drug related⁶, and the province is one of the worst areas. Based on the data from the Narcotics Agency of South Sumatra, there are at least 736 cases of drug abuse in 2018; 311 are narcotics (heroin, ecstasy, and cannabis), and 425 are psychotropics. From the hundreds of cases, ecstasy cases are dominant. In 2019 the province was in the eighth position of drug abuse nationally.

This condition needs a special attention from the concerning parties, from which efforts can be proposed to prevent both first and repetitive cases. It expected that rehabilitation can make drug abusers stop their addiction and not use drugs illegally anymore.

The rehabilitation can be held in governmental and non-governmental institutions. During the current pandemic, the rehabilitation method has changed. As we know that the world is now facing Covid 19, which is the cause of common flu, respiratory syndrome (MERS-CoV), or even the fatal severe acute respiratory syndrome (SARS-CoV). Based on the background, this research examines the implementation of drug abuser rehabilitation during the Covid 19 pandemic to answer the main question, i.e. how is the implementation of rehabilitation for drug abusers during the pandemic?

METHOD

The scope of this field is Empirical or sociologic, research **1** the implementation of rehabilitative penalty for drug users during the pandemic focusing **on the National Narcotics Agency of South Sumatra.**

RESULT AND DISCUSSION

THE IMPLEMENTATION OF REHABILITATIVE PENALTY FOR DRUG ABUSERS DURING **1** THE COVID 19 PANDEMIC

A. Rehabilitation in the National Narcotics Agency of South Sumatra

Rehabilitation **in the** National Narcotics Agency of South Sumatra consists of several stages as follows:

1. Resident Acceptance Flow

²Yong Ohoitmur, *Teori Etika Tentang Hukuman Legal*, Gramedia Pustaka Utama, Jakarta, 1997, p. 41 in the law journal of rehabilitation policies for drug abusers in Law number 35 of 2009 concerning drugs, written by Ida Bagus Putu Swadharma Diputra

³ Rasdianah and Fuad Nur, *Efektivitas Pelaksanaan Rehabilitasi Medis Terhadap Pecandu Dan Korban Penyalahgunaan Narkotika*, Jurnal Jurisprudentie Volume 5 Number 2, December 2018, p. 170

⁴ Gatot Supramono, *Hukum Narkoba Di Indonesia*, Djambatan, Jakarta, 2004, p.192

⁵ *Ibid*

⁶<https://news.detik.com/berita/d-4383690/kajati-sumsel-40-kasus-pidana-umum-di-sumsel-didominasi-narkoba>, accessed on October 25, 2020

Each social rehabilitation institution has its own system in accepting residents or patients according to its policies and procedures. The acceptance flow in the National Narcotics Agency of South Sumatra in Klinik is as follow:⁷

1) Screening

This is the initial process before accepting patients in a clinic for rehabilitation appointed by the National Narcotics Agency. In this process, the followings must be completed.

- a. Interviews with the predetermined domains
- b. Forms for assessment
- c. Forms about the patients' data
- d. Medical and psychological checkups;

2) Assessment

In this stage information about the condition of the patients due to their drug addiction is gathered, as well as information about the drug consumption history and their medical and social background. The assessment is conducted using interviews, observation, and physical and psychological checkups. First, the patient candidate will be asked to fill an assessment form, then interview follows. Here assessor plays an important role. The assessment is different from the TAT (Integrated Assessment Team), that is assembled based the Supreme Court's circular letter for rehabilitation patient in the assessment with patients in TAT. Voluntarily-coming patients are divided into two;⁸ they are:

- a. *Polentri*, patients who come voluntarily are sent by their parents or families to the National Narcotics Agency of South Sumatra, and
- b. *Kompersri*, patients who come due to legal cases, who are handled by TAT.

The team determines whether or not a patient is really a drug abuser, a user, an addict, or a dealer. They also decide whether or not a patient is eligible for rehabilitation. This means that a particular patient has been assessed because the assessment is an information gathering method, which is usually called as the initial screening. This process precedes the urine test. TAT in the National Narcotics Agency of South Sumatra was first established in 2016.

If a person is arrested by the police, there are two types of rehabilitation; they are:

- a. Outpatient rehabilitation, and
- b. Inpatient rehabilitation, in institutions appointed by the National Narcotics Agency or the Ministry of Social Affair.

The National Narcotics Agency only administers outpatient rehabilitation. If a patient is found to have severe addiction or long drug abuse history, he will be prescribed to have treatments in inpatient rehabilitation centers provided by the Central Office of National Narcotics Agency.⁹

a) Initial Assessment

Initial assessment is conducted when a patient is in the early stage of rehabilitation, usually on the first to fourth week of the rehabilitation. This assessment can be accomplished within two to three weeks of meeting, but for clients with good physical condition and cooperative attitude, the assessment can be done in one meeting. Urine test will follow, and therapy plan can be made afterwards.¹⁰

⁷Results of interview with Dr. Arini, the Executive of Rehabilitation of the National Narcotics Agency of South Sumatra on October 12, 2020.

⁸ Results of interview with Dr. Arini, the Executive of Rehabilitation of the National Narcotics Agency of South Sumatra on January 14, 2020.

⁹ Results of interview with Dr. Arini, the Executive of Rehabilitation of the National Narcotics Agency of South Sumatra on January 14, 2020.

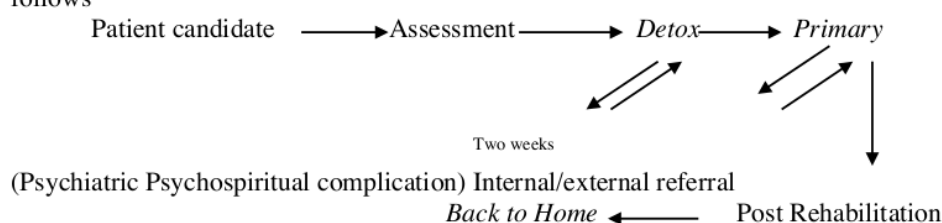
¹⁰ Results of interview with Dr. Arini, the Executive of Rehabilitation of the National Narcotics Agency of South Sumatra on January 14, 2020.

b) Therapy Plan

Therapy plan is very detrimental for the success of a therapy.¹¹ Most patients need therapy that is related with drug consumption problems. However, at the same time they also need other therapies such as family counseling, social counseling, trainings to become active parents, etc.¹²

c) Follow-up Assessment

Assessment for patients is not only conducted before joining the rehabilitation program. It must be repeated during the period when the patient is stated to be still in the program and after completing it. Here officers from the National Narcotics Agency will make daily observation, which serves as a post-rehab service through the national and city or regency office of the agency or through assistance house to monitor the ex-patients' natural and vocational conservation and to monitor the recovery of their productivity and social function. The flow of rehabilitation in the National Narcotics Agency of South Sumatra is as follows



B. THE USE OF TECHNOLOGY IN REHABILITATION OF DRUG ABUSERS DURING THE COVID 19 PANDEMIC

Rehabilitation in the National Narcotics Agency of South Sumatra during the pandemic is not reduced, but it goes under a different practice¹³ because all patients must run the health protocol such as washing hands, using mask, and keeping their distance with others. Before joining the rehabilitation, the candidates must take rapid tests to identify whether or not they are or have been infected, then the normal procedure, i.e. physical test, urine test, assessment, therapy plan, inpatient or outpatient treatment, and post-rehab treatment, follows. For outpatients, counselling can be held through WhatsApp or landline calls. Those who are really committed for recovery obey the applicable rules and regularly report themselves in via WhatsApp or phone calls. Outpatients consult themselves online one to two times a week. To determine whether or not a patient has recovered from addiction, direct meeting and urine test are held in the agency's office, followed by post-rehab treatment. The rehabilitation takes four to five times of counselling, which is around one to two months.

During the pandemic, consultation can be held using the current technology, but the assessments – both initial and final – must be in form of direct meeting/ the use of technology in rehabilitation is closely related with *Salus Populi Suprema Lex Esto* principle¹⁴ and is one of the ways to protect the patients from Corona virus infections.

¹¹ *Pedoman Konseling Gangguan Pengguna Napza Bagi Petugas Kesehatan*, Jakarta, the Ministry of Health of Indonesia, 2010, pp. 20-21.

¹² Results of interview with Dr. Arini, the Executive of Rehabilitation of the National Narcotics Agency of South Sumatra on October 12, 2020.

¹³ Results of interview with DRS. H. A Bustari A.MK, the Head of Rehabilitation Department of the National Narcotics Agency of South Sumatra on October 12, 2020.

¹⁴ *Salus populi suprema lex*, some may say *Salus populi suprema lex esto* or *Salus populi suprema est*, which means that people's safety is the highest law. This Latin adagium was first introduced by an ancient Roman philosopher Marcus Tullius Cicero (106-43 BC) in his book "De Legibus". Then, Thomas Hobbes (1588-1679) in his classics "Leviathan" and Baruch

C. THE INHIBITING FACTORS FOR OUTPATIENT REHABILITATION IN THE NATIONAL NARCOTICS AGENCY OF SOUTH SUMATERA REGENCY

The obstacles in the implementation of the rehabilitation are as follows:¹⁵

1. Poor Law Enforcement

Poor law enforcement refers to a system that is not able to give deterrent effects to drug abusers and dealers. Therefore, there are still many people in South Sumatera regency who still use drugs. This is worsened by the environment.

Although most of the drug addicts have come to the agency at national, provincial, or city/regency level, or to non-governmental rehabilitation organizations, or the social service to get rehabilitation, their problems do not stop there. It is true that the agency has initially conducted assessments and provided information about doctors, psychiatric, and counselors that will help them. However, poor socialization about law enforcement has made them only understand that, whenever they are caught again for drug abusing, they will get rehabilitation easily.¹⁶

2. Low Motivation of Patients to Stop Their Addiction

The assessment process for rehabilitation purposes will run well if the patients have the same urge, awareness, spirit, motivation, and intention with the agency to stop their addiction to drugs. Low motivation and spirit will make the patient not serious in taking the assessment session, and it will negatively affect the rehabilitation and treatment process. The time that they have to spend in rehabilitation is going to be longer.¹⁷

The role of counselors to raise patient's motivation is considerably important, as explained in the previous chapter.¹⁸

3. The Obstacles of Rehabilitation during the Covid 19 Pandemic

During the pandemic, outpatient rehabilitation services in the National Narcotic Agency of South Sumatra are provided through the use of social media application. Rehabilitation officials reach the patients through video calls. For inpatient rehabilitation services, the patient candidates must enclose Covid 19 rapid and swab test results. Here we do not find any significant difference in the rehabilitation process between before and after the pandemic. The difference is only on the meeting, where before the pandemic the meeting was held face to face in every meeting.

The problem with online meeting is that the outpatients are frequently found lying that they do not have money to get internet access. Furthermore, online meeting hinders the accuracy of the counseling. During the meeting, the patients sometimes feel ashamed to express their actual condition since they have their families and friends around them during the video calls. When the clients meet directly with the counselor, they can freely tell the counselor about their problems due to a more controlled environment. Furthermore, during the direct meeting, the counselor can really tell when the patients are lying or not.

¹⁵ Results of interview with dr. Arini, the Executive of Rehabilitation of the National Narcotics Agency of South Sumatra on October 12, 2020.

¹⁶ Results of interview with Results of interview with Dr. Arini, the Executive of Rehabilitation of the National Narcotics Agency of South Sumatra on January 14, 2020

¹⁷ Results of interview with dr. Ismail, M. Kes, Doctor assigned to Rehabilitation Department of The National Narcotics Agency of South Sumatra on October 12, 2020.

¹⁸ Results of interview with dr. Ismail, M. Kes, Doctor assigned to Rehabilitation Department of The National Narcotics Agency of South Sumatra on October 12, 2020.

Outpatient rehabilitation service using online meeting is scheduled for eight to twelve meetings, and the direct meeting is conducted at the final stage of the rehabilitation, which is at the same day with the urine test.

CONCLUSION

The rehabilitation service ¹ in the National Narcotics Agency of South Sumatra is not reduced, but it uses a different model. The consultation is held using the current technology, but the initial and final assessment, to see whether or not a patient has recovered from their addiction, is held face to face. The use of technology in the rehabilitation is closely related with *Salus Populi Suprema Lex Esto* principle and is a way to protect the patient from Corona virus. The obstacles of the rehabilitation are the poor law enforcement, patient's motivation, and other hindrance due to the C-19 pandemic.

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