

REGENT OF BANYUWANGI OF THE PROVINCE OF EAST JAVA

REGULATION OF THE REGENCY OF BANYUWANGI

NUMBER 7 OF 2020

ON

FACILITATION FOR THE PREVENTION AND ERADICATION OF ABUSE AND  
ILLCIT TRAFFICKING OF NARCOTICS AND NARCOTICS PRECURSORS

BY THE BLESSINGS OF ALMIGHTY GOD

REGENT OF BANYUWANGI,

- Considering :
- a. that abuse and illicit trafficking of narcotics and narcotics precursors has shown a tendency to continue to increase and is very dangerous to people's lives, so it is necessary to carry out effective and efficient prevention and eradication.
  - b. that the local government is responsible for protecting the public from the threat of abuse and illicit trafficking of narcotics and narcotics precursors.
  - c. that based on the considerations as referred to in point a and point b as well as the provisions of article 3 point a of the Regulation of the Minister of Home Affairs Number 12 of 2019 on the prevention and eradication of the abuse and illicit trafficking of narcotics and narcotics precursors, it is necessary to issue a Regional Regulation on the Facilitation of the Prevention and Eradication of Abuse and Illicit Trafficking Narcotics and Narcotics Precursor;

- Observing : 1. Article 18 section (6) of the 1945 Constitution of the Republic of Indonesia;
2. Law Number 12 of 1950 on Establishment of Regency within the Province of East Java (State Gazette Number 41 of 1950) as amended by Law number 2 of 1965 (State Gazette of the Republic of Indonesia Number 19 of 1965, Supplement to the Gazette of the Republic of Indonesia of 1965 Number 19). Republic of Indonesia Number 2730);
3. Law Number 8 of 1976 on Ratification of the Single Convention on Narcotics 1961 and its 1972 Protocol which amended it (State Gazette of the Republic of Indonesia of 1976 Number 36, Supplement to the State Gazette of the Republic of Indonesia Number 3085);
4. Law Number 8 of 1981 on Criminal Procedure Code (State Gazette of the Republic of Indonesia of 1981 Number 76, Supplement to the State Gazette of the Republic of Indonesia Number 3209);
5. Law Number 8 of 1996 on Ratification of the 1971 Convention on Psychotropic Substances (State Gazette of the Republic of Indonesia of 1996 Number 100, Supplement to the State Gazette of the Republic of Indonesia Number 3657);
6. Law Number 5 of 1997 on Psychotropic (State Gazette of the Republic of Indonesia of 1997 Number 10, Supplement to the State Gazette of the Republic of Indonesia Number 3671);
7. Law Number 7 of 1997 on Ratification of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1998 (United Nations Convention on the Eradication of Illicit Traffic in Narcotics and Psychotropic, 1998) (State Gazette of the Republic of Indonesia of 1997 Number 17, Supplement to the State Gazette of the Republic of Indonesia Number 3673);
8. Law Number 23 of 2002 on Child Protection (State Gazette of the Republic of Indonesia of 2002 Number

- 109, Supplement to the State Gazette of the Republic of Indonesia Number 4235), as amended by Law Number 35 of 2014 on Amendments to Law Number 23 of 2002 on Child Protection (State Gazette of the Republic of Indonesia of 2014 Number 297);
9. Law Number 11 of 2009 on Social Welfare (State Gazette of the Republic of Indonesia Number 12 of 2009, Supplement to the State Gazette of the Republic of Indonesia Number 4967);
  10. Law Number 35 of 2009 on Narcotics (State Gazette of the Republic of Indonesia of 2009 Number 143, Supplement to the State Gazette of the Republic of Indonesia Number 5062);
  11. Law Number 36 of 2009 on Health (State Gazette of the Republic of Indonesia of 2009 Number 144, Supplement to the State Gazette of the Republic of Indonesia Number 5063);
  12. Law Number 12 of 2011 on Legislation Making (State Gazette of the Republic of Indonesia of 2011 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 5234) as amended by Law Number 15 of 2019 (State Gazette of the Republic of Indonesia of 2019 Number 183, Supplement to the State Gazette of the Republic of Indonesia Number 6398);
  13. Law number 5 of 2014 on State Civil Apparatus (State Gazette of the Republic of Indonesia of 2014 Number 6, Supplement to the State Gazette of the Republic of Indonesia Number 5494);
  14. Law Number 23 of 2014 on Local Government (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587), as amended several times, last by Law Number 9 of 2015 on the Second Amendment to the Law Number 23 of 2014 on Local Government (State Gazette of the Republic of Indonesia Number 58 of 2015, Supplement to the State Gazette of the Republic of Indonesia Number 5679);

15. Government Regulation Number 27 of 1983 on the Implementation of the Criminal Procedure Code (State Gazette of the Republic of Indonesia of 1983 Number 36, Supplement to the State Gazette of the Republic of Indonesia Number 3258), as amended several times, last by Law Number 92 of 2015 on the Second Amendment to Government Regulation Number 27 of 1983 on the Implementation of the Criminal Procedure Code (State Gazette of the Republic of Indonesia 290 of 2015 Number, Supplement to the State Gazette of the Republic of Indonesia Number 5772);
16. Government Regulation Number 44 of 2010 on Precursors (State Gazette of the Republic of Indonesia of 2010 Number 60, Supplement to the State Gazette of the Republic of Indonesia Number 5126);
17. Government Regulation Number 25 of 2011 on Implementation of Compulsory Reporting of Narcotics Addicts (State Gazette of the Republic of Indonesia of 2011 Number 46, Supplement to the State Gazette of the Republic of Indonesia Number 5211);
18. Government Regulation Number 40 of 2013 on the Implementation of Law Number 35 of 2009 on Narcotics (State Gazette of the Republic of Indonesia of 2013 Number 96, Supplement to the State Gazette of the Republic of Indonesia Number 5419);
19. Government Regulation Number 18 of 2016 on Regional Apparatus (State Gazette of the Republic of Indonesia of 2016 Number 114, Supplement to the State Gazette of the Republic of Indonesia Number 5887);
20. Government Regulation Number 12 of 2017 on Guidance and Supervision of Local Government Administration (State Gazette of the Republic of Indonesia of 2017 Number 73, Supplement to the State Gazette of the Republic of Indonesia Number 6041);
21. Presidential Regulation Number 23 of 2010 on the National Narcotics Agency, which has been amended by Presidential Regulation Number 47 of 2019 on

- Amendments to Presidential Regulation Number 23 of 2010 on the National Narcotics Agency (State Gazette of the Republic of Indonesia of 2019 Number 128);
22. Presidential Regulation Number 87 of 2014 on Implementing Regulations of Law number 12 of 2011 on the Legislation Making (State Gazette of the Republic of Indonesia of 2014 Number 199);
  23. Regulation of the Minister of Health Number: 2415/Menkes/Per/XII/2011 on Medical Rehabilitation of Addicts, Abusers, and Victims of Narcotics Abuse (State Bulletin of the Republic of Indonesia of 2011 Number 825);
  24. Regulation of the Minister of Social Affairs Number 26 of 2012 on Standards for Social Rehabilitation of Victims of Abuse of Narcotics, Psychotropic and Other Addictive Substances (State Bulletin of the Republic of Indonesia Number 1218 of 2012);
  25. Regulation of the Minister of Health Number 46 of 2012 on Technical Guidelines for the Implementation of Medical Rehabilitation for Addicts, Abusers, and Victims of Narcotics abuse who are in Process or have been decided by the Court (State Bulletin of the Republic of Indonesia of 2012 Number 1156);
  26. Regulation of the Minister of Health Number 37 of 2013 on Procedures for Compulsory Reporting of Narcotics Addicts (State Bulletin of the Republic of Indonesia of 2013 Number 749);
  27. Regulation of the Minister of Health Number 80 of 2014 on 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 have obtained a court decision/decision (State Bulletin of the Republic of Indonesia of 2014 Number 1753);
  28. Regulation of the Minister of Health Number 9 of 2015 on Changes in the Classification of Psychotropic (State Bulletin of the Republic of Indonesia Number 324 of 2015);

29. Regulation of the Minister of Health Number 50 of 2015 on Technical Guidelines for Compulsory Reporting and Medical Rehabilitation for Addicts, Abusers and Victims of Narcotics Abuse (State Bulletin of the Republic of Indonesia of 2015 Number 1146);
30. Regulation of the Minister of Home Affairs Number 80 of 2015 on the Establishment of Regional Legal Products (State Bulletin of the Republic of Indonesia Number 2036 of 2015) as amended by Regulation of the Minister of Home Affairs Number 120 of 2019 (State Bulletin of the Republic of Indonesia Number 157 of 2019);
31. Regulation of the Minister of Religion Number 19 of 2018 on Marriage Registration (State Bulletin of the Republic of Indonesia Number of 2018 1153);
32. Regulation of the Minister of Home Affairs Number 12 of 2019 on Facilitation of Prevention and Eradication of Abuse and Illicit Trafficking of Narcotics and Narcotics precursors;
33. Decision of the Minister of Health Number: 1305/MENKES/SK/VI/2011 on Institutions Recipient of Compulsory Reporting;
34. Regulation of the Indonesian Food and Drug Authority Number 4 of 2018 on Supervision of the management of drugs, drug ingredients, Narcotics, psychotropic, and pharmaceutical precursors in pharmaceutical service facilities;
35. Regulation of the Province of East Java Number 13 of 2016 on Facilitation of Prevention and Countermeasures of drug Abuse (Regional Gazette of the Province of East Java Number 9 of 2016 Series D);
36. Regulation of Regency of Banyuwangi Number 4 of 2017 on the Implementation of Concurrent Government Affairs of Regency of Banyuwangi (Regional Gazette of the Regency of Banyuwangi Number 4 of 2017).

With the Joint Approval of the  
THE REGIONAL HOUSE OF REPRESENTATIVES  
and  
THE REGENT OF BANYUWANGI

HAS DECIDED:

To issue : REGIONAL REGULATION FACILITATION FOR THE  
PREVENTION AND ERADICATION OF ABUSE AND ILLICIT  
TRAFFICKING OF NARCOTICS AND NARCOTICS  
PRECURSORS.

CHAPTER I  
GENERAL PROVISIONS

Article 1

In this Regional Regulation:

1. Region means the Regency of Banyuwangi.
2. Head of Region means the Regent of Banyuwangi.
3. Local Government means the regional head of Regency of Banyuwangi as an element of Local Government organizer who leads the implementation of government affairs which are the authority of the autonomous region.
4. The Regional House of Representative, means a regional people's representative institution as an element administration of the local government of Regency of Banyuwangi.
5. Regional Apparatus means a Regional Apparatus within the Government of Regency of Banyuwangi.
6. Facilitation means the efforts of the local government in the Prevention and Eradication of the Abuse and Illicit Trafficking of Narcotics and Narcotics Precursors hereinafter abbreviated as P4GNPN.
7. Narcotics mean substances or drugs derived from plants or non-plants, both synthetic and semi-synthetic which can cause a decrease or change in consciousness, loss of taste, reduce to eliminate pain, and can cause dependence.

8. Drugs mean Narcotics, Narcotics Precursor, Psychotropic, and Other Addictive Substances except addictive substances for tobacco and alcohol.
9. Narcotics Precursors means substances or starting materials or chemicals that can be used in the manufacture of Narcotics as referred to in the Law on Narcotics.
10. Prevention means all efforts, efforts or actions that are carried out consciously and responsibly with the aim of eliminating and/or blocking the factors that cause Narcotics abuse.
11. Abuse means any act of using drugs without rights or against the law.
12. Abusers mean any perso who use drugs without rights or against the law.
13. Drug Addict means any person who uses or abuses drugs and is in a state of dependence on Drugs, both physically and psychologically.
14. Medical Rehabilitation means a process of integrated treatment activities to free addicts from Drugs dependence.
15. Social Rehabilitation means a process of integrated recovery activities, both physical, mental and social, so that former Narcotics addicts can return to carrying out their social functions in people's lives.
16. Narcotics Circulation means any activity or series of distribution or delivery of Narcotics either in the context of trade, not trade or transfer.
17. Illicit Trafficking of Narcotics means any activity or series of activities carried out without rights or against the law which is determined as a Narcotics crime.
18. Countermeasures means all efforts, efforts or actions that are carried out consciously and responsibly with the aim of dealing with addicts, abusers and victims of Drugs abuse through rehabilitation measures.
19. Assistance means the provision of consultation and motivation, through positive activities such as national insight, parenting skills and others.



20. Advocacy means legal assistance and accompaniment.
21. Family means the smallest unit of society consisting of the head of the family and several people who are gathered and live in one place under a roof in a state of interdependence.
22. State Civil Apparatus (Aparatur Sipil Negara) hereinafter abbreviated to as ASN means the profession of civil servants and government employees with work agreements working on Regional Apparatuses.
23. Local-Owned Enterprise (Badan Usaha Milik Daerah), hereinafter abbreviated as BUMN means Regency-Owned Enterprise.
24. Education Unit means an educational service group that provides education in formal, non-formal, and informal at the level and type of Primary Education and Secondary Education.
25. The Regency National Narcotics Agency (Badan Narkotika Nasional Kabupaten), hereafter referred to as BNNK means the National Narcotics Agency of the Regency of Banyuwangi.
26. Hotel/Inn means a special building provided for people to stay/rest, obtain services, and/or other facilities for a fee, including other buildings, which are managed and owned by the same party.
27. Entertainment Place means a place where there is something good in the form of words, objects, behavior that can make a comfort or consolation for troubled hearts used as goals personally, together and/or the general public.
28. Rural Village means a Rural Village as referred to in the Law on Rural Villages.
29. Free of Drugs Rural Village, referred to as Shining Village, means a unit area at the Urban/Rural village level that has certain criteria where there is a massive implementation Program of the Prevention and Eradication of Drug Abuse and Illicit Trafficking (P4GNPN).
30. Urban Village means part of the territory of the sub-district as a sub-district apparatus.

31. Rural Village Task Force/ Free of Drugs Urban Village, referred to as the Rural Village Task Force /Shining Urban Village means a task force formed in Rural and Urban Village.
32. Abusers mean people who use Narcotics without rights or against the law.
33. Regional General Hospital means a Regional General Hospital owned by the Government of the of Regency of Banyuwangi.

## CHAPTER II SCOPE, INTENTION AND OBJECTIVES

### Part One

#### Scope

#### Article 2

The scope of the Regional Regulation is:

1. Duties and Obligations;
2. Implementation;
3. Rural Village Task Force/Shining Urban Village;
4. Early Anticipation and Prevention;
5. Handling;
6. Public Participation;
7. Rehabilitation;
8. Assistance and Advocacy;
9. Monitoring and Evaluation;
10. Reporting;
11. Awards;
12. Funding;
13. Administrative Sanctions.

### Part Two

#### INTENTION

#### Article 3

Regional regulations on P4GNPN are intended as guidelines in the implementation of facilitation of P4GNPN;

Part Three  
Objectives

Article 4

The objectives of this regional regulation are:

- a. free and clean the public environment from drug abuse and distribution;
- b. eliminate and/or prevent the factors that cause Narcotics abuse;
- c. take concrete actions to minimize and eliminate the causal factors, drivers, and triggers of drug abuse;
- d. protect all levels of society from the threat of risk of abuse and illicit trafficking of narcotics and narcotic precursors in the Region;
- e. build awareness, sensitivity, and public participation to be an actively participate in the implementation of P4GNPN program and policy in the Regions;
- f. provide guarantees of legal certainty and legal protection in the context of providing medical rehabilitation services and/or social rehabilitation for addicts and victims of narcotics abuse and narcotics precursors in the Region.

CHAPTER III  
DUTY AND OBLIGATIONS

Part One  
Duty

Article 5

- (1) The Local Government has duty to formulate policies, strategies, and guidelines for the implementation of the Facilitation of P4GNPN
- (2) In order to formulate a strategic policy for the implementation for the implementation of the Facilitation of P4GNPN, the Regional Apparatus for national and political unity is obligated to;

- a. have data on vulnerability to drug abuse in certain areas and/or regions;
- b. plan and budget for the program for the Facilitation of P4GNPN ;
- c. carry out the development of correct information systems for the public about the dangers of drug abuse;
- d. perform cross-institutional coordination, among government, private and community institutions;
- e. take action in accordance with the prevailing legislation in carrying out the facilitation of P4GNPN;
- f. provide fulfillment of the rights of victims in the provision of the Facilitation of P4GNPN;
- g. protect the public interest against the risk of the dangers of drug abuse.

Part Two  
Authority

Article 6

The authority of the Local Government in the implementation of Facilitation of P4GNPN includes the following matters:

1. Determination, coordination, facilitation, and mediation of the implementation of the policy of Facilitation of P4GNPN;
2. Facilitate institutional strengthening and development of mechanisms of P4GNPN in government institutions, research and development institutions, and non-government institutions;
3. Coordination and facilitation of the implementation of policies, programs and activities that are responsive to P4GNPN;
4. Monitoring and evaluating the implementation of the Facilitation of P4GNPN;
5. Provision of technical assistance, Facilitation of P4GNPN, education and training and development of Communication, Information and Education materials;
6. Provision of data of Facilitation of P4GNPN.

CHAPTER IV  
IMPLEMENTATION

Article 7

- (1) The Regent carries out the implementation of the Facilitation of P4GNPN in the regions.
- (2) The implementation of the Facilitation of P4GNPN as referred to in section (1) is carried out by the Regional Apparatus appointed by the Regent.
- (3) The Regional Apparatus appointed by the Regent as referred to in section (2) is the apparatus that carries out government affairs in the field of national unity and politics;
- (4) The implementation of the Facilitation of P4GNPN in a sub-districts is carried out by the a sub-district head;
- (5) The implementation of the Facilitation of P4GNPN in a urban village is carried out by a urban village head;
- (6) The implementation of the Facilitation of P4GNPN in a rural village is carried out by a rural village head;
- (7) The implementation of the Facilitation of P4GNPN is coordinated by the Regional Apparatus who carries out government affairs in the field of national unity and politics.

Article 8

- (1) In the implementation of facilitation for the prevention and eradication of abuse and Illicit Trafficking of Narcotics and Narcotics Precursors, The Regent prepares a regional action plan which is carried out every year.
- (2) The preparation of the regional action plan as referred to in section (1) is based on the regional action plan format as contained in the Annex which is an integral part of a Ministerial Regulation.
- (3) The regional action plan as referred to in section (1) is submitted to the Minister through the Directorate General of Politics and General Administration.

Article 9

- (1) To improve the implementation of the Facilitation of P4GNPN, an integrated team for the prevention and eradication of the

abuse and illicit Trafficking of Narcotics and Narcotics Precursors is formed at the regency and sub-district levels.

- (2) The integrated team as referred to in section (1) has the duty to:
  - a. Prepare regional action plans for Facilitation of P4GNPN in the regions;
  - b. Coordinate, direct, control, and supervise the implementation of the Facilitation of P4GNPN in the regions; and
  - c. Preparing reports on the implementation of the Facilitation of P4GNPN in the regions.
- (3) The members of the Regency and Sub-district integrated team as referred to in section (1) are in accordance with the legislation.
- (4) The membership composition of the Integrated Team as referred to in section (1) is determined by a decision of the Regent.
- (5) In every rural and urban village is obligated to form an rural village task force/shining urban village.
- (6) Further provisions regarding to the Procedure for establishing a regency integrated team, sub-district integrated team and rural village task force/shining urban village is regulated by a Regent Regulation.

## CHAPTER V

### RURAL VILLAGE TASK FORCE/SHINING URBAN VILLAGE

#### Article 10

- (1) Rural Village Task Force/Shining Urban Village as referred to in article 9 section (5) and section (6) are stipulated in the decision of the head of urban village /sub district.
- (2) Rural Village Task Force/Shining Urban Village consists of elements of the community, the Village Government, and the Local Government.

CHAPTER VI  
EARLY ANTICIPATION AND PREVENTION

Article 11

- (1) Local Governments take early anticipation in order to prevent Drug abuse.
- (2) Early anticipation in order to prevent Drug abuse is carried out in coordination with BNNK and other authorities.
- (3) The early anticipation as referred to in section (1) includes efforts to:
  - a. Provide information on the prohibition and danger of drug abuse and its negative impacts through various activities and information media;
  - b. Cooperating with vertical institution, educational units and/or other intitutions to carry out anti-drug movements;
  - c. Build infrastructure and human resources as a center for information and education services about the dangers of drug abuse and the implementation of the Facilitation of P4GNPN;
  - d. Supervise elements of ASN, DPRD, BUMN, BUMD, Educational Units, Private-Owned Business, business actors, and the public;
  - e. Perform urine tests on ASN, DPRD, BUMN, BUMD, Educational Units, Private-Owned Business, business actors, and the community;
  - d. Involvement of the anti-drug task force unit.
- (4) The prevention of Drug abuse as referred to in section (1) is carried out by:
  - a. Data collecting and mapping of potential Drug abuse;
  - b. Planning work programs in an effort to prevent Drug abuse;
  - c. Developing of information systems for the prevention of Drug abuse;
  - d. Implementing of parenting activities for families.

- (5) Data collecting and mapping of potential Drug abuse is carried out to obtain data regarding the condition of vulnerability to Drug abuse in certain areas/regions.
- (6) In conducting data collection and mapping as referred to in section (1), Regional Apparatus cooperate with vertical institutions, BNNK, Universities and/or other institutions.
- (7) Further provisions regarding procedures for implementing early anticipation as referred to in section (1) are regulated in a Regent Regulation.

#### Article 12

- (1) Schools are obligated to carry out the Verification process in order to trace students who have passed the selection of new student admissions for their involvement in drugs.
- (2) The Local Government bears the cost of drug testing for poor students who have passed the selection of new student admissions according to the poverty certificate from the authorized official.
- (3) For students who are able and have passed the new student admissions exam, the cost of the drug test is at their own expense.
- (4) All students who have passed the test and are declared positive for using drugs are obligated to carry out rehabilitation at their own expense.
- (5) Students who have passed the selection as referred to in section (4) are still recognized as new students, that they have been rehabilitation and declared cured by the competent authority, the student can be directly accepted into school without selection process again;
- (6) The procedure for providing drug test fees for the acceptance of new students as referred to in section (2) and section (3) at the junior high school and Madrasah Tsanawiyah levels is regulated in a Regent Regulation.

#### Article 13

- (1) Every bride and groom is obligated to conduct a drug examination as one of the requirements for marriage registration.



- (2) Drug examination as referred to in section (1) is carried out at the Regional Health Laboratory of Regency of Banyuwangi and in collaboration with the Ministry of Religion of Regency of Banyuwangi
- (3) The implementation of the provisions as referred to in section (1) and section (2), refers to the rules of the Ministry of Religion of Regency of Banyuwangi.

## CHAPTER VI HANDLING

### Article 14

- (1) Addicts, abusers, and victims of drug abuse on the basis of an integrated Assessment Team are obligated to undergo assessment and rehabilitation at BNN (*Badan Narkotika Nasional*, The National Narcotics Agency).
- (2) The integrated assessment team as referred to in section (1) is a team determined by the Regent consisting of elements of the National Police, Local Government, and elements of related Vertical Institution.

### Article 15

- (1) The Local Government carries out the countermeasures of drug abusers and victims of drug abuse.
- (2) The handling of the countermeasures as referred to in section (1) is carried out through the facilitation of medical rehabilitation by the Regional General Hospital and assessment at BNN.
- (3) In handling the countermeasures through the facilitation of medical rehabilitation as referred to in section (2), the Regional General Hospital cooperate with vertical institutions and/or private institutions in accordance with the provisions of the Legislation.

### Article 16

The Local Government facilitates the improvement of human resources and provides medical rehabilitation facilities and infrastructure for addicts, abusers and victims of Drug abuse.

CHAPTER VII  
PUBLIC PARTICIPATION

Article 17

- (1) The public is obligated to participate in the facilitation of the prevention and countermeasures of Drug abuse.
- (2) The participation as referred to in section (1) is carried out by:
  - a. Reporting to the Regional Apparatus that handles drug prevention/ BNN if they know of drug abuse and/or new victims of Drug abuse;
  - b. Reporting to the Regional Apparatus that handles drug prevention and BNN if they know of drug abuse and/or victims of drug abuse who have been rehabilitated if their actions have led to acts of abuse;
  - c. Providing support, enthusiasm, and community assistance for Drug abuse and/or drug abuse victims who have been rehabilitated so they can be accepted by the community;
  - d. Increasing family resilience to prevent the impact of drug abuse and increasing public awareness about the impact of Drug abuse;
  - e. Establishing a community participation forum independently to anticipate drug abuse preventively in community organizations;
  - f. Creating a conducive environment for former addicts, drug abuse victims, and their families;
  - g. Actively involving to prevent and countermeasures the impact of Drug abuse;
  - h. Implementing Social Rehabilitation.

CHAPTER VIII  
REHABILITATION

Article 18

Drug addicts who fall into the category of underage who are included in the criminal element, law enforcement officers are

expected to be wise in applying the law during the judicial process, and are advised to do rehabilitation, with the aim of being able to improve themselves for their future.

#### Article 19

- (1) Narcotics Addicts who have implemented Mandatory Reporting are obligated to undergo medical rehabilitation in accordance with the rehabilitation plan.
- (2) Placement in medical rehabilitation institutions is under the authority of BNN, public prosecutors, or judges in accordance with the level of examination after obtaining a recommendation from the Doctor Team, but medical rehabilitation may also be directed to Investigators of the Indonesian National Police.
- (3) Provisions for placement in medical rehabilitation institutions also apply to Narcotics Abuse Victims.

### CHAPTER IX

#### ASSISTANCE AND ADVOCACY

#### Article 20

- (1) Local Governments can provide assistance outside of advocacy to:
  - a. Drug addicts/victims who are not old enough, who are indicated to use drugs through urine and/or blood tests;
  - b. Drug addicts/victims who are not old enough, caught red-handed carrying drugs that do not exceed the provisions of the legislation; and
  - c. Drug addicts/victims who are old enough to report themselves or are reported by their families.
- (2) The Local Government can provide advocacy to:
  - a. Drug addicts/victims who are not old enough, who are indicated to use drugs through urine and/or blood tests;
  - b. Drug addicts/victims who are not old enough, caught red-handed carrying drugs that do not exceed the provisions of the legislation;

- c. Drug addicts/victims who are old enough to report themselves or are reported by their families; and
  - d. Family of drug addict/victim.
- (3) Assistance and advocacy as regulated in section (1) and section (2) can be carried out by a third party.
  - (4) Further provisions regarding the implementation of Assistance and Advocacy as referred to in section (1) and section (2) is regulated by a Regent Regulation.

## CHAPTER X MONITORING AND EVALUATION

### Article 21

- (1) Monitoring and evaluation of the implementation of the facilitation of P4GNPN as referred to in Article 6 point 4 is carried out by the Regent.
- (2) The Regent conducts periodic monitoring and evaluation of the implementation of regional action plans in the regions.
- (3) The monitoring and evaluation as referred to in section section (1) is carried out on each Local Government, in stages between government structures.
- (4) The Head of BAPPEDA (Badan Perencanaan Pembangunan Daerah /Development Planning Agency)and the Head of the National and Political Unity Agency conduct a macro evaluation of the implementation of the Facilitation of P4GNPN based on RPJMD (Rencana Pembangunan Jangka Menengah Daerah/ the Regional Mid-term Development Plan, Renja PD (Rencana Kerja Perangkat Daerah, Work Plan of Regional Apparatus) and the Implementation of the Action Plan.
- (5) The evaluation can be carried out in collaboration with Universities, or Non-Governmental Organizations.
- (6) The results of the evaluation of the implementation of facilitation of P4GNPN will be used as input in the formulation of policies, programs and activities for the coming year.

- (7) The presentation of facilitation of P4GNPN data can be presented using print media and/or electronic media, and in accordance with the provisions of legislation.
- (8) Monitoring and evaluation of the implementation of the facilitation of P4GNPN in the sub-district area is carried out by the sub-district head.
- (9) The implementation of monitoring and evaluation by the sub-district head is carried out as necessary as carried out by the Regent.

#### Article 22

- (1) Every rehabilitation program organizer is obligated to maintain and improve the quality of services.
- (2) Guidance and supervision of service quality is carried out by SKPD (Satuan Kerja Perangkat Daerah, Regional Work Unit) in the field of Health and Social, together with the National Narcotics Agency.

#### Article 23

Each rehabilitation program organizer must prepare standard operating procedures for rehabilitation management in accordance with the type and method of therapy used by referring to the standards and guidelines for rehabilitation management.

### CHAPTER XI REPORTING

#### Article 24

- (1) The sub-district head and urban village head report the implementation of the facilitation of P4GNPN in sub-districts, villages according to their respective duties and authorities to the regent.
- (2) The Regent reports the implementation of facilitation for the prevention and countermeasures of Drug abuse to the Governor.
- (3) The reporting as referred to in section (1) conducted periodically every 6 (six) months.

CHAPTER XII

AWARD

Article 25

- (1) The Local Government give awards to law enforcement officers, government institutions, private sector and/or community members who have rendered their services in the efforts to prevent and countermeasures Drug abuse and illicit trafficking.
- (2) The award as referred to in section (1) is given in the form of a charter, honorary merit, and/or other forms in accordance with the regional financial capacity.
- (3) Further provisions regarding of awards as referred to in section (1) regulated in a Regent Regulation.

CHAPTER XIII

FUNDING

Article 26

- (1) Funding for the implementation of facilitation for the prevention and eradication of abuse and illicit trafficking of Narcotics and Narcotics Precursors comes from:
  - a. Regency Budget; and
  - b. Other legal and non-binding sources in accordance with the provisions of the legislation.
- (2) The Shining Urban Village Task Force Funding is charged to the Urban Village Budget.

CHAPTER XIV

ADMINISTRATIVE SANCTIONS

Article 27

- (1) Every BUMD, education unit, privately-owned enterprises, business actor, and community is violating the provisions of Article 11 point d and point e, will be subjected to administrative sanctions.

- (2) The administrative sanctions as referred to in section (1) are in the form of:
- a. verbal warning;
  - b. written warning;
  - c. temporary suspension of activities;
  - d. permanent cessation of activities;
  - e. temporary revocation of permits;
  - f. permanent revocation of license;
  - g. administrative fines; and/or
  - h. other administrative sanctions in accordance with the provisions of the legislation.
- (3) Further provisions regarding to administrative sanctions as referred to in section (2) is regulated in a Regent Regulation.

#### Article 28

The implementing regulations of this Regional Regulation is stipulated not later than 6 (six) months after the promulgation of this Regional Regulation.

### CHAPTER XV CLOSING PROVISIONS

#### Article 29

This Regional Regulation comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Regional Regulation by its placement in the Regional Gazette.

Issued in Banyuwangi  
on 30 December 2020

REGENT OF BANYUWANGI,

signed

H. ABDULLAH AZWAR ANAS

Promulgated in Banyuwangi  
on 30 December 2020

REGIONAL SECRETARY  
BANYUWANGI DISTRICT,

signed

MUJIONO

REGIONAL GAZETTE OF THE REGENCY OF BANYUWANGI NUMBER 7 OF 2020  
REGISTRATION NUMBER OF REGULATION OF THE REGENCY OF  
BANYUWANGI NUMBER 326-7/2020

Jakarta, 8 November 2021

Has been translated as an Official Translation  
on behalf of Minister of Law and Human Rights  
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,



BENNY RIYANTO



ELUCIDATION  
OF  
REGULATION OF THE REGENCY OF BANYUWANGI NUMBER 7 OF 2020  
ON  
FACILITATION FOR THE PREVENTION AND ERADICATION OF ABUSE AND  
ILLEGAL TRAFFIC KING OF NARCOTICS AND NARCOTICS PRECURSORS

I. GENERAL

Regency of Banyuwangi is located between 7°43'- 8°46' South Latitude and 113°53' 114°38' East Longitude Based on its geographical location, Regency of Banyuwangi is located at the eastern tip of Java Island, with boundaries: North-Regency of Situbondo; East-Bali Strait. South-Indian Ocean; West – Regency of Bondowoso and Regency of Banyuwangi, Regency of Banyuwangi has an area of about 5,782.50 km<sup>2</sup> which is the largest Regency in East Java Province, Regency of Banyuwangi has a coastline of about 175.8 km, and a total of 10 islands. Mountains, resulting in plantation production. The plains area produces food crops, and the area around the coastline that stretches from north to south is an area that produces various marine biota.

Regency of Banyuwangi is one of the most attractive tourist destinations in the world. The number of foreign tourists who enjoy the natural beauty in Banyuwangi brings blessings to regional income. On the other hand, it also has a negative influence on the lifestyle of drug use and distribution. Given the current trend of drug use, it has been considered to be part of a negative lifestyle for young people. Therefore, prevention efforts are needed through raising public awareness of the dangers of narcotics. The importance of this awareness, as a deterrent to the increasing number of narcotics addicts and effective in reducing the number of narcotics trafficking in Regency of Banyuwangi. Besides that, rehabilitation efforts for narcotics addicts are one way to reduce the level of narcotics trafficking in Regency of Banyuwangi. Thus eradicating narcotics is no

longer the responsibility of the Government of Regency of Banyuwangi alone, but also a shared responsibility of the people in Regency of Banyuwangi.

Banyuwangi as the largest Regency in East Java certainly has a large potential for illicit drug trafficking via land routes through Banyuwangi, Bondowoso and Situbondo, air routes through Banyuwangi International Airport in the District of Blimbingsari, via sea routes, namely Ketapang-Gilimanuk Port, Muncar, Pesanggaran , Purwoharjo, Grajagan, Blimbingsari, Boom Marina, Cacalan, Kampe, and Bangsring. This results in the level of vulnerability of an area to the circulation of Narcotics, List G Trex, Destro and alcohol, for areas prone to trafficking Narcotics, List G Trex, Destro and Alcohol are the District of Kalipuro, the District of Banyuwangi, the District of Rogojampi, the District of Muncar, and the District of Srono. This kind of situation also facilitates the circulation of narcotics in the Regency of Banyuwangi. Regency of Banyuwangi is an area on the eastern tip of the island of Java which is prone to drug abuse and illicit trafficking. Drug abuse does not only occur in urban areas, but also penetrates rural areas. Drug abusers or victims of drug abuse also come from various professions and ages and have resulted in enormous losses, both in terms of health, economic and social costs. Because it really needs serious handling in overcoming these problems.

Based on the factual conditions above, the Local Government in order to participate in efforts to prevent and overcome drug abuse in the Regency of Banyuwangi area, and based on the provisions of Article 2 (3), Article 3 and Article 4 of the Regulation of the Minister of Home Affairs Number 12 of 2019 on Facilitation of Prevention and Eradication of Abuse and Illicit Trafficking of Narcotics and Narcotics Precursors, issue Regional Regulations on Facilitation of Prevention and Eradication of Abuse and Illicit Trafficking of Narcotics and Narcotics Precursors. This Regional Regulation is the legal basis for facilitating the prevention and control of drug abuse in the Regency of Banyuwangi area as well as being a guideline for the Government of Regency of Banyuwangi in the implementation of the Facilitation of P4GNPN.

In general, this Regional Regulation contains basic materials that are systematically arranged, namely early anticipation, prevention, mitigation, funding, public participation, reporting, administrative sanctions, awards and miscellaneous provisions.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently Clear.

Article 2

Sufficiently Clear.

Article 3

Sufficiently Clear.

Article 4

Sufficiently Clear.

Article 5

Section (1)

Sufficiently Clear.

Section (2)

Point a

The term "certain area/region" means an area that is suspected and indicated to be a nest or center for illicit drug trafficking. This a can be in rural or urban areas.

Point b

Sufficiently Clear

Point c

Sufficiently Clear

Point d

Sufficiently Clear

Point e

Sufficiently Clear

Point f

The term provide fulfillment of the rights of victims in the provision of the Facilitation of P4GNPN means the provision of medical rehabilitation, social rehabilitation, assistance and advocacy.

Point g

Sufficiently Clear.

Article 6

Sufficiently Clear.

Article 7

Sufficiently Clear.

Article 8

Sufficiently Clear.

Article 9

Sufficiently Clear.

Article 10

Sufficiently Clear.

Article 11

Sufficiently Clear.

Article 12

Section (1)

Verification means an activity carried out by schools in order to obtain accurate information on students who passed school selection against involvement in drugs

Section (2)

Sufficiently Clear.

Section (3)

Sufficiently Clear.

Section (4)

Sufficiently Clear.

Section (5)

Sufficiently Clear.

Section (6)

Sufficiently Clear.

Article 13

Sufficiently Clear.

Article 14

Section (1)

Assessment means a treatment action to determine the condition of the resident due to drug abuse which includes medical and social aspects.

Medical rehabilitation means a process of integrated treatment activities to free addicts from narcotics dependence.

Social rehabilitation means a process of integrated recovery activities, both physically, mentally and socially, so that former Narcotics addicts can return to carrying out their social functions in people's lives.

Section (2)

Sufficiently Clear.

Article 15

Section (1)

Sufficiently Clear.

Section (2)

Sufficiently Clear.

Section (3)

The term "authorized vertical institutions" means the Central Government Institution in the region, in this case the National Narcotics Agency of the Regency of Banyuwangi.

Article 16

Sufficiently Clear.

Article 17

Sufficiently Clear.

Article 18

Sufficiently Clear.

Article 19

Section (1)

The term mandatory reporting means self-report which is carried out by narcotic addicts who are of sufficient age or their families

and/or parents or guardians of narcotic addicts who are not yet old enough to the receiving institution obliged to report to get treatment and/or treatment through medical rehabilitation and social rehabilitation.

Section (2)

Sufficiently Clear.

Section (3)

Sufficiently Clear.

Article 20

Section (1)

Point a

Sufficiently Clear.

Point b

The term "caught in the hands" means the arrest of a person while committing a crime, or immediately after some time after the crime is committed, or a moment later it is called out by the general public as the person who committed it, or if an object is found a moment later on which it is strongly suspected has been used to commit the crime which indicates that he is the perpetrator or has participated in or assisted in committing the crime. The term bringing Narcotics, Psychotropic, and Other Addictive Substances that do not exceed the provisions of the legislation is in accordance with the Circular Letter of the Supreme Court of the Republic of Indonesia Number 04/Bua.6/Hs/Sp/VI/2011 dated 29 July 2011 on Placement of Abuse, Victims of Abuse and Narcotics Addicts into Medical Rehabilitation and Social Rehabilitation Institutions.

Point c

Sufficiently Clear.

Section (2)

Point a

Sufficiently Clear.

Point b

Sufficiently Clear.

Point c

Sufficiently Clear.

Point d

Sufficiently Clear.

Section (3)

The term third parties mean Non-Governmental Organizations, observers, community leaders who have the concern and willingness to provide assistance and advocacy for drug addicts.

Section (4)

Sufficiently Clear.

Article 21

Sufficiently Clear.

Article 22

Sufficiently Clear.

Article 23

Sufficiently Clear.

Article 24

Sufficiently Clear.

Article 25

Sufficiently Clear.

Article 26

Sufficiently Clear.

Article 27

Sufficiently Clear.

Article 28

Sufficiently Clear.

Article 29

Sufficiently Clear.