



## THE URGENCY OF REHABILITATION IN THE UTILITARIAN PARADIGM TO PUNISHING NARCOTICS ADDICTS

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### ABSTRACT

Rehabilitation for narcotics abusers is a recovery method that needs to be carried out by prisoners who are categorized as addicts and victims of narcotics abuse. Rehabilitation is part of the use of utilitarian principles. The purpose of this research is to analyze the urgency of implementing rehabilitation for drug addicts and to analyze the rehabilitation of narcotics addicts in the utilitarian paradigm. This research is a type of normative juridical research to examine the urgency of implementing rehabilitation for narcotics addicts in a utilitarian paradigm. Even though articles regarding the implementation of rehabilitation have been regulated, enforcement of the law remains rare, creating the impression of selective logging in its implementation. Therefore, it is essential to scrutinize whether the implementation of rehabilitation for narcotics users aligns with the provisions of the Narcotics Law and the norms outlined in the relevant articles. The benefits that people with drug addiction get from rehabilitation are in the form of detoxification and social rehabilitation, which are designed to facilitate the user's reintegration into regular life, along with the following stages of treatment. Thus, regarding the benefits for the Indonesian state, providing rehabilitation for narcotics addicts is believed to be able to reduce the number of narcotics trafficking itself.

## 1. Introduction

Narcotics crime is an extraordinary offense, and as a consequence, it is specifically subject to a separate regulation known as Law Number 35 of 2009 concerning Narcotics.<sup>1</sup> According to the law, it is necessary for people to behave in a manner that is consistent with what they ought to do in certain

<sup>1</sup> Wijayanti Puspita Dewi., Penjatuhan Pidana Penjara Atas Tindak Pidana Narkotika Oleh Hakim DI Bawah Ketentuan Mimum Ditinjau Dari Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika, *Jurnal Hukum Magnum Opus*, Vol.2 No.2, 2019

circumstances.<sup>2</sup> Sanctions for a crime can take various forms, ranging from social and criminal sanctions. Criminal sanctions are the final sanctions that are an option for efforts to prevent a crime from occurring, the aim of which is to give fear and deterrence to perpetrators and potential perpetrators who will commit the crime.<sup>3</sup>

The perpetrator of narcotics abuse is a crime, and the perpetrator of this crime must be punished, namely by imprisonment for using narcotics without rights and against the law. However, on the other hand, he is also a victim of a criminal act committed by himself. This is the impact of narcotics abuse; thus, perpetrators need medical and social rehabilitation measures, namely a process of integrated treatment activities to free addicts from narcotics dependence.<sup>4</sup> The Narcotics Law explains that a narcotics addict and victim of narcotics abuse must be rehabilitated following Article 54 of Law No. 35 of 2009 concerning Narcotics.

Furthermore, the ineffectiveness of punishment for someone who has developed an addiction has been commonly acknowledged for transactions to occur in prison narcotics. It may have a worse influence or impact on the narcotics users (addicts) because, in prison, they can exchange experiences about crimes.

Examining the ramifications of drug abuse on the familial, societal, and governmental levels, it becomes evident that it leads to significant problems in the relationships among these three groups. Abuse is a heavy strain on the family since it bears a negative social stigma for the victim. Additionally, the victim's conduct often leads to criminal behaviors, and the government encounters issues in its efforts to promote human resource development. Of course, this requires treatment, one of which is by referring the addict or victim to receive rehabilitation services. The classification of dealing with errors or crimes is usually differentiated by the level of harm done by the perpetrator. It can also be differentiated based on motives, behavior conditions, rules violated, and frequency of crime.<sup>5</sup> As explicitly stated in the Supreme Court issued Circular Letter (SEMA, *Surat Edaran Mahkamah Agung*) regarding Criminal Law Policy No. 4 of 2010 concerning the placement of abusers, abuse victims, and narcotics addicts in medical rehabilitation and social rehabilitation institutions.

The indirect classification of narcotics addicts is included in the victim typology category because narcotics addicts are dependent as a result of their own narcotics abuse; the majority of narcotics abuse is for their own satisfaction. Narcotics law enforcement using criminal instruments is not the only policy that

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2 Gilang Fajar Shadiq., Penegakan Hukum Terhadap Tindak Pidana Narkotika New Psychoactive Substances Berdasarkan Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotik, *Jurnal Wawasan Yuridika*, Vol.1 No.1, March 31, 2017, page.35–53

3 Topo Santoso and Eva Achjani Zulfa, *Kriminologi*, Tangerang: Raja Grafindo Persada, 2012

4 Tofri Dendy Baginda Sitorus, Maidin Gultom, and Jaminuddin Marbun., Rehabilitasi Terhadap Pengguna Dan Korban Penyalahgunaan Narkotika Dalam Konsep Pidanaan Di Indonesia (Studi Kasus Putusan Di Pengadilan Negeri Purwokerto), *Jurnal Prointegrita*, Vol.5 No.1, June 15, 2020, page. 201–18.

5 Abintoro Prakoso., *Kriminologi dan Hukum Pidana*, Yogyakarta: Laksbang Grafika, 2013.

must be prioritized, so in this case, a narcotics law enforcement strategy is needed, such as treatment and rehabilitation strategies.<sup>6</sup>

Rehabilitation theory is one of the goals of a sentence because while undergoing the sentence, the prisoners are not only given grief by being kept away from outside society but also being placed in a correctional institution, which is a collection of people in conflict with the law but is also taught to be able to mingle with fellow inmates. Correctional services aim to rehabilitate individuals and help them reintegrate into society by providing advice and support in correctional institutions. When examining the punishment, if the offender of a crime is not sentenced to death, it implies that they are being given the chance to improve themselves via rehabilitation provided inside a correctional facility.

Rehabilitation for narcotics abusers is a recovery method that needs to be carried out by prisoners who are categorized as addicts and victims of narcotics abuse.<sup>7</sup> Rehabilitation is part of the use of utilitarian principles. According to Darji Darmodiharjo in Yoyon M. Darusman, utilitarianism is the aim of law to understand utilization, which can be said to be happiness.<sup>8</sup> Narcotics abuser requires rehabilitation rather than criminal sanctions; this refers to incorrect statements. The main goal of punishment itself is utilitarian (benefit). Does the practicality depend on imposing criminal sanctions on drug abusers? However, narcotics abusers need proper rehabilitation programs that address their medical and social priorities.

Narcotics abusers are both victims and perpetrators who require special treatment, not only through social rehabilitation but also through medical treatment, which may not necessarily be available while in prison. The function of Law No. 35 of 2009 concerning narcotics is to guarantee that drug abusers or addicts are rehabilitated.<sup>9</sup>

Rehabilitation sanctions are action sanctions<sup>10</sup> Rehabilitation for narcotics abusers provides positive benefits for the convict. With the benefits of the law, the existing community will obey the law itself because they feel they have an advantage if they obey the applicable law. However, if one person in society violates the existing law, that person needs to be punished according to the applicable law.

Even though narcotics abusers have received guidance in prison, they tend to use narcotics again. Therefore, narcotics abusers need rehabilitation rather than criminal sanctions. This refers to one of the aims of punishment itself, namely

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6 Dikdik M. Arief Mansur and Elisatris Gultom., *Urgensi Perlindungan Korban Kejahatan: Antara Norma Dan Realita i*, 2nd ed., Jakarta: Raja Grafindo Persada, 2008

7 Insan Firdaus., Analisa Kebijakan Optimalisasi Pelaksanaan Rehabilitasi Narkotika di Unit Pelayanan Teknis Pemasarakatan, *Jurnal Ilmiah Kebijakan Hukum*, Vol.14 No.3, November 2, 2020, page.469–92

8 Yoyon M. Darusman., *Teori Dan Sejarah Perkembangan Hukum*, Tangerang Selatan: Unpam Press, 2019.

9 Anang Iskandar., *Politik Hukum Narkotika*, Jakarta: Elex Media Komputindo, 2021.

10 Novita Sar.i, Penerapan Asas Ultimum Remedium dalam Penegakan Hukum Tindak Pidana Penyalahgunaan Narkotika, *Jurnal Penelitian Hukum De Jure*, Vol.17 No.3, September 19, 2017, page. 351–63

utilitarian (benefit). Does providing criminal punishment to narcotics abusers benefit them? In fact, narcotics abusers need rehabilitation both medically and socially, which is prioritized in dealing with narcotics abusers.

According to research conducted by Siga Ali Tamher,<sup>11</sup> entitled Law Enforcement of Integrated Assessment of Perpetrators of Crimes of Narcotics Abuse, which states that the purpose of crime is that punishment is not simply to carry out retaliation or reward someone who has committed a crime but has specific valuable goals. Therefore, this theory is often called goal theory (utilitarian). Thus, the basis for justifying the existence of punishment according to this theory lies in its purpose. The common thread can be drawn, related to the meaning of provable or proven in the provisions of this article, that a drug abuser must be proven or proven as a victim of narcotics abuse or as a narcotics addict through a process called an integrated assessment. Consequently, it no longer boils down to prison sanctions but ends up in a place of rehabilitation. The results of this analysis will sort out the suspect's role as abuser, abuser, and dealer or trafficker. They will be placed in a rehabilitation facility after completing the evaluation procedure.

Research conducted by Ahmad Yunus<sup>12</sup> entitled "Analysis of Criminal Sanctions for Narcotics Users from the Perspective of Justice and the Purpose of Punishment." The research reviewed victimology and found that narcotics addicts are self-victimizing victims, meaning they are both victims and perpetrators. Regardless of this finding, victimology still defines narcotics abusers as victims, even though they are victims of their own committed criminal acts. Therefore, narcotics addicts who are also victims deserve protection. However, because narcotics addicts are also perpetrators of criminal acts/crimes, they must still be punished. As a result, it is considered that the double track system in formulating sanctions for criminal acts of narcotics abuse is the most appropriate.

Based on this background description, this research proposes the aim of analyzing the urgency of implementing rehabilitation for drug addicts and scrutinizing the rehabilitation of narcotics addicts in the utilitarian paradigm.

## 2. Research Methods

This research is a type of normative juridical research<sup>13</sup> to examine the urgency of implementing rehabilitation for narcotics addicts in a utilitarian paradigm. The collection of legal materials involves document analysis and literature review procedures, including searching, gathering, and categorizing the obtained legal resources. Next, the legal material is researched, analyzed, and developed in a methodical discussion, and it is linked to the writing theme

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11 Siga Ali Tamher, Basuki Basuki, and Tofik Yanuar Chandra., Penegakan Hukum Asesmen Terpadu Terhadap Pelaku Tindak Pidana Penyalahgunaan Narkotika, *Perfecto: Jurnal Ilmu Hukum*, Vol.1 No.3, September 1, 2023, page. 211–24

12 Ahmad Yunus, M Fathorrahman, Dairani, M Ali Hofi., Analisis Sanksi Pidana Bagi Pengguna Narkotika Dalam Perspektif Keadilan Dan Tujuan Pemidanaan, *Jurnal Riset Rumpun Ilmu Sosial, Politik dan Humaniora (JURRISH)*, Vol.1 No.1, Januari 2022, page. 95-105

13 Benuf, Kornelius, and Muhammad Azhar., Metodologi Penelitian Hukum Sebagai Instru-d men Mengurai Permasalahan Hukum Kontemporer, *Gema Keadilan*, Vol.7 No.1, 2020, page. 20–33

raised in this research. The analysis technique used in this research is a qualitative descriptive analysis technique in analyzing legal materials by collecting all the legal materials obtained, inventorying them, classifying them, and then analyzing them to explain existing legal problems.

### **3. Results and Discussion**

#### **3.1 The Urgency of Implementing Rehabilitation for Narcotics Addicts**

In Article 1 of Number 13 of the Narcotics Law, a narcotics addict is a person who uses or abuses narcotics and is in a state of dependence on narcotics, both physically and psychologically. Victims of narcotics abuse are individuals or people who suffer both physically and spiritually due to the actions of other people who seek to fulfill their own or other people's interests, which conflict with the interests and human rights of the sufferer. Meanwhile, narcotics abusers, based on Article 1 of Number 15 of the Narcotics Law, are people who use narcotics without rights or against the law. These three categories have their own characteristics in law enforcement in the form of rehabilitation.

A drug abuser refers to an individual who unlawfully consumes narcotics either without a valid permit or due to a breach of the law. However, it is important to note that there are individuals who both suffer from and contribute to drug abuse. According to Article 54 of the Narcotics Law, the term "victims of narcotics abusers" refers only to those who are coerced or forced to take advantage of narcotics against their own choice rather than those who willingly abuse narcotics.<sup>14</sup>

Law enforcement procedures typically focus on victims of drug abuse, as well as narcotics addicts and abusers. It cannot be denied that at the practical level, law enforcement officers often do not differentiate or differentiate punishments for narcotics users. As a result, many people who are proven to be narcotics users are accused of being narcotics dealers and are sentenced to prison sentences like dealers. This practice is a deviation from the aims and objectives of the Narcotics Law.<sup>15</sup>

Even though articles regarding the implementation of rehabilitation have been regulated, enforcement of the law remains rare, giving the impression of selective logging in its implementation. Therefore, it still needs to be questioned whether the implementation of rehabilitation for narcotics users is under the Narcotics Law and the norms contained in the related articles or not. In practice, law enforcement officials have not been firm in carrying out the obligations contained in Article 54 of the Narcotics Law, which contains the rehabilitation obligations given to narcotics users, so that implementation is still considered not optimal.<sup>16</sup>

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14 Nunung Rahmania and Atika Zahra Nirmala., Relevansi Antara Rehabilitasi Penyalahguna Narkotika Dengan Lembaga Pemasyarakatan Di Indonesia Yang Mengalami Kelebihan Kapasitas, *Jurnal Risalah Kenotariatan*, Vol.4 No.1, June 27, 2023

15 Anang Iskandar, Anang Iskandar., *Politik Hukum Narkotika*, Jakarta: Elex Media Komputindo, 2021

16 Andri Winjaya Laksana., Tinjauan Hukum Pemidanaan Terhadap Pelaku Penyalah Guna Narkotika Dengan Sistem Rehabilitasi, *Jurnal Pembaharuan Hukum*, Vol.2 No.1, July 8, 2016, page.74–85

The implementation of rehabilitation is not yet in compliance with the provisions established in Article 54 of the Narcotics Law. Not only is it important to conduct rehabilitation for narcotics users in order to replace their sentence, but rehabilitation is additionally aimed at narcotics users in order to cure them of the sense of addiction so that they are completely free from their reliance on drugs.

In the rehabilitation policy, narcotics addicts receive special treatment and/or care for health problems resulting from narcotics abuse and eliminate feelings of dependence. Detoxification is performed using a method similar to that used in jail. This involves having a steam bath with traditional spices in order to remove the toxins that reside in the body. Afterward, this treatment is administered in order to break the reliance. Counseling and spiritual guidance are also offered, and there has even been discussion about the possibility of instituting an after-rehabilitation program. This would be a program that would provide formerly addicted individuals who have recovered the self-assurance to rejoin society.<sup>17</sup>

Prison does not provide rehabilitation for those addicted to narcotics. Despite the urgent need for therapy and/or care, addicts often face significant challenges. According to this, it is important to note that criminal law reform is an element of criminal policy. In the context of determining punishments for drug addicts, criminal policy demonstrates a progression towards revising national criminal law, as there is a shift from the old concept to a new one. There is a growing trend towards shifting the focus from imposing criminal punishments on drug users to favoring rehabilitation as a kind of sanction.<sup>18</sup>

When someone has abused drugs to the point where he becomes addicted, the destructive effects will be seen on him, whether physical, psychological, social, economic, or spiritual. From a physical perspective, drug abuse can result in organ damage to brain function, such as loss of concentration, decreased memory, and other physical disorders. In the psychological aspect, drug abuse will result in personality disorders and mental disorders. Then, drug abuse will also cause a person to lose consciousness, become confused, and increase aggressiveness. As a result, it will disturb the surrounding environment. There is a negative stigma from society towards drug users. This drug abuse will, of course, cause a person to be ostracized from the surrounding environment because he is considered to have violated existing norms and rules and can disturb the people around him. From an economic perspective, drug abuse will have a significant impact because of the high selling price of drugs and their frequent use (depending on the type of drug and the level of addiction).<sup>19</sup>

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17 Daulika Sausan Zahra Nabila, Eko Sopyono, and Rahmi Dwi Sutanti., Kebijakan Rehabilitasi Terhadap Pecandu Narkotika Dalam Pembaharuan Hukum Pidana, *Diponegoro Law Journal*, Vol.12 No.3, July 31, 2023

18 Raden Mas Dimas Pangestu and R. Rahaditya., Urgensi Rehabilitasi Sosial Terhadap Narapidana Pecandu Narkotika Di Lingkungan Lembaga Pemasarakatan, *UNES Law Review*, Vol.6 No.2, December 20, 2023, page.5802–8

19 Takia Zulaikha., *Pentingnya Rehabilitasi Bagi Pecandu Narkoba*, October 21, 2019, <https://slemankab.bnn.go.id/pentingnya-rehabilitasi-bagi-pecandu-narkoba/>.

Another rationale for those with addiction to seek recovery is to liberate themselves from the sway and repercussions of drug use while also embarking on a new chapter in their life.<sup>20</sup> When an individual seeks to overcome addiction, they must undergo many stages, one of which is the detoxification process. During this procedure, an individual with a substance addiction will gradually get acclimated to abstaining from drug usage or gradually decreasing the dosage of medications that are often used regularly until they are completely discontinued. At this stage, it will be very dangerous and painful for the person with an addiction; therefore, it would undoubtedly be better if accompanied by professional medical personnel. Apart from helping with physical problems, rehabilitation will also help addicts emotionally. In general, addicts have emotional problems because of their dependence on drugs. Then, in some cases, emotional problems are the leading cause of someone starting to try and get involved in drugs. Therefore, rehabilitation will help an addict manage their emotions because they will usually be supervised by a psychologist/counselor in the healing process. Emotional stability will also help prevent relapse or the addict's return to consuming drugs after the rehabilitation process is complete.<sup>21</sup>

### **3.2 Rehabilitation of Narcotic Addicts in the Utilitarian Paradigm**

Punishment takes the form of action against victims of narcotics abuse as regulated in Law No. 35 of 2009 concerning Narcotics in accordance with the criminalization concept of the 2007 National Criminal Code Bill. This concept is based on Pancasila and the 1945 Constitution of the Republic of Indonesia, while the principles are justice, protection, humanity, order, protection, security, scientific values, and legal certainty.<sup>22</sup>

In this view, adherents of utilitarianism Jeremy Bentham stated that punishment should not be imposed/used if it is "groundless, needless, unprofitable, or inefficacious". Likewise, Herbert L. Pecker once warned that the use of criminal sanctions carelessly / indiscriminately and used coercively will cause the criminal to become a "prime theater".<sup>23</sup>

Bentham built a comprehensive legal theory on the foundation that had already been laid, the principle of benefit. He is the originator and leader of the flow of benefits.<sup>24</sup> According to him, the essence of happiness is enjoyment and a life free from misery. Bentham said, "The aim of the law is the greatest happiness for the greatest number".

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20 Maria Enemeba Ngwu, Lucy Obu Arop, and Effiom Basse Ekeng., The Impact of Rehabilitation Counselling On Drug Abuse And Addiction; An Aftermath Of Strategic Review Perspective, *PalArch's Journal of Archaeology of Egypt / Egyptology*, Vol.18 No.08, June 10, 2021, page.5159–66,

21 Maria Enemeba Ngwu, Lucy Obu Arop, and Effiom Basse Ekeng., The Impact of Rehabilitation Counselling On Drug Abuse And Addiction; An Aftermath Of Strategic Review Perspective, *PalArch's Journal of Archaeology of Egypt / Egyptology*, Vol.18 No.08, June 10, 2021, page.5159–66

22 Sitorus, Gultom, and Marbun., Rehabilitasi Terhadap Pengguna Dan Korban Penyalahgunaan Narkotika Dalam Konsep Pemidanaan Di Indonesia (Studi Kasus Putusan Di Pengadilan Negeri Purwokerto), *Jurnal Prointegrita*, Vol.5 No.1, June 15, 2020.

23 Barda Nawawi Arief., *Beberapa Aspek Kebijakan Penegakan Dan Pengembangan.*, 2nd ed., Bandung: Citra Aditya Bakti, 2005.

24 Dan Priel., Bentham's Public Utilitarianism and Its Jurisprudential Significance, *Ratio Juris*, Vol.34 No.4, 2021, page. 415–37

According to Bentham, the aim of law is to provide the greatest benefit and happiness to as many citizens as possible. So, the concept places benefit as the main goal of law. The assessment of whether the law is good or bad, whether this law is fair or not, really depends on whether the law is able to provide happiness to humans. Usefulness is defined the same as happiness.<sup>25</sup>

Jeremy Bentham contended that, within the framework of the goal of criminal law, the function of punishment, apart from providing recompense, is to serve a utilitarian purpose by possessing significant attributes. There are three benefits of punishment. First, punishment will be very beneficial if it can increase the self-improvement of criminals. Second, punishment must eliminate the ability to commit crimes. Third, punishment must provide compensation to the injured party. Jeremy Bentham then stated that punishment has no justification if imposed to add more suffering or loss to society.<sup>26</sup> Thus, rehabilitation for addicts is the right thing.

This argument assumes that the use of punitive measures in addressing criminal activity should be executed with thorough deliberation. In addition, it is important to recognize that criminal law policy is a component of social policy, national development policy, and criminal policy, which in turn is a part of law enforcement policy. This is because addressing crime by penal measures is a strategic step within a policy framework. Similarly, when dealing with individuals who are addicted to and misuse opioids, it is necessary to impose punishments that provide them advantages, including rehabilitation programs.<sup>27</sup>

From this theory, it can be understood that this review must focus on the benefits obtained from punishment in the form of imprisonment, which is still often applied to narcotics addicts in Indonesia. When reviewing the punishment of drug users in Indonesia, we consider the benefits for both the addicts themselves and the Indonesian state. From a victimology perspective, narcotics addicts are frequently described as engaging in self-victimization or victimless crime. This viewpoint considers narcotics addicts as both the perpetrator and the victim of the crime.<sup>28</sup> In addition to that, a drug addict is indeed considered a patient. The addictive features of drugs are closely linked to the substances they contain, which may induce dependency in those who have attempted to use them. Narcotic addiction may have detrimental repercussions on the addict's physical and mental well-being. In the long run, it can lead to the development of mental problems, liver damage, memory impairment, sexual dysfunction, and an increased chance of death from an overdose.<sup>29</sup> Due to

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25 Besar., Utilitarisme Dan Tujuan Perkembangan Hukum Multimedia Di Indonesia, *Business Law*, June 30, 2016, <https://business-law.binus.ac.id/2016/06/30/utilitarianisme-dan-tujuan-perkembangan-hukum-multimedia-di-indonesia/>.

26 Eddy O.S. Hiariej., *Prinsip-Prinsip Hukum Pidana*, Yogyakarta: Cahaya Atma Pustaka, 2014, <https://siquest.uajy.ac.id/Description/0000057998>.

27 I. Gusti Ngurah Lanang Aditya Hariyanto Diah Ratna Sari., Pengaturan Korban Penyalahgunaan Terhadap Penerapan Double Track System Dalam Undang-Undang Narkotika, *Jurnal Harian Regional*, Vol.12 No.6, January 22, 2024, page.1213–25

28 Bambang Waluyo, *Viktimologi: Perlindungan Korban & Saksi*, Jakarta: Sinar Grafika, 2011.

29 Yasonna H. Laoly, *Jerat Mematikan: Perspektif Kesejahteraan Ekonomi Dalam Penyalahgunaan Narkotika*, Jakarta: PT Pustaka Alvabet, 2019).

these detrimental effects, it is reasonable to assert that a drug addict might be considered a victim from the perspective of health science.

As a result, it is essential for a drug addict to undergo detoxification or a series of phases designed to eliminate toxins generated by drugs, followed by rehabilitation to help the individual reintegrate into a regular lifestyle, and finally, further follow-up stages.<sup>30</sup>

Regarding the benefits of rehabilitation, the Indonesian government also gained it from using incarceration as a punishment for those addicted to drugs. Currently, the punishment given to those addicted to drugs in Indonesia has not been shown to help decrease the number of narcotics users. In fact, the number of narcotics abusers has consistently climbed over the last three years. Conversely, it is considered that offering rehabilitation to those addicted to drugs might effectively decrease the number of individuals involved in narcotics trafficking.<sup>31</sup>

The punishment of perpetrators cannot be separated from the punishment system established by the legal system in Indonesia, where reviewing sanctions is a significant aspect of the punishment system. This can be explained by analyzing the punishment system from the perspective of the punishment objectives, which means it is impossible to separate them. Its existence will provide direction and consideration regarding what should be used as sanctions in a criminal act to enforce the enactment of norms. On the other hand, punishment is the most complex process in the criminal justice system because it involves many different people and institutions.<sup>32</sup>

Paying attention to the problem of punishment in the Narcotics Law, the punishment system for narcotics abusers, apart from implementing prison sentences, also allows judges to apply measures to narcotics abusers in the form of actions to undergo medical and social rehabilitation treatment. This is undoubtedly very significant progress, considering that narcotics abusers are essentially victims of narcotics abuse.

The imposition of jail terms for drug abusers, particularly those who are addicted to drugs, will not be able to fix the underlying issue if the individuals who commit the crimes are not provided with treatment that would enable them to break free from their reliance on narcotics. Those who are addicted to narcotics need specialized therapy on both a medical and social level in order to be able to get back to normal society.

As a result of the fact that drug addicts need therapy that is both thorough and efficient, rehabilitation is an extremely beneficial method for drug addicts to achieve freedom from the influence of toxic substances. This is consistent with the present philosophy of punishment, which is known as the rehabilitation model. The idea that rehabilitation should be the end objective of punishment is not a novel concept. In the same way that medicine is the cure, rehabilitation is

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30 Hari Sasangka, *Narkotika Dan Psikotropika Dalam Hukum Pidana : Untuk Mahasiswa Dan Praktisi Serta Penyuluh Masalah Narkoba*, Bandung: Mandar Maju, 2003

31 *Ibid.*

32 *Ibid.*

the cure, which implies that the criminal must be transformed for the better in order for him to be accepted by his community when he returns to society and ends his deviant behavior.<sup>33</sup>

#### **4. Conclusion**

Due to the fact that law enforcement officials often do not differentiate between narcotics users, it is crucial to establish rehabilitation programs for those who are addicted to drugs. As a result, many people who are proven to be narcotics users are accused of being narcotics dealers and are sentenced to prison sentences like dealers. The law aims to provide the most significant benefit and happiness to as many citizens as possible. Thus, the concept places benefit as the primary goal of the law. The benefits that addicts get from rehabilitation are in the form of detoxification or stages aimed at eliminating toxins caused by drugs. Moreover, social rehabilitation is aimed at enabling a drug abuser to return to normal life and other follow-up stages. In terms of beneficial effects for the Indonesian government, it is believed that the provision of rehabilitation programs for those who are addicted to drugs has the potential to decrease the overall number of narcotics trafficking. As a result of the fact that drug addicts need therapy that is both thorough and effective, rehabilitation is an extremely useful method for drug addicts by putting an end to their reliance on restricted substances.

#### **Bibliography**

##### **Books:**

- Anang Iskandar., 2021, *Politik Hukum Narkotika*, Elex Media Komputindo, Jakarta;
- Arief, Barda Nawawi., 2005, *Beberapa Aspek Kebijakan Penegakan Dan Pengembangan*, 2nd ed. Citra Aditya Bakti, Bandung;
- Darusman, Yoyon M., 2019, *Teori Dan Sejarah Perkembangan Hukum*, Unpam Press, Tangerang Selatan;
- Hiariej, Eddy O.S., 2014, *Prinsip-Prinsip Hukum Pidana*. Cahaya Atma Pustaka, Yogyakarta;
- Laoly, Yasonna H., 2019, *Jerat Mematikan: Perspektif Kesejahteraan Ekonomi Dalam Penyalahgunaan Narkoba*, PT Pustaka Alvabet, Jakarta;
- Mansur, Dikdik M. Arief, and Elisatris Gultom., 2008, *Urgensi Perlindungan Korban Kejahatan: Antara Norma Dan Realita i*. 2nd ed., Raja Grafindo Persada, Jakarta;
- Prakoso, Abintoro., 2013, *Kriminologi dan Hukum Pidana*, Laksbang Grafika, Yogyakarta;
- Santoso, Topo, and Eva Achjani Zulfa., 2012, *Kriminologi*, RajaGrafindo Persada, Jakarta;

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33 Fatin Hamamah., Rehabilitation on Victims Of Drugs Abuse In Judicial Development, *International Journal of Law Reconstruction*, Vol.5 No.2, November 6, 2021, page.354–66,

Sasangka, Hari., 2003, *Narkotika Dan Psicotropika Dalam Hukum Pidana : Untuk Mahasiswa Dan Praktisi Serta Penyuluh Masalah Narkoba*, Mandar Maju, Bandung;

**Journals:**

Dewi, Wijayanti Puspita., Penjatuhan Pidana Penjara Atas Tindak Pidana Narkotika Oleh Hakim DI Bawah Ketentuan Mimum Ditinjau Dari Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika, *Jurnal Hukum Magnum Opus*, Vol.2 No.2, 2019;

Firdaus, Insan., Analisa Kebijakan Optimalisasi Pelaksanaan Rehabilitasi Narkotika di Unit Pelayanan Teknis Pemasarakatan, *Jurnal Ilmiah Kebijakan Hukum*, Vol.14 No.3, November 2, 2020;

Hamamah, Fatin., Rehabilitation on Victims Of Drugs Abuse In Judicial Development, *International Journal of Law Reconstruction*, Vol.5 No.2, November 6, 2021;

Hariyanto, I. Gusti Ngurah Lanang Aditya, Diah Ratna Sari., Pengaturan Korban Penyalahguna Terhadap Penerapan Double Track System Dalam Undang-Undang Narkotika, *Jurnal Harian Regional*, Vol.12 No.6, January 22, 2024;

Laksana, Andri Winjaya., Tinjauan Hukum Pidanaan Terhadap Pelaku Penyalah Guna Narkotika Dengan Sistem Rehabilitasi, *Jurnal Pembaharuan Hukum*, Vol.2 No.1, July 8, 2016;

Nabila, Daulika Sausan Zahra, Eko Soponyono, and Rahmi Dwi Sutanti., Kebijakan Rehabilitasi Terhadap Pecandu Narkotika Dalam Pembaharuan Hukum Pidana, *Diponegoro Law Journal*, Vol.12 No.3, July 31, 2023;

Ngwu, Maria Enemeba, Lucy Obu Arop, and Effiom Bassey Ekeng., The Impact of Rehabilitation Counselling On Drug Abuse And Addiction; An Aftermath Of Strategic Review Perspective, *PalArch's Journal of Archaeology of Egypt / Egyptology*, Vol.18 No.08, June 10, 2021;

Pangestu, Raden Mas Dimas, and R. Rahaditya., Urgensi Rehabilitasi Sosial Terhadap Narapidana Pecandu Narkotika Di Lingkungan Lembaga Pemasarakatan, *UNES Law Review*, Vol.6 No.2, December 20, 2023;

Priel, Dan., Bentham's Public Utilitarianism and Its Jurisprudential Significance, *Ratio Juris*, Vol.34 No.4, 2021;

Rahmania, Nunung, and Atika Zahra Nirmala., Relevansi Antara Rehabilitasi Penyalahguna Narkotika Dengan Lembaga Pemasarakatan Di Indonesia Yang Mengalami Kelebihan Kapasitas, *Jurnal Risalah Kenotariatan*, Vol.4 No.1, June 27, 2023;

Sari, Novita., Penerapan Asas Ultimum Remedium dalam Penegakan Hukum Tindak Pidana Penyalahgunaan Narkotika, *Jurnal Penelitian Hukum De Jure*, Vol.17 No.3, September 19, 2017;

Shadiq, Gilang Fajar., Penegakan Hukum Terhadap Tindak Pidana Narkotika New Psychoactive Substances Berdasarkan Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotik, *Jurnal Wawasan Yuridika*, Vol.1 No.1, March 31, 2017;

Sitorus, Tofri Dendy Baginda, Maidin Gultom, and Jaminuddin Marbun., Rehabilitasi Terhadap Pengguna Dan Korban Penyalahgunaan Narkotika Dalam Konsep Pemidanaan Di Indonesia (Studi Kasus Putusan Di Pengadilan Negeri Purwokerto), *Jurnal Prointegrita*, Vol.5 No.1, June 15, 2020;

Tamher, Siga Ali, Basuki Basuki, and Tofik Yanuar Chandra., Penegakan Hukum Asesmen Terpadu Terhadap Pelaku Tindak Pidana Penyalahgunaan Narkotika, *Perfecto: Jurnal Ilmu Hukum*, Vol.1 No.3, September 1, 2023;

Waluyo, Bambang., 2011, *Viktimologi: Perlindungan Korban & Saksi*. Sinar Grafika, Jakarta;

**Websites:**

Besar., *Utilitarisme Dan Tujuan Perkembangan Hukum Multimedia Di Indonesia*, Business Law, June 30, 2016. <https://business-law.binus.ac.id/2016/06/30/utilitarianisme-dan-tujuan-perkembangan-hukum-multimedia-di-indonesia/>;

Zulaikha, Takia., *Pentingnya Rehabilitasi Bagi Pecandu Narkoba*, October 21, 2019. <https://slemankab.bnn.go.id/pentingnya-rehabilitasi-bagi-pecandu-narkoba/>.