

RESPONSIVE POLICY FOR THE PREVENTION OF NARCOTICS ABUSE DURING THE COVID-19 PANDEMIC

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ABSTRACT

Research answer (i) legal problems implementing narcotics prevention policies during the Covid-19 pandemic in Indonesia; (ii) responsiveness to the implementation of narcotics prevention policies during the Covid-19 pandemic in Indonesia. This aims to map the relationship between the government in using the law to solve problems in society, including narcotics prevention policies during the pandemic. Narcotics have a negative impact and get strict regulation in the Indonesian legal system. The pandemic condition has become the momentum for the Indonesian government to review the implementation of narcotics prevention policies as an effective preventive measure. The policy must be responsive and accommodate the pandemic situation. This research is empirical with an exploratory, explanatory approach to policy and interactional studies. The sample was collected from a study conducted by BNN as the implementer of the narcotics abuse prevention policy, especially in Central Java, namely the City of Surakarta and its surroundings. The results of the study show: (i) The legal problems of implementing narcotics prevention policies during the Covid-19 pandemic in Indonesia include equal distribution of the quality of policy implementation and the marginalization of policy budgets; (ii) the responsiveness of the implementation of narcotics prevention policies during the Covid-19 pandemic in Indonesia is evidenced by the transformation of policy facilities by optimizing the media and expanding the technical authority of the National Narcotics Agency. The novelty in this research is the relationship between law and community problems with government facilities through accommodation of responsive policies.

Key words: Narcotics, Pandemic, Policy, Responsive.

INTRODUCTION

Indonesia's efforts to eradicate illicit narcotics trafficking are still considered inadequate. The indication is that there is an increase in the quantity of narcotics abuse in the country, as well as the occurrence of illicit narcotics trafficking traffic to and from Indonesia involving other countries such as Thailand, Afghanistan, Nigeria, and Singapore (INSCR, 2022). Illegal circulation and abuse of narcotics with potential targets, namely the younger generation has reached various parts of the region and its abuse is evenly distributed and can be found in all social strata of society. The prevention and control of narcotics is carried out by the National Narcotics Agency (BNN), which is an auxiliary state organ that has special authority for the prevention and control of narcotics in Indonesia. The functions and roles of the National Narcotics Agency are required to continue to adapt to the dynamics of the narcotics abuse mode as well as technological developments as well as the actualization of policies so that they are able to find and realize efficient and effective narcotics prevention and control policies. Problems often occur, including in the actual and factual conditions of narcotics prevention and control at this time. Its development, nowadays, in almost all parts of the world is happening and is being infected by the Covid-19 outbreak.

The President of Indonesia issues Presidential Decree (Keppres) Number 12 of 2020 concerning the Determination of Non-Natural Disasters Spreading Corona Virus Disease 2019 (Covid-19) as a National Disaster as a measure of the seriousness of the impact of the pandemic in all fields. Thus, government policies, including the prevention and control of narcotics, are demanded to be responsive so that they are oriented towards the goal of reducing the number of illegal narcotics use. Responsive legal theory provides an approach that the law is positioned to be goal-oriented. Thus, responsive law has legal parameters that must be goal-oriented and in order to meet the achievement of these goals, the law must be able to respond to the needs of the community so that there is relevance between the goals to be achieved and the law in accordance with the integrity of the community (Nonet & Selznick, 1978). Government policies, including the prevention of narcotics during the Covid-19 pandemic in Indonesia, are also interesting to examine for their responsiveness in order to meet the goal of minimizing the number of narcotics abuse, especially during the pandemic. Government policies, including the prevention of narcotics during the Covid-19 pandemic in Indonesia, are also interesting to examine for their responsiveness in order to meet the goal of minimizing the number of narcotics abuse especially during the pandemic. Responsive law also has relevance to the implementation of the functions of the modern state of law. The modern rule of law is characterized by the strengthening of the democratic system at all levels of government, especially the increasing public or community participation and elite political awareness in providing facilities for these forms of community participation (Reid, Jr., 2007; Azhary, 2010; Mahfud, 1999; Simamora, 2014). This article is expected to be able to make a significant contribution to the formulation of the relationship between the government in using responsive legal means, especially dealing with pandemic conditions in the realm of narcotics prevention policies in Indonesia.

The pandemic situation also poses a challenge to creativity, especially policy implementers in optimizing and adapting to technological developments. In this case, the implementation of narcotics abuse prevention policies can be carried out online by utilizing IT technology and online media or portals. This is also proof that phenomena in society are always followed by dynamics or changes in society, especially changes to adapt to forms of technological development and informatics. This is one of the characters of 'the great shifting' because the applicable regulations are always lagging behind and refer to references and past technology. As a result, the problem then arises that regulation are not able to accommodate the current needs of society which are full of technological changes (Kasali, 2018). This dimension of change has an impact on the legal field, especially in the realm of regulation which is increasingly lagging behind the phenomenon of disruption, including the implementation of narcotics abuse prevention policies whose rules are still conventional and have not accommodated technological developments. In fact, the

government has facilitated responsibility by issuing Presidential Regulation Number 95 of 2018 concerning the Electronic-Based Government System (SPBE). In this case, the government is trying to improve the efficiency of public service performance by utilizing technological developments at both the central and regional levels.

Regions are derivatives of the authority of BNN which in this case is carried out at the central, provincial and district/city levels. Therefore, the implementation of the partial policy must be able to maintain consistency and fulfill its objectives. So, it takes a responsive legal character to be able to take stock of the community's needs in achieving the goal of preventing narcotics abuse, namely reducing the number of narcotics abuse in Indonesia. The province of Central Java became the location study covering the former Surakarta Residences, namely Surakarta City, Klaten Regency, Karanganyar Regency, Wonogiri Regency, Sragen Regency and Boyolali Regency. This area was chosen as a location study related to the authority of the narcotics abuse prevention policy which is carried out in an integrated manner by the Surakarta City BNN in the scope of these areas. That is, the character of the resulting policy is integrated and systematic because it involves stockholders and stakeholders covering the area of Surakarta City, Klaten Regency, Karanganyar Regency, Wonogiri Regency, Sragen Regency and Boyolali Regency. Therefore, this research tries to answer from a sample location related to what are the legal problems in implementing narcotics prevention policies during the Covid-19 pandemic in Indonesia and how is the responsiveness of the implementation of narcotics prevention policies during the Covid-19 pandemic in Indonesia.

PROBLEMS

1. What are the legal problems in implementing narcotics prevention policies during the Covid-19 pandemic in Indonesia?
2. How is the responsiveness of the implementation of narcotics prevention policies during the Covid-19 pandemic in Indonesia?

METHOD

This research is empirical with an exploratory, explanatory approach to policy and interactional studies. That is, the study seeks to describe the implementation of narcotics prevention policies during the Covid-19 pandemic in Indonesia, especially in areas that are under the jurisdiction of the Surakarta City National Narcotics Agency in implementing narcotics abuse prevention policies with a range covering the former Surakarta Karisidenan areas, namely Surakarta City, Klaten Regency, Karanganyar Regency, Wonogiri Regency, Sragen Regency and Boyolali Regency.

RESULT AND DISCUSSION

1. LEGAL PROBLEMS IN IMPLEMENTING NARCOTICS PREVENTION POLICIES DURING THE COVID-19 PANDEMIC IN INDONESIA

a. The Problem of Equitable Quality of Policy Implementation

Equitable quality of policy implementation is built from 3 (three) factors, namely the substance of the policy, the structure of policy implementation and the quality of policy implementation. The quality of policy implementation is something that has urgency and determines policy achievement. Anderson stated that policy is a choice to do something or not to do something. This means that the choice to improve the quality of policy implementation is also in the authority of the stockholders. Within the scope of equal distribution, the quality of policy implementation is actually studied from a theoretical aspect and also fulfills the elements as proposed by Garcia and Khator who classify the activities of state or government agencies in the context of a modern state, one of which includes the implementation and distribution of public programs (Garcia & Khator, 1994). So, problems in the quality distribution of policy implementation must be resolved both in the field of equitable distribution of policy implementation and in the field of policy implementation. One of the weaknesses of the equitable distribution of quality policy implementation is the form of delay as influenced by quality factors as well as improving the quality of Human Resources (HR) of the institutional apparatus which has not been implemented optimally in order to increase the professionalism and performance of the bureaucracy and its institutions. The performance of the apparatus in this case, including the performance of the Surakarta City National Narcotics Agency, is a fundamental and decisive factor to be considered together. This is because the position of the level of performance is a representation of the level of success of the reform of the institution itself (BNN.go.id, 2022). The performance measure as a benchmark is in line with the merit system so that it can provide an overview of the steps in realizing bureaucratic reform by adhering to the principles of good government. However, the above description will only be in vain if the performance of the institutional structure in Indonesia is still weak or unprofessional. Improving the quality of Human Resources (HR) from policy implementers as well as improving the quality of implementation and achievements of a policy as an effort to equalize quality is thus expected to be able to meet the relevance of responsive legal claims that modern law demands a government that no longer presents itself as an entity above citizens, but as legal actors in addition to citizens, who are entangled in a multiple network of 'reciprocal legal relationships' that require protection against the justified expectations of all parties involved (achtenberg, 1982). Therefore, problems such as Human Resources (HR) and the achievement of fulfilling the objectives of implementing narcotics abuse prevention policies by the Surakarta City BNN must be immediately responded to by positioning the law as a means that creates a reciprocal relationship between the community and the government in accordance with responsive legal rules.

b. Policy Budget Marginalization

The policy budget is a classic problem as is also found in the implementation of the narcotics abuse prevention policy by the Surakarta City National Narcotics Agency. This is because the structure of BNN is still hierarchical with a vertical pattern in terms of funding, although the objectives of BNN are specific. In fact, there is a delay which causally can indicate the inability of existing state institutions to carry out their functions (BNN.go.id, 2022). In a legal perspective that is responsive as one of the legal characters in the transition period, it is relevant in presenting state institutions that are non-structural, independent and not hierarchically bound by structural state institutions. This is a form of maintaining the independence of non-structural state institutions, although basically they still use the government's budget, but the intention to defend themselves from all forms of state or political intervention can be appreciated. Budget problems also face high and inefficient budgeting systems and practices. Budget swelling can occur for a number of reasons, including: (i) the larger the budget allocated for activities, the greater the opportunity to be able to mark-up the budget; (ii) the absence of clarity between costs and revenues in activities or activities carried out by the public bureaucracy; (iii) there is a tradition of cutting the proposed budget in the budget planning process so that it raises the initiative in people who propose budgets to tend to overestimate their budgets; and (iv) the tendency of institutions to allocate budgets on the basis of inputs or only physical facilities which creates an inefficient spending system (Swasono, 2008). Swelling of the budget will be more widespread and create a high budget for the performance of the institution which is increasingly becoming when the power of civil society or the control of the community is weak in carrying out its function of controlling government actions. Therefore, community participation as one of the characteristics of responsive law also needs to be realized. The pandemic condition also contributed to the marginalization of the Surakarta City BNN budget. Prevention of narcotics abuse, which during this pandemic was transformed by using IT technology, namely online socialization has not resulted in budget efficiency. In practice, technological advances can also be an inhibiting factor and have an impact on the high budget for facilities to support institutional performance. These multi-procedures or excessive procedures are a prominent form of institutional disease and are often found in various executive agencies, including the National Narcotics Agency. Therefore, the use of IT technology must also be supported by collective and systematic supervision to be able to achieve the optimization of these policies. The implication is that if budgeting is not accompanied by control, it will create opportunities for waste and inefficiency in budget spending. Budget allocations based on inputs that are not balanced with outputs cause institutions and stockholders to only want to get a large budget because they tend to only enlarge inputs. The easiest way to enlarge the input is to create many activities including various activities outside the target of the institution's unit.

2. RESPONSIVENESS TO THE IMPLEMENTATION OF NARCOTICS PREVENTION POLICIES DURING THE COVID-19 PANDEMIC IN INDONESIA

a. Transformation of Policy Tools with Media Optimization

The quality or quality of a decision or policy taken will get better because the community participates in providing input (Islamy, 2014; Islamy, 2015). Media berperan melalui control pengawasan dari masyarakat. The media plays a role through the control of supervision from the community. This is also in accordance with the level of community participation in the form of providing information/informing (Arnstein, 1969; Arnstein, 1972; Cornwall, 2011) implemented during the implementation of the narcotics abuse prevention policy by the Surakarta City BNN, recorded or published through mass media at local locations. It is hoped that the community will know the flow of the implementation of the policy and are expected to be able to provide supervisory control. This is done to fulfill government accountability in fulfilling public service responsibilities to the community (Zaelani & Handayani, Isharyanto, 2019). However, it is possible that nowadays along with the development of information media, public participation can also be involved in the policy evaluation process. Thus, participation can be interpreted as participating, participating in an activity, starting from planning to evaluation (Sirajuddin & Sukriono, Winardi, 2018). Community participation carried out at the control and policy evaluation stages is called direct participation. According to Huntington and Nelson, direct participation has the aim of being able to influence the implementation of policies by the government. Political participation can be further classified into direct participation and indirect participation. In general, direct participation is provided by the government, this can be exemplified through the holding of a referendum to determine the government's attitude in dealing with certain problems (Huntington & Nelson, 2014). In practice, this can be done through the optimization of social media, such as the report portal instrument managed by the Surakarta City National Narcotics Agency in order to become a means of reporting on the implementation of narcotics abuse prevention policies. The goal is that the use of the report portal instrument is expected to be able to reach problems in the implementation of narcotics abuse prevention policies through reports from elements of the community. Thus, through this report portal instrument, all elements of society are given access to find out the progress of the implementation of the narcotics abuse prevention policy. This is relevant when looking back at the demands of the supervisory function by the community on state institutions, including BNN. The report portal can be managed in the form of an open website which is also accessible to the public so that it becomes an appropriate means of conveying problems, especially the implementation and achievement of narcotics abuse prevention policies by the Surakarta City BNN whose jurisdiction includes zoning in the Surakarta City, Karanganyar Regency, Klaten Regency, Regency Sragen and Boyolali Regency. This also has relevance when analyzing from the perspective of the need for public participation in the form of media optimization. In the legal system, elements of society such as reciprocity and public acceptance in the enforcement or implementation of the law have an important meaning so that it is one of the vital elements that must always be considered as a parameter in making public policies. Community responsibility is the key to knowing whether the policies implemented or are being implemented get legitimacy or approval from the community which is manifested in the form of responses, attitudes, feedback or reciprocity (Tafiqurakhman, 2014).

b. Expansion of the Technical Authority of the National Narcotics Agency

The expansion of the technical authority of the National Narcotics Agency is needed in an effort to realize a responsive narcotics abuse prevention policy during the Covid-19 pandemic. The author summarizes by referring to the theory of policy responsiveness, that at least the Surakarta City BNN must reconstruct the expansion of the technical authority of the BNN in order to realize a responsive narcotics abuse prevention policy during the Covid-19 pandemic. Meanwhile, the reconstruction includes: (i) expand the space for movement of members of the Surakarta City BNN in the implementation of narcotics abuse prevention policies to support the achievement of targets and the performance of related stockholders; (ii) strengthening the quality of Human Resources (HR), in order to support the achievement of targets and performance and provide the best results from the implementation of the policy; and (iii) make adjustments to the needs of the community so that the implementation of the narcotics abuse prevention policy by the Surakarta City BNN can be flexible or not rigid in accommodating community conditions, especially during the pandemic. This expansion is narrowed down to the technical authority of the National Narcotics Agency with the aim of no longer being shackled to legal normative rigidity so that it hinders the movement of its settlement in the implementation of policies to prevent drug abuse to the public. Today, problems and pandemics are a challenge to answer the idea of expanding the technical authority of state institutions, including the National Narcotics Agency. Comparison in the United States, this phenomenon has emerged in the late 1980s which occurred when the responsive legal theory or thought of Barkerley became popular. The White House and across federal agencies will be inundated with information, advice, and suggestions for new programs and priorities. In such a case, they will face an urgency to act, especially on the president's priorities and budgetary choices. In such a case, they will face an urgency to act, especially on the president's priorities and budgetary choices. Demands that will never stop will arise related to important routine decisions of government officials including regarding personnel actions, contracts, grants, and regulatory issues. In order to be successful, subjects appointed as role occupants require an organized approach to decision making that utilizes data and experience and refers to proven processes and frameworks to guide the development and rapid implementation of policies and programs (De Seve, 2016). Another case for comparison is validation is revision to Thailand's Narcotics Act (B.E. 2563) permits Thai corporations to produce cannabis (ganja) for therapeutic purposes. The guidelines for obtaining cannabis production license, and it was apparent that the announced law was in-line with regulations set-out by many countries in terms of security and prevention of misuse. The other criteria however fall merely onto the government gains, rather than public interests (Somano & Tangpa, Pankasemsuk, Ponpanumas, Phimolsiripol, Rachtanapun K. Prasad, 2022). Therefore, technical expansion is needed which in this case is expected to be able to bridge the implementation of narcotics abuse prevention policies by BNN in order to achieve the goal of reducing the number of narcotics abuse in Indonesia.

CONCLUSION

The legal problems of implementing narcotics prevention policies during the Covid-19 pandemic in Indonesia include equal distribution of the quality of policy implementation and the marginalization of policy budgets. Meanwhile, the responsiveness of implementing narcotics prevention policies during the Covid-19 pandemic in Indonesia is evidenced by the transformation of policy facilities by optimizing the media and expanding the technical authority of the National Narcotics Agency. This article is expected to be able to make a significant contribution to the formulation of the relationship between the government in using responsive legal means, especially dealing with pandemic conditions in the realm of narcotics prevention policies in Indonesia.

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