

Urgency Of Integrated Assessment Team (Tat) In Handling Victims Of Narcotics

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Abstract : Article 54 of the narcotic LAW states that, "narcotic addicts and narcotics abuse victims are obliged to undergo medical rehabilitation and social rehabilitation". Article 127 narcotic can also be made a guideline by the judge in dropping a rehabilitation award to addicts and victims of narcotic abuse. Based on the Lapas prison detention Data of the year 2018 noted that 45% of the total prison occupants (115,289 out of 255,407 people) were drug prisoners. Town prison resident drug 64%, and drug user 36%. This is related to the implementation of the TAT at BNNP Aceh has a barrier found in the implementation of the TAT in the handling of narcotics. This research empirical research by using a legal approach to the applicability of statutory regulations. The data used is primary data and secondary data. Data collection techniques using interviews and document study techniques and laws related to this study. Further data is processed and analyzed with qualitative descriptive analysis techniques. Barriers were found in the implementation of the TAT in the handling of drugs for narcotics due to unclear regulation and substance of the law. The legal substance is related to normative law enforcement or based on the provisions stated in the Regulation, the factor of the law enforcement authorities, that, the application of integrated assessment is part of the criminal justice system, factors of facilities and infrastructure become one of the obstacles in implementing the application of integrated assessment, community factors, a role to be able, and cultural factors, it is also a constraint in the application of integrated assessment of narcotics. Legal culture adopted by the public as well as law enforcement officials in general.

Keywords: A Team of Integrated Assesment, Handling, Victims, Narcotics Abuse.

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I. INTRODUCTION

Narcotics criminal offence is a unique crime, as well as gambling crimes, because the victims and their suspects are one or more. The concept arises because it is motivated by a fact in the field mentioning those who use or abuse narcotics and then snagged many legal problems that are in the prison in this new era, as one form of coaching, without any special handling related to the cure of narcotics abuse, because the problem of narcotic abuse is not only juridical matter and acts of criminal acts but also considered as sick people who need treatment in the form of rehabilitation (Indonesia, 2017).

Rehabilitation is one of the ways to save victims of narcotic users from dependence. Because the notion of rehabilitation is an attempt to restore to make a nakotics dependency addict and normal living physically and spiritually healthy so as to adapt and improve his skills, knowledge, intelligence, his role in the environment or with his family is also called Resosialization (Diputra, 2012).

The rehabilitation of the drug users is a series of coordinated and integrated efforts, comprising of medical efforts, mental guidance, psychosocial, religious, education and vocational training to enhance self-adjusting, self-reliance and self-help and achieve functional capabilities in accordance with the potential owned, both physical, mental, social and economic. In the end they are expected to address the issue of narcotic abuse and re-interact with the community reasonably (Rahmawan, 2017).

Narcotics users in Aceh, initially just trying, while in jail without special coaching (rehabilitation), they interact with users who are already senior and even the towns that eventually many of them when getting out of jail become more "smart" in narcotic abuse and even not infrequently become a new distributor, it is evidenced in the print media that often appears. Prison prisoner of the year 2018 noted that 45% of the total prison occupants (115,289 out of 255,407 people) were drug prisoners. Town prison resident drug 64%, and drug user 36% (Nasional, 2019).

Increasing the case of narcotics as a whole, the case of narcotics with a percentage increase of 23.58% from 20,134 cases in year 2015 to 40,588 cases in the year 2018. The number of workers who misuse narcotics for those whose costs are estimated to be about 963 thousand to 1 million people or for those who do not cost

about 1.8 million to 2 million people. Higher prevalence cost workers (6.8%) Compared to workers not cost (2.1%). As for the province of Aceh based on the results of the research of the National Narcotics Agency in collaboration with the Community and Cultural Research Center-LIPI year 2018 prevalence of drug use a year last about 1.80% total drug exposure 38,493 people.

The awarding of imprisonment for addicts and victims of narcotics abuse can cause new problems in the future. Facts in the field show narcotics addicts and abuse victims who undergo legal process and sentenced to imprisonment, after undergoing a penalty for the quality of his narcotic use increased and not as expected. Based on data from the Ministry of Justice and Human Rights, in September 2018, prison capacity in Indonesia reached 118,961 people. From that amount, narcotics case convicts reached 66,626 people and inmates identified by narcotic users reaching 24,914 people. It also raises the overburden of Lapas is one of the most serious problems in Indonesia. One of the main problems in over capacity is because of the high Supply of prisoners and convicts into the prison (HAM, 2018).

The population of the prison has exploded doubling from 71,500 to 144,000 in 2004 to 2011, when the prison capacity only increased by less than 2%. In July 2015, according to the system of Correctional Database (SDP) which is managed by the Directorate General of Correctional (Ditjen PAS), there are a number of 178,063 inhabitants spread in 477 Lapas/Rutan. 34% of these amounts were pre-trial prisoners. This figure does not include the number of prisoners in the police custody. The density of Lapas/Rutan dwellers nationwide has ranged in the number of 145%, but in many prison large numbers of residents can reach the number 662% of the available capacity. Aceh province itself, the prison population that was stuck in narcotic cases amounted to 4428.

Article 54 Act Number 35 year 2009 concerning narcotic (hereinafter called Narcotic LAW) states that, "narcotic addicts and narcotics abuse victims are obliged to undergo medical rehabilitation and social rehabilitation". Article 127 narcotic can also be made a guideline by the judge in dropping a rehabilitation award to addicts and victims of narcotic abuse. Article 127 clause (3) The narcotics ACT states that the Law on Narcotics stipulates that, "in the event that the abuse can be proved or proved as a victim of narcotics misuse, the advocate is obliged to undergo medical rehabilitation and social rehabilitation". According to the narcotics ACT all addicts and victims of drug abuse are obliged to undergo medical rehabilitation and social rehabilitation in certain hospitals or rehabilitation institutes organized by government or community agencies. In addition through medical treatment and/or rehabilitation, healing of narcotic addicts through religious and traditional approaches.

Pursuant to article 2 of the Minister of Social Law No. 26 of 2012 on the social rehabilitation standard of NAPZA abuse victims determines, that narcotics abuse victims, namely:

- a. "To be a reference in the implementation of social rehabilitation for victims of NAPZA abuse;
- b. Provide protection against victims of wrongdoing practices;
- c. Provide direction and performance guidelines for social rehabilitation providers of NAPZA abuse victims;
- d. Improve the quality and range of social rehabilitation service providers of NAPZA victims ' abuse".

Meanwhile, the determination of the level of addiction and the role of suspect and/or defendant in narcotics criminal act is carried out by the Integrated Assessment Team (TAT). According to the rules on the procedure of filing and implementation of the assessment process set forth in article 8 of the regulation of BNN No 11 year 2014, as for the procedure of implementing the assessment in the following rules:

- (1) "Investigators place the suspected narcotics addict and narcotic abuse victims who are in judicial proceedings into the Rehabilitation Institute.
- (2) The placement as intended in paragraph (1) shall be executed after the suspect has received a recommendation based on the assessment from the integrated assessment team.
- (3) The assessment as intended in paragraph (2) shall be conducted in the application of investigators to the integrated assessment team.
- (4) The application as referred in paragraph (3) shall be submitted in writing with a copy to the local BNN head in accordance with the crime scene.
- (5) Investigators obtain the registration number of the assessment based on the application as mentioned in paragraph (3) ".

The problems identified in the implementation of the TAT for victims of narcotics abusers in legal process in the form of deviation (deviation) or gap (GAP) is made in the form of questions that is, how obstacles found in the implementation of the TAT in the handling of narcotics.

The research methods used in this study are empirical legal research methods or sociological research methods by identifying the law as a method of Memola, using a framework of social theory on the law or the theory of sociological law in which the evidence is conducted through the community. This research uses the type of empirical research. This type of juridical research emphasizes in terms of legislation and regulations and legal norms relevant to this issue, which are sourced on secondary data. Meanwhile, the empirizance is that in conducting research conducted by looking at the reality in the practice involving the urgency of integrated

assessment Team (TAT) in the handling of victims of narcotics. Legal research is a process for discovering legal rules, principles of law, and legal doctrines to address the legal issues facing (Marzuki, 2011).

II. LITERATURE REVIEW

Legal protection for the people as a preventive and repressive government action. The protection of narcotic abuse victims is more emphasis on addictive mental disorders where a narcotic abusers is essentially a mental disorder, i.e. personality disorder, anxiety and/or depression, and thus the abuse of narcotics is a further development of the mental disorder and the social impact it brings.

While the protection of the narcotics intercepted in article 1 Figure 13 Act No. 35 years 2009 about narcotics is a person who uses or abuses narcotics and in a state of dependence on narcotics, both physically and psychic, while the narcotics abusers contained in article 1 Figure 15 Act No. 35 year 2009 about narcotic is a person who uses narcotics without rights or against the law. It can literally be interpreted that all narcotic use does not permit either sale or consumption which causes addiction to be categorized as narcotic abusers. However, not necessarily a abusers can be said as a victim so that the term use of new narcotics addicts can be categorized as victims.

According to Fitzgerald, citing the term of legal protection theory from Salmond that the law aims to integrate and coordinate various interests in society because in a traffic of interest, protection of certain interests can be done by limiting various interests on the other party. The interest of the law is to manage human rights and interests, so that the law has the supreme authority to determine human interests that need to be regulated and protected. Legal protection should look at the stages of legal protection born of a legal provision and all legal regulations given by communities that are essentially a community agreement to govern behavioral relationships between community members and between individuals and governments that are considered to represent the interests of society (Raharjo, 2000).

According to Satjipto Rahardjo, protection of the law is to provide the pengayoman against human rights that others have harmed and the protection is given to the public in order to enjoy all the rights granted by the law (Raharjo, 2000).

Phillipus M. Hadjon mentions that legal protection for the people as a preventive and repressive government action. Preventive legal protection aims to prevent disputes, which directs the government's actions to be cautious in decision-making based on the repressive disagreements and protections aimed at preventing disputes, including their handling in judicial institutions. Meanwhile, according to Lili Rasjidi and I. B Wisa Putra, that the law can be enabled to realize protection that is not merely adaptive and flexible, but also predicative and antipathy (Putra, 1993).

Conception is the development of imagery to translate an idea or idea, which is usually a word in shape. The difference between conception and the word used daily is that the conception is broader than the meaning or definition of a word. Conception is rendered as an attempt to bring something from the abstract into something concrete, called a variable operational definition (Sunggono, 1990).

Narcotic abuse occurs by the interaction between factors of predisposition consisting of personality, anxiety and depression, hereinafter contributing factors, namely the family as well as the trigger factor, the influence of group friends or peers. Furthermore, narcotic abuse is a process of addictive mental disorders where a narcotic abusers is a person who is experiencing a mental disorder, a disorder of personality, anxiety and/or depression, and thus the misuse of narcotics is a further development of these mental disorders and the social impact it brings (Sasangka, 2003).

The victims of narcotic abuse are more meaningful to narcotic pollutants than the meaning of narcotic abusers sentence in accordance with law No. 35 year 2009 about narcotics. The usage shown by law No. 35 year 2009 about narcotics tends to be ambiguous in the formulation of a meaning.

Narcotics intercepting meaning contained in article 1 Figure 13 of the law No. 35 years 2009 about narcotics is a person who uses or abuses narcotics and in a state of dependence on narcotics, both physically and psychic, while the narcotics abusers contained in article 1 Figure 15 Act No. 35 year 2009 about narcotic is a person who uses narcotics without rights or against the law. It can literally be interpreted that all narcotic use does not permit either sale or consumption which causes addiction to be categorized as narcotic abusers. However, not necessarily a abusers can be said as a victim so that the term use of new narcotics addicts can be categorized as victims.

Consequently, narcotic abuse is categorized as a user not necessarily he can be categorized victim so that he can be subject to criminal sanctions in accordance with Article 127 paragraph (1) of law No. 35 year 2009 about narcotic, reads:

Any supervisor:

- a. "Narcotics group I for myself is sentenced to imprisonment for a maximum of 4 (four) years;
- b. Narcotics class II for oneself is sentenced to imprisonment for a maximum of 2 (two) years;
- c. Narcotics group III for oneself is sentenced to imprisonment of one year (1) long.

A perpetrator of narcotic crime is indeed in an opportunity not to close the possibility of doing 2 (two) pieces of deeds at once both as an addict and also a seller or courier. However, it must be proven first in the proceedings. Furthermore, not infrequently judges who dropped the ruling in accordance with article 127 paragraph (1) Act No. 35 year 2009 about narcotics if the position as a seller or courier is not proven, the judge does not look at his position as a pension so it can be categorized as a person as a victim of narcotic abuse.

III. OBSTACLES FOUND IN THE (TAT) IMPLEMENTATION IN THE HANDLING OF NARCOTICS

Law enforcement is a continuous process of law enforcement from upstream to downstream, which is from the commencement of the investigation process until the court's establishment/sentence of punishment. The process is implemented by a system commonly known as the judicial system. The judicial process is essentially a process of enforcing a law identical to the judicial power system, because judicial power is the authority to enforce the law.

Based on data obtained from BBN ACEH has the data to increase narcotic abuse victims from year to year narcotics circulation among workers increasing. Based on Narcotics case year 2012 S/d 2018, each year has increased this can be seen in the following table:

Years	Civil servants	Self employed	Labor	Farmers
2015	453 case	14.357 case	5.283 case	1.869 case
2016	567 case	16.234 case	7.890 case	2.116 case
2017	745 case	17.134 case	8.200 case	2.450 case
2018	915 Case	19.450 case	9.056 case	2.905 case
2019	1.115 case	20.400 case	10.098 case	3.200 case

Increasing the case of narcotics as a whole, the case of narcotics with a percentage increase of 23.58% from 20,134 cases in year 2012 to 40,588 cases in the year 2018. The number of workers who misuse narcotics for those whose costs are estimated to be about 963 thousand to 1 million people or for those who do not cost about 1.8 million to 2 million people. Higher prevalence cost workers (6.8%) Compared to workers not cost (2.1%). As for the province of Aceh based on the results of the research of the National Narcotics Agency in collaboration with the Community and Cultural Research Center-LIPI year 2018 prevalence of drug use a year last about 1.80% total drug exposure 38,493 people.

In the case of law in the National Narcotics Agency (BNN) has the resistance of data found in the food, the law enforcement of narcotics abuse criminal process is initiated from the investigation and investigation conducted by the police and BNN, prosecution by the prosecutor, and the ruling judge. Then in the process of investigation is known implementation of integrated assessment as part of the law enforcement itself. Law enforcement in its implementation is influenced by various factors – a factor that inhibits the achievement of ideality as preached by the law. The implementation of assessment in law enforcement against narcotics is influenced by several factors such as:

First, the regulatory factors and legal substance are unclear. The legal substance is related to normative enforcement or based on the provisions stated in the regulations. In carrying out law enforcement, all acts of law enforcement officers are governed by applicable laws and regulations. It is commonly known as legal certainty, the implementation of the law in accordance with the sound so that the public can ensure that the law is implemented.

Law enforcement officers often only rely on the principle of this legal certainty in carrying out its law enforcement. What is the provision of legislation that is executed without considering the existence of justice and benefits that must also be fulfilled in the enforcement of its law.

In law enforcement against narcotics, law enforcement officers are often faced with the plainness in implementing the implementation of integrated assessment. Whereas integrated assessment itself is a manifestation of efforts to continue to implement the objective of the drug law in article 4 letter (d), that is to ensure the arrangement of medical and social rehabilitation efforts for the drug and narcotics addicts. The interview stated that the application of integrated assessment as a form of response in implementing the provisions of article 127 of the Narcotics Act. In the provision of the article in paragraph (1), each supervisor is threatened with imprisonment but in paragraph (2) in the case of the Court shall be obliged to observe the provisions of article 54, article 55 and Article 103. Then, in paragraph (3) there is a provision to prove a person to be a victim of narcotics abuse which is then followed up by issuing a joint regulation as a technical guideline of proving it (Zulkifli, Korban Penyalahgunaan Narkotika, 2020).

Although there have been common regulations as technical guidelines for the handling of things, the reality of the application does not always run smoothly. One of the most varied is the view in positioning the narcotics. This distinction not only develops in the community, but also engulfed law enforcement and court

institutions. For those who are caught hands, the provisions of article 111 or article 112 are often the sole indictment without including the provisions of article 127. Therefore, in the process of law enforcement can not be applied integrated assessment process, because the alleged perpetrators are identified not only misuse narcotics for personal consumption but also distribute. Any application that has no association with the illicit circulation network of narcotics, is supposed to obtain the implementation of integrated assessment in its enforcement as a means of placing them into the rehabilitation process through the process of law enforcement until there is a determination/verdict that is still legal force.

Secondly, the factor of the law enforcement officers, according to the results of the state, said that the application of integrated assessment is part of the criminal justice system. The application is governed by a joint regulation between the 7 State institutes authorized in the law enforcement of Narcotics Abuse criminal act. The purpose of this joint regulation is to form technical guidelines for coordination and alignment of understanding among authorized law enforcement officers. But in practice, the understanding of law enforcement officers is different in its application (Amanto, 2020).

Furthermore, police and BNN investigators still have differences in treatment in treating narcotic abusers. In fact, with the law of narcotics, government regulation and joint regulation, there have been uniform provisions in implementing law enforcement against narcotics.

Narcotics abuse Criminal law enforcement is a process that has a close relationship from the beginning of the investigation until the establishment/verdict by the judge. The relationship is established in the Criminal Justice System. The criminal Justice System (CJS) or the Criminal justice system (SPP) consists of the police as an investigator and investigator, prosecutors as prosecution, court as breaker, and correctional Institution as a place of construction of prisoners. In the Narcotics Act, investigators and investigators not only consist of police but also from BNN.

The provision of rehabilitation measures resulted in the need for advanced regulations as a guideline for law enforcement officials in carrying out its law enforcement. In order to align the understanding and implementation of the provisions of law enforcement against narcotics, a joint regulation is used as a reference for law enforcement. Law enforcement officials still tend to be rigid to implement assessment in law enforcement against narcotics. In determining the right to be a supervisor to be diasesmen, law enforcement officers are in the position of waiting for a new application then the assessment can be done against the drug use of drugs that caught hands.

Application is generally done for the suspects who understand the process of integrated assessment or by suspects who have a sufficient economic level, is a public figure and has been accompanied by a legal advisor in the handling of its case. Which means that the application of integrated assessment is still not evenly applied to each suspect identified as the narcotics for self-censorship not as courier, dealer or city.

Third, factors of facilities and infrastructure, in the interview get the result that, facilities and infrastructure become one of the obstacles in implementing the implementation of integrated assessment. BNN as a leading sector in the implementation of integrated assessment is faced with the absence of independent laboratories as a place to carry out the examination of evidence obtained. In addition, the limited installation of rehabilitation in the province of Aceh, causing the placement of the perpetrators suspect to be constrained.

The application of integrated assessment of narcotics is closely related to medical and clinical aspects. Testing activities of narcotic evidence, urine, blood and hair are carried out by the team of integrated doctors. In its implementation, there is no independent laboratory as a Test place, as well as the complete testing indicator tool owned by BNNP Aceh. During this time, if there will be a thorough testing with regards to the hair test or DNA, a test sample will be sent to the central BNN Laboratory. This resulted in a long-term testing and control range performed by law enforcement officers.

The results of the implementation of integrated assessment are recommendations on the placement of narcotics for medical and social rehabilitation. The placement in the rehabilitation installation does not have to wait for the case to be terminated at the Court of session but it can be done early while the investigation is resumed. Problematikanya that is, still limited installation of rehabilitation available and able to handle the circumcision and narcotics addicts in ACEH. During this time, the implementation worked together with the provincial mental hospital which was the installation of medical and social rehabilitation of government referral. BNN can not only rely on the UPT therapy and rehabilitation of Lido only, but it is necessary to build rehabilitation installation in each region, especially the area that is a high level of abuse of narcism.

Fourth, the factor of society. The narcotic countermeasures undertaken to address the number of narcotics are a series of actions that are carried out continuously from a wide range of elements, both law enforcement officers and the community environment. People can be one factor to support the success of abusers narcotics, which is to take preventive measures by providing information to law enforcement officers while there is an indication of the Natkotika abuse he knows.

In connection with the implementation of integrated assessment, the community also plays a role to be able to socialize the process of integrated assessment for narcotics who caught hands. Through integrated

assessment, a narcotics can obtain legitimation in addition to being the perpetrator of narcotics abuse but also as victims of abuse. During this time, narcotics used to be directly imprisoned when caught hands without going through the assessment process first. This is because the alleged suspect does not know that he is entitled through the process of assessment in the enforcement of its law to be rehabilitated. In addition, the community still gives labelling to the alleged perpetrator as a criminal who has been convicted of imprisonment. The application of integrated assessment for the abuse is always applied as a compromise in the Law Enforcement Act of narcotics abuses. So that the law enforcement officers make the prison as a punishment that has been appropriately dropped to the narcotics drug in the orientation gives a deterrent effect is not to restore the condition of the circumcision itself.

IV. CONCLUSION

Barriers contained in the implementation of the TAT in the handling of narcotics, namely, regulations related to the misuse contained in the narcotic LAW of the view in the position of abuse of narcotics, law enforcement officials, law enforcement that handles drug abuse cases tend to be reluctant to apply integrated assessment to determine a person who is arrested as a abusers or distributor, facilities that have not been adequate in the follow up victims of narcotic abuse , such as medical and social rehabilitation installations. In order to overcome various barriers in the application of integrated assessment, it is often held by the coordination meeting by 7 (seven) State institutions that issued joint regulations as a means of consulting, coordinating and aligning the perception in law enforcement against narcotics. So there is no difference in interpreting the provisions in the joint regulation in the handling of circumcision and narcotics addicts. BNN should be the spearhead of narcotic abuse criminal law enforcement, making the procurement of rehabilitation in each area a major agenda. Besides as a means of recovery also to help the transfer of over capacity experienced by almost all the jail in Indonesia.

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