

SUBSTANCE USE AMONG COLLEGE STUDENTS IN JAKARTA: BETWEEN REHABILITATION AND LAW ENFORCEMENT

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Abstract

Substance use among college students in Jakarta are increasing in number. The rise of student behavior deviations can endanger the survival of the nation in the future, because students are expected to be the nation's leaders. The fragility of youth undermined by addictive substances destroying nerves makes them unable to think and work. As a result, our young generation will only become an unproductive society. Until now the handling of drug abuse cases among students still becomes pros and cons. Students who are exposed to drug cases are not all directly rehabilitated but there are also those who are first processed legally and must be imprisoned. This study aims at answering the questions why the handling of drug abuse cases among students still vary in application which led to pros and cons in society and how to save our young generation from drug abuse so that they can return to the society and contribute to their nation. This study employed a phenomenological approach of a qualitative research design. In this study a semi-structured interview is used to understand how participants experienced the phenomenon. Data were gathered from a total of 15 participants consist of college students, leaders of universities, an official of BNN (National Board of Narcotics and Addictive Substances), Head of prison, and a law practitioner to get the perspectives on how rehabilitation and law enforcement should be implemented. The research proved that the implementation of coersive action in the form of rehabilitation and law enforcement has not been fully implemented properly. This study provides insight into a view to improve the system of handling substance users among college students and offers recommendations for future research.

Keywords – *Substance use, rehabilitation, law enforcement*

INTRODUCTION

Substance use problem in Indonesia is still something that is urgent and complex. In the past decade this problem has become widespread, evidenced by the increasing number of abusers or drug addicts significantly, along with the increasing disclosure of drug crime cases that has diverse patterns and massive syndicate network.

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The people of Indonesia, even the world community, in general are currently faced with a situation that is very alarming due to the widespread use of various types of drugs illegally. This concern is increasingly sharpened due to the rampant illicit drug trafficking that has spread in all walks of life, including among the younger generation. This will greatly affect the life of the nation and state in the future.

The behavior of some adolescents who have clearly neglected the values of norms as well as the laws that apply in the middle of people's lives is one of the causes of rampant substance use among the younger generation, and unfortunately, in spite of dangers and detriments of addiction, its victims increase day by day, and statistics published by international organizations are indicative of constant increase in drug abuse all around the world (Ataee et al., 2014). Many countries are more or less involved with drug use as a social phenomenon and a contemporary health problem, especially in the age group 18-29 years and due to the high rate of premature deaths caused is about the importance and attention (Mousaviraja, et al , 2014).

Academic students are an at-risk population for substance related problems (Simon JS, 2005). The consumption of alcohol, legal and illegal drugs in the university population is growing (Simon JS, 2005; Read JP et al., 2002) and became a source of worry in many countries. Unfortunately, relatively little research has explored factors that protect against substance abuse among college students. Two consistently identified factors are religiosity or spirituality and effective parental involvement. Borsari et al. (2007) found a negative correlation between degree of religiosity and alcohol consumption. Likewise, spirituality was found to affect the decision of whether or not to use alcohol (any consumption and binge drinking) and marijuana (Stewart C., 2001) Importantly, depth of religious commitment (ie, living in accordance to one's religious beliefs) seems more predictive of reduced alcohol consumption than mere religious involvement eg.church attendance (Galen LW and Rogers WM, 2004).

Drug abusers in Indonesia are estimated to have reached around 3.5 million people in 2017, of which 1.4 million are ordinary users and nearly one million have become drug addicts, and 27 percent are among students and around 1.2 million users live in Jakarta. This shows that this drug abuse crime becomes increasingly widespread, especially among the younger generation where they are the main pillar of a nation that can endanger the survival of the state and nation in the future (Reza, 2018). The spread of substances now more suits to be prevented, given access to drugs is becoming ever easier of persons who are not responsible. For example, the drug dealers can easily distribute these illicit goods in local schools, campus, boarding houses and night clubs. The number of substance users in Indonesia keeps increasing. The increase of drug users in Indonesia is proportional to the widespread circulation of the prohibited items (Reza, 2018).

The main problem in substance cases among young people in Indonesia lies in its handling. Until now the handling of drug users is still the pros and cons between

rehabilitation and law enforcement. The purpose of this paper is to answer the research questions of : (1) What factors cause the increase of drug users among college students and (2) How is the handling of drug users among students, rehabilitation or prison?

RESEARCH METHOD

In this research, a qualitative research method is applied. According to Patton (1990) as quoted in Crabtree & Miller (1992,p.19) the purpose of qualitative research is not formulating general statements but exploring specific social contexts to achieve better understanding of specified social settings. That is why the qualitative sample is selected purposively.

The types of data required in this study include primary data and secondary data. The data were collected by interview and documentation techniques. This study employed semi-structured interviews, because it can direct the interview more closely, to have a pre-determined set of questions while simultaneously allowing the interviewees sufficient flexibility to shape the flow of information given (Wilkinson and Birmingham, 2003). Robson (2002) also says that it is appropriate to use the interview when the individual perceptions of processes within a social unit are to be studied and the interviewer can ask more questions, if the answer does not come up to expectations.

In this study, a phenomenological approach is employed. Phenomenology is an approach to qualitative research that focuses on the commonality of a lived experience within a particular group. The fundamental goal of the approach is to arrive at a description of the nature of the particular phenomenon (Creswell, 2013). According to Creswell (2007), a phenomenological study “describes the meaning for several individuals of their lived experiences of a concept or a phenomenon” (p. 57). When the research problem is to understand the common experiences of several individuals about a phenomenon, a phenomenological study is appropriate. Therefore, this study uses a phenomenological approach since it explores the experiences of the participants.

Data analysis technique used in this research is qualitative analysis technique. The process of data analysis begins by reviewing all data that has been obtained from various sources. Then data reduction was done by making the abstraction. The next step is to organize the data in units. The units were then categorized in the next step. Categorization was done while making coding. The last stage was to check the validity of the data. After this stage was completed, then interpretation of data was done, so that the stages in qualitative data analysis include: data unit processing, data reduction, categorization of data including checking the validity of data, and interpretation of data (Moleong, 2008).

The participants for in depth interview consist of 15 people namely 10 students who have experienced in drug abused, an official of BNN (National Board of Narcotics and Addictive Substances), 2 leaders of universities, a Head of prison and a law

practitioner to get the perspectives on how rehabilitation and law enforcement should be implemented.

RESULT AND DISCUSSION

From the description above the position of drug users as perpetrators and victims is very difficult to distinguish. Drug users who were initially guaranteed rehabilitation, based on Article 127 above, can be threatened with criminal penalties. In the criminal law it is known that "there is no crime without victims", so it can be said that they were victims because of their own crimes.

Having conducted interviews with 10 students who were once drug users, data were obtained that 5 of them explained they had fallen into drugs caused by less harmonious family factors. The problems of busy parents who both have businesses cause a lack of communication with their children, which in turns make them look for an escape to get out of trouble. This is in accordance with what was stated by Dirdjosisworo (2013) that one of the causes of drug use by young people is to avoid the reality of life and consider the anesthetized state to be the most beautiful place of escape (the oblivion seekers). This is reinforced by the opinion of Sessa, FM (2005) and Standing L and Nicholdon, B (1989) who stated that "attitudes regarding alcohol consumption and subsequent alcohol-related behaviors of college students correlate with parental attitudes and behaviors."

While the other 5 students said that they were influenced by friends. Actually there were no problems in the family, but the influence of friends made them increasingly want to try new experience. This is in accordance with the statement of Dirdjosisworo (2013), namely youth who can be grouped in the experience seekers, always wanting to try something new.

Of the 10 students who were affected by drug cases, they found that they received different sanctions. One student was even charged with a sentence of 4 years in prison for being arrested with 0.7 grams of methamphetamine evidence and from the urine test results which was positive. So far the articles in Law No. 35 of 2009 on Narcotics cannot distinguish between users and dealers or suppliers. He once asked for legal remedies to be rehabilitated as users, but the Supreme Court rejected on the legal basis of Article 112, which states that anyone without rights or against the law possesses, maintains, owns, stores, controls or provides Narcotics Group I not in the form of plants, will be punished with a minimum imprisonment of 4 (four) years and a maximum of 12 (twelve) years and a fine of at least Rp. 800 million and a maximum of Rp. 8 billion.

“ This article does not distinguish between drug users or addicts and drug dealers or suppliers. In fact, law enforcers often use the article to ensnare narcotics abusers because they are easier to prove. In fact, the article should only apply to drug dealers or suppliers. This condition

results in narcotics abusers not having the opportunity to recover their dependency. By not recovering dependency, it is potential a drug abuser reuse narcotics even in prison. As a result, the practice of buying and selling narcotics in prison is growing fast.”

While the other four students received a verdict from the panel of judges which was lighter than the prosecutor's demands, namely a sentence of 2 years. The panel of judges also decided to reduce the sentence during the arrest and detention period. In addition, they were ordered to undergo rehabilitation for the remainder of the sentence. The other 5 students, at the time of the trial were declared as victims and immediately rehabilitated without having to stay in prison. From the handling implemented against drug abusers, there are still many inequalities that often harm the abusers. In terms of policy on campus, all students interviewed said that they were sanctioned dropping out because the universities were worried about their reputation. Universities seemed to care less about students who were exposed to drug cases. There was no help at all given as if campus which served as higher education institution also considered substance users as criminals.

According to the Head of the Prison interviewed, those with drug dependence should not be sentenced to prison but rehabilitated. Prison sentences can cause new problems. Prison does not have a regulation to rehabilitate its inmates so that officers do not understand how to deal with prisoners who are addicted. Those who are entering the drug dependency phase, drugs become a basic necessity. For that, they will often do anything to meet their needs. Users who are in prison will do their best to get drugs because they are dependent.

They will try to bribe officials even for those who are very dependent there is no fear of killing people. Therefore placing them in prison is not a solution but this creates new problems. He often handles prison inmates who are hallucinating to attack officers and other peers.

From the interview with BNN officer, it is known that the views of people turned out to be different about drug abuser. Many people consider, a drug abuser as a pure criminal who deserves to be punished by imprisonment, so that there is a social effect. Prevention of narcotics abuse must be carried out as soon as possible with anticipatory actions, including primary prevention, secondary prevention, and tertiary prevention. Primary prevention aimed at individuals, groups or the wider community who have not been exposed to drug abuse cases whereas secondary prevention aimed at individuals, groups or the wider community who are vulnerable to drug abuse cases and tertiary prevention aimed at those who have already become users or who have suffered dependency. Prevention can be done through medical services, rehabilitation, and keeping them from relapse and addiction.

In August 2014, BNN and the Ministry of Law and Human Rights inaugurated a pilot project for rehabilitation centers for drug addicts. BNN stated that the rehabilitation location was spread in 16 districts and cities. The 16 districts / cities that have these rehabilitation locations are Batam, East Jakarta, South Jakarta, Bogor Regency, South Tangerang City, Semarang, Surabaya, Maros City, Makassar, Samarinda, Balikpapan, Padang, Sleman, Pontianak, Banjar Baru, and Mataram. The goal is that after the project in 16 locations has been inaugurated, the users will not be subject to criminal sanctions. It turned out that it is not running well in the field. Until now, we know that many substance users still have to spend several months in prison. In dealing with drug problems, there are three approaches taken, namely the *supply reduction*, *demand reduction* and *harm reduction* approaches. BNN uses two of these approaches, namely the *supply reduction* and *demand reduction* approach. The *supply reduction* approach is aimed at breaking the chain of suppliers of narcotics from producers to the distribution network, while the *demand reduction* approach breaks the chain of the users.

From interviews with legal practitioners, the data obtained was that the rules regarding rehabilitation of Law Number 35 of 2009 concerning Narcotics overlapped between article 54, 112 and 127. Article 54 states that narcotics addicts and victims of narcotics abuse must undergo medical rehabilitation and social rehabilitation. Article 54 of Law No. 35 of 2009 concerning Narcotics is a form of change in the perspective on crime that must be followed by law enforcement officials. This regulation that allows accused addicts to be medically and socially rehabilitated is not only a proof of the change in perspective towards perpetrators of crime, but also as a manifestation of the country's commitment. But if it turns out that the addict who was sentenced to rehabilitation still repeats the act three times, the person concerned can be convicted.

This means that rehabilitation must also have strict rules so that students do not repeat their actions. Conversely, if the rules in the rehabilitation sites are loose, more and more students will use drugs because they think there are no legal sanctions.

“Ideally, current drug abuse victims no longer have to be in prison, but they are placed in these rehabilitation centers. However, once again there must be strict rules so that coercive actions can be applied and the learning process can be gained to lead a deterrent effect.”

This is in line with what Hartanto (2007) states that many young people use narcotics for themselves because law enforcement in Indonesia is considered not to have a deterrent effect (Hartanto, 2017).

However, Article 127 and 112 ordered that narcotics abuser of class I to III has to be imprisoned. This matter seems very controversial and has an ambiguous meaning. For this reason, the House of Representatives must immediately encourage the revision

of the Narcotics Law. Determining narcotic abusers as victims is certainly not an easy job for investigators and prosecutors. This refers to the vagueness of the definition of 'victim' of narcotics abuse in Law No. 35 of 2009. Fortunately, the PP No. 25 of 2011 then clarified it. It was stated that the victim was someone who accidentally used narcotics because he was persuaded, deceived, cheated, forced, and / or threatened with using narcotics. But for prosecutors, proving that the element was persuaded, deceived, deceived, forced or threatened was not an easy matter. The prosecutor's confidence was very influential.

Other irregularities of Law No. 35 of 2009 is found in article 55. This article requires parents or guardians of addicts to report to health center, hospital, and / or medical rehabilitation and social rehabilitation for the treatment. This article finally has never been implemented. It seems strange because the addicts and the parents or guardians have been afraid if reporting will be subject to a prison sentence.

From the interviews with university leaders, the data obtained were that students became the main target of suppliers and drug dealers. It is expected that at that age, students turn addicts and become regular customers for a long time so that they will get financial benefit. In addition, many of our students are dragged into negative lifestyles with unproductive activities, hanging out, smoking, and being addicted to alcoholic beverages. In fact, it is commonly known that cigarettes and alcoholic drinks are one of the entrance points for drugs. Some time ago, the community was shocked by the news of a large number of drug discovery cases at a university in Jakarta and the capture of university leaders in South Sulawesi who were partying with their students which exposed the iceberg phenomenon of the existence of drugs on campus. This must be dealt with and solved as soon as possible by the universities. Drug abuse encourages crime and increases social vulnerability. Expensive drugs have the potential to encourage perpetrators to commit criminal acts, such as theft, robbery, and even murder.

It is recommended that each campus tightens the rules regarding drugs. This certainly does not only apply to students, but also to the entire academic community in higher education institutions, including lecturers. The government in this case the Ministry of Research, Technology and Higher Education must also provide strict sanctions for campuses whose students or their academic community are found to be involved in drugs. So far there have never been sanctions given by the government to universities, so that drug cases on campus are considered to be personal and not institutional responsibility.

Academic counselors have a very large function to prevent drug abuse and its circulation on campus. Academic advisers should also pay attention to things such as health, personality development, and fluctuations in student academic achievement under their guidance. One of the effects of drugs is the decline in student academic performance. Students with drug dependency tend to fail to get involved in academic

activities. The value will decrease and the behavior and social relations will get worse. When a student whose academic performance goes down is accompanied by the above symptoms, the academic adviser can direct him to the university counseling service center. That way, the presence of drugs on campus can be detected early. Therefore, Narcotics addicts deserve to be called victims.

However, it is very unfortunate that up to now most schools, colleges, and universities have given sanctions in the form of drop outs to students who are addicted to drugs. Drop out will not solve the problem of addicts and also not a solution to reduce the rate of prevalence of substance users.

“ In general, universities are worried that not giving drop out sanctions will damage the campus image. However, it should not be like that. If there are students affected by narcotics, the campus is obliged to facilitate them to get rehabilitation assistance. The school or campus can provide temporary leave to carry out the rehabilitation program to completion and can return to school or campus after getting a recommendation letter from BNN. ”

But the spirit that must be taken from this policy is the rescue of students from the narcotics snares as a manifestation of the country's presence in protecting the nation's next generation.

CONCLUSION

From the analysis above, it can be concluded that the handling of students affected by drug cases has not been implemented properly. This happened because there were still ambiguous articles in the Narcotics Law, which could ultimately harm the abusers. The government must revise this law as soon as possible so that the handling of drug cases becomes better and no more students become drug abusers. For future research, the authors recommend a more in-depth and specific analysis of the language used in the articles in the Narcotics Law so that ambiguous meanings are no longer found.

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