



THE ANALYSIS OF CRIMINAL SANCTIONS EFFECTIVENESS IN DRUG LAW: BETWEEN PREVENTION AND REHABILITATION

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ABSTRACT

The purpose of this study is to analyze the effectiveness of the ideal formulation of criminal sanctions for drug addicts. Narcotics regulations were introduced as a legislative effort to replace previous laws, by regulating narcotics classification, strict supervision, as well as criminal sanctions and rehabilitative approaches. However, the effective implementation of this law still faces serious challenges, ranging from weak coordination between authorities, the type of research using normative juridical, research results indicating inconsistent law enforcement, and a lack of rehabilitation facilities, so that drug users are more often punished than rehabilitated. The lack of clarity in distinguishing users from dealers obscures the criminal justice system and exacerbates the problem of prison overcrowding. Therefore, law enforcement efforts against drug abuse must be evaluated holistically and consistently, not only in a repressive manner, but also prioritizing restorative justice, a public health approach, and social recovery as part of an integral policy to address the drug problem in Indonesia comprehensively and fairly.

A. INTRODUCTION

Indonesia is one of the countries suspected of being a place for narcotics crossing, so that narcotics crimes are no longer local crimes but have spread to all regions of Indonesia and are often used as transit areas by perpetrators before reaching their destination.¹ Therefore, the number of narcotics cases continues to increase year after year. Indonesia's National Development aims to realize a just, prosperous, and peaceful Indonesian

¹ Krisfian Fatahilla, etc., Efektifitas Pemidanaan Dalam Proses Penegakan Hukum Tindak Pidana Penyalahgunaan Narkotika. *Journal of Lex Generalis (JLG)* 3, No. 4 (2022): 743-757

society based on Pancasila and the 1945 Constitution. This prosperity also requires continuous improvements in medical treatment and health services, including the availability of narcotics as medicine.

The law functions as a protector of human interests. To protect these interests, the law must be implemented professionally. The implementation of the law can proceed normally, peacefully, and orderly. Legal protection is crucial and influences justice for all Indonesian citizens. Based on the provisions of the 1945 Constitution of the Republic of Indonesia, Article 1, paragraph 3, "The State of Indonesia is a state based on law."² Therefore, all aspects of state life are always based on law.² A persistent problem that has long been difficult to eradicate is the abuse of illegal drugs, the substances contained in narcotics used for medicinal purposes. Advances in technology and science have resulted in the production of numerous types of narcotics and the misuse of their functions.³

In the context of preventing and eradicating narcotics, narcotics have been classified into three groups.⁴ A complete explanation of the classification of narcotics can be found in the legislation, including its explanation, namely Law No. 35 of 2009 concerning Narcotics. It is important to note that Law No. 35 of 2009 concerning Narcotics replaces Law No. 22 of 1997 concerning Narcotics. Because it was deemed no longer appropriate to current developments, Law No. 22 of 1997 concerning Narcotics was revoked and replaced with a new regulation, Law No. 35 of 2009 concerning Narcotics.

The crime of drug abuse and its impact on social and state conditions are ultimately interconnected. Drug abuse is no longer viewed as an ordinary crime; therefore, any legal action resulting from drug abuse will have a systemic impact, equivalent to corruption. Therefore, drug abuse can be considered a social deviance because it is considered to violate prevailing values and norms.⁵

Anyone who commits a crime will certainly receive a criminal sanction in the form of punishment, which can be the death penalty, imprisonment, detention, or a fine. The imposition of punishment is closely related to criminal responsibility, where the person being punished must be able to account for their actions. Criminal responsibility must be in accordance with the principle of criminal law regarding criminal responsibility, which states

2 Hadibah Zachra Wadjo and Judy Marria Saimima., Perlindungan Hukum Terhadap Korban Kekerasan Seksual Dalam Rangka Mewujudkan Keadilan Restoratif, *Jurnal Belo* 6, No. 1 (2020): 48–59

3 M. Arif Sahlefi Lubis, etc., Pemberdayaan Pemerintah dalam Upaya Pencegahan Peredaran Narkoba pada Masyarakat Desa Klambir Lima Kebun Kecamatan Hamparan Perak Kabupaten Deli Serdang. *Cermin: Jurnal Penelitian* 6, No. 1 (2022): 207-222.

4 Anthon Fathanudien., Penyuluhan Hukum Dalam Rangka Pencegahan Tindak Pidana Narkotika Bagi Masyarakat Di Kelurahan Windusengkahan, *Inisiatif: Jurnal Dedikasi Pengabdian Masyarakat* 3, No. 2 (2024): 116-125.

5 Radisman Saragih, etc., Penegakan Hukum dan Perlindungan Hukum terhadap Peredaran dan Penyalahgunaan Narkoba di Kalangan Remaja: Studi Kasus di Indonesia, *Honeste Vivere* 34, Issue. 2 (July 2024): 244-254.

that no punishment is imposed if there is no fault (*geen straf zonder schuld actus non facit reum nisi mens sist rea*).⁶

The distribution and abuse of narcotics is a serious problem that threatens social order and safety in Indonesia. The state, in this case the government, has responded through various legal regulations, one of which is the enactment of Law No. 35 of 2009 concerning Narcotics as the primary legal basis for eradicating narcotics crimes. This law aims to ensure strict regulation, supervision, and control of the production, distribution, and consumption of narcotics, and provides a legal basis for firm law enforcement against perpetrators of narcotics crimes. In practice, this law not only regulates criminal sanctions but also opens up space for a rehabilitative approach for addicts and victims of drug abuse.⁷

Although normatively the Narcotics Law contains relatively comprehensive provisions, the effectiveness of its implementation in practice still gives rise to various debates.⁸ Various studies and evaluations show that law enforcement often faces obstacles, such as weak coordination among law enforcement officials, inconsistencies in the application of certain articles, and limited rehabilitation facilities, which result in addicts being more frequently prosecuted than rehabilitated. Furthermore, the lack of clarity in distinguishing between users and dealers contributes to problems in sentencing, which ultimately exacerbates the problem of overcrowding in correctional institutions.⁹

The effectiveness of the Narcotics Law¹⁰ is also largely determined by the policy approach adopted, whether it prioritizes repression or social recovery. In some cases, approaches that overemphasize punishment without considering public health and social justice have failed to significantly reduce drug abuse. Therefore, ongoing evaluation of the implementation of this law is crucial to ensure that the policies implemented are truly able to address the root of the problem, not only by prosecuting perpetrators but also by preventing and treating drug addiction in the community.¹¹ Previous research conducted by Moh Rifki Dwi Galih Widodo stated that criminal punishment has a specific purpose, namely to prevent

6 Moeljatno., *Asas-Asas Hukum Pidana*, (Jakarta: Rineka Cipta, 2009)

7 Pietro Grassio E.Y., Upaya Penanggulangan Peredaran dan Penyalahgunaan Narkotika di Lembaga Pemasyarakatan Kelas IA Tangerang. *Ikra-Ith Humaniora: Jurnal Sosial dan Humaniora* 6, No. 3 (2022): 66-75.

8 Hariyawan, & Purwani, S., Analisis Yuridis Pasal 112 dan Pasal 127 Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika: Upaya Reformulasi untuk Menjamin Kepastian Hukum. *Journal of Contemporary Law Studies* 2, No. 2 (2025): 141-152.

9 Cakranegara, Pandu Adi, Anis Masdurohatun, and Bambang Tri Bawono., An Analysis Of Housing Policy Effectiveness In Indonesia Through Comparison Between Developed And Developing Countries'housing Policy. *Journal of International Studies* 21, No. 2 (2025): 107-133.

10 Laksana, Andri Winjaya, Hendro Widodo, and Dian Pramana., Critical Opinion Paradigm Regulation of Criminal Actions of Drug Abuse Through Religious Rehabilitation Based on the Legal System. *Media Iuris* 7, No. 3 (2024): 401-416

11 Halizah, N., Rahman, S., & Ahmad, K., Efektivitas Pelaksanaan Tugas Dan Fungsi Polri Terhadap Pencegahan Peredaran Gelap Narkotika. *Journal of Lex Philosophy (JLP)* 5, No. 2 (2024): 391-407.

perpetrators of crimes from repeating their offenses. The characteristics of society have the potential, rights, and obligations to reduce drug abuse and trafficking of drugs and narcotic precursors,¹² further research by Andrianantenaina Fanirintsoa Aime stated that the legal framework must support rehabilitation and prevention initiatives, ensure community welfare and protect future generations. Collaboration between the legal system, public health initiatives, and community involvement is crucial to reduce the impact of drug crimes and encourage healthier and more resilient communities.¹³

Research conducted by Romli¹⁴ With the title "The Effectiveness of Rehabilitation as an Alternative to Punishment for Drug Abusers in Indonesia," the study results show that rehabilitation is more effective than imprisonment in reducing recidivism rates and increasing opportunities for social reintegration for former drug abusers. However, the implementation of rehabilitation still faces various obstacles, such as a lack of facilities, minimal coordination between institutions, and community stigma against drug users. Therefore, optimization of rehabilitation policies is necessary through strengthening regulations, increasing the capacity of rehabilitation institutions, and integrating post-rehabilitation monitoring systems to ensure the sustainability of the recovery program.

Research conducted by Albri Labaka¹⁵ entitled Optimizing Criminal Sanctions Against Narcotics Crimes in Indonesia, Research results: First, the justification for applying sanctions against narcotics offenders is based on the theory of determinism and the values of Pancasila justice, according to mono-dualistic teachings in criminal law. Theoretically, the application of action sanctions is in line with several legal theories, including the Combined/Modern Criminal Theory (Verenings Theorien), the Restorative Justice Theory, and the Double Track System Theory. Second, the revision of the Narcotics Law must establish limits and requirements for the application of sanctions for actions related to the type of crime and the perpetrator of the crime. This is important to do when the law is changed in the future. Third, sanctions can be implemented in two ways: normative through the Brainwashin program, decriminalization programs, and health programs for women drug users, and social forms through the separation of corrections and the establishment of particular institutions for the implementation of action sanctions, which are under the jurisdiction of the Prosecutor's Office Agung and in the future there needs to be a special narcotics court.

12 Moh Rifki Dwi Galih Widodo., The Effectiveness of Punishment Sanctions for Narcotics Crime in Gresik District, *Jurnal Justiciabelen* 7, No. 1 (2024): 24-34

13 Andrianantenaina Fanirintsoa Aime, Dwiki Oktobrian., Policy Formulation on Criminal Legal Sanctions for Narcotics Crimes: Comparison Studi in Indonesia and Madagascar, *Indonesian Journal of Criminal Law and Criminology (IJCLC)* 6, Issue. 1 (March 2025): 38-47

14 Romli, Romli, and Ibrahim Fikma Edrisy., Efektivitas Rehabilitasi Sebagai Alternatif Pemidanaan Bagi Penyalahguna Narkoba Di Indonesia. *Journal of Innovation Research and Knowledge* 4, No. 9 (2025): 6877-6886

15 Labaka, Albri, and Muh Endriyo Susila., Optimizing Criminal Sanctions Against Narcotics Crimes in Indonesia. *Pena Justisia: Media Komunikasi dan Kajian Hukum* 24, No. 1 (2025): 4877-4895.

The research gap in this study lies in the absence of a study that comprehensively examines the effectiveness of criminal sanctions in narcotics law by placing prevention and rehabilitation within a single analytical framework. The purpose of this study is to analyze the effectiveness of the ideal formulation of criminal sanctions for drug addicts. Narcotics regulations were introduced as a legislative effort to replace previous laws, by regulating narcotics classification, strict supervision, as well as criminal sanctions and rehabilitative approaches.

The implementation of rehabilitation for drug abusers in practice often fails to achieve optimal recovery goals due to structural and social barriers at the same time: limited facilities and service energy make access to rehabilitation uneven, weak institutional coordination (investigators, prosecutors, courts, BNN, Ministry of Health-rehabilitation institutions) triggers a breakdown in the assessment, referral, and ultimately, while community stigma encourages discrimination that hinders the provision of programs and social integration after rehabilitation. This condition emphasizes that rehabilitation is not enough to be understood as a medical action alone, but rather a systemic policy that demands optimization through strengthening regulations so that assessment and referral mechanisms are more certain, increasing the capacity of rehabilitation institutions (facilities, human resources, service standards) so that mutual services are consistent, and the integration of post-rehabilitation monitoring systems for example, mentoring, regular reporting, family support, and work/social networks to prevent relapse and sustainability.

B. RESEARCH METHODS

This research is normative legal research, namely research that is conceptualized as what is written in statutory regulations or laws that are conceptualized as rules or norms that are benchmarks for human behavior that are considered appropriate.¹⁶ Normative legal research or library research is research that examines document studies using various secondary data such as laws and regulations, court decisions, legal theories, and can be in the form of opinions from scholars. The primary legal materials used in this research are: The 1945 Constitution of the Republic of Indonesia (especially the principles of the rule of law, human rights, and citizen protection), Law No. 35 of 2009 concerning Narcotics (core analysis of criminal sanctions, rehabilitation, and sentencing policies), Law No. 20 of 2025 concerning the Criminal Procedure Code (law enforcement process: investigation, prosecution, evidence, legal action), Law No. 1 of 2023 concerning the Criminal Code, secondary legal materials used in the form of books and scientific journals

16 Rosidi, A., Zainuddin, M., & Arifiana, I. Metode dalam penelitian hukum normatif dan sosiologis (field research). *Journal Law and Government*, 2(1), 2024: 46-58. DOI: <https://doi.org/10.31764/jlag.v2i1.21606>

C. RESULTS AND DISCUSSION

1. The Effectiveness of Criminal Sanctions in the Narcotics Law as an Instrument of Prevention

Narcotics are one of the greatest threats to society, both individually and collectively. Drug abuse and illicit trafficking not only impact the health and social lives of users but also trigger various other crimes, such as theft, violence, and human trafficking. On a broader scale, the rise of drug abuse can threaten social and economic stability, as well as national security. Therefore, various countries, including Indonesia, are striving to combat drug trafficking and abuse by implementing strict legal policies, one of which is through criminal sanctions.¹⁷

Indonesia has Law No. 35 of 2009 concerning Narcotics,¹⁸ which serves as the basis for law enforcement in narcotics cases. This law stipulates various forms of criminal sanctions, ranging from imprisonment, fines, to the death penalty for certain perpetrators proven to be involved in large-scale narcotics trafficking. The primary purpose of implementing these criminal sanctions is to provide a deterrent effect on perpetrators,¹⁹ Reducing drug crime rates and protecting the public from the dangers of narcotics. However, despite the implementation of various severe criminal sanctions, drug distribution and abuse continue to increase. Narcotics are a serious problem facing many countries, including Indonesia. Drug abuse has a broad negative impact on individuals, families, communities, and the nation as a whole.²⁰

The causes of drug abuse are identified as internal and external factors. Internal factors include self-pressure, while external factors include economic conditions and lack of community concern. Adolescents with poor family relationships are more vulnerable to drug abuse. Article 114 of Law No. 35/2009 stipulates severe sanctions for individuals involved in the distribution of class I narcotics, with the threat of life imprisonment or imprisonment for 5 to 20 years, as well as significant fines.²¹

17 Supratman, Dindin, and Arthur Josias Simon Runturambi., Permasalahan Narkoba di Indonesia dan Ancaman Bonus Demografi. *Jurnal Kajian Strategik Ketahanan Nasional* 5, No. 1 (2022): 20-29.

18 Smith, Nopeyan, Aswin Surapati, Bonny Triatna, Jimmi Santoso, and Zainab Ompu Jainah., Penegakan hukum terhadap penyalahgunaan dan pencegahan pengguna narkotika di Indonesia. *Innovative: Journal Of Social Science Research* 4, No. 1 (2024): 3037-3048.

19 Thamrin, Husni, and Mari'E. Mahfudz Harahap., Kebijakan Pelaksanaan Pidana Penjara bagi Pelaku Pencurian Guna Memberikan Efek Jera (Studi Kasus di Lembaga Pemasyarakatan Kelas 1 Medan). *Amnesti: Jurnal Hukum* 7, No. 1 (2025): 128-148.

20 Firmansyah, Puguh Ega, and A. Basuki Babussalam., Penerapan Rehabilitasi Bagi Penyalahguna Narkotika Di Kota Mojokerto Menurut Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika. *Pagaruyuang Law Journal* 7, No. 1 (2023): 187-195.

21 Astryna, Syarifah Yanti, Fitra Alvionida, Nurhayati Nurhayati, Siti Samaniyah, and Nur Aida., Cegah Penyalahgunaan Narkoba Pada Remaja Di Smpn 3 Meulaboh, Kecamatan Johan Pahlawan, Aceh Barat. *Jurnal Pengabdian Kepada Masyarakat Bidang Kesehatan* 6, No. 1, (2024): 87-97.

The complexity of organized drug trafficking networks, where major dealers often escape prosecution, reflects the gaps in law enforcement. The arrest of a dealer who can still control his business from prison. Cooperation between law enforcement and the community is also considered crucial to combating narcotics, with public participation in reporting suspicious activity increasing the effectiveness of law enforcement.²²

The effectiveness of criminal sanctions in the Narcotics Law through the theoretical framework of Soerjono Soekanto's legal effectiveness which places the validity of regulations not solely determined by normative texts, but rather by the interrelationship of five main factors that influence each other in social practice.²³ This approach provides a clearer analysis of the dynamics of drug criminalization amidst the complex issues of abuse and illicit trafficking.

Law No. 35 of 2009 contains severe penalties, ranging from long-term imprisonment, life imprisonment, to the death penalty, along with very large fines. This regulatory structure reflects the orientation of criminal law policy, which positions narcotics as a serious crime, seen as a threat to social security and the future of the nation's future generations.²⁴

The Narcotics Law has clearly separated the regulations between the two, namely with articles that regulate the eradication of the distribution of narcotics and narcotic precursors on the one hand.²⁵ Then, there are the articles governing drug abusers and drug addicts. This differentiation pattern is clearly intended to ensure an appropriate handling pattern for each legal entity, including within the scope of law enforcement. Rather than eradicating drug trafficking and abuse, errors in sorting and identifying the meaning of "act" and each of the legal entities referred to will actually result in inappropriate handling and law enforcement.

This differentiation pattern governs perpetrators of drug crimes, particularly the articles frequently invoked by public prosecutors against perpetrators of drug crimes, namely Articles 114 and 112 of the

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- 22 Widyaputra, Endra, Francisca Romana Harjiyatni, and Eko Nurharyanto., Problematika Penyidikan Kasus Narkotika Dalam Upaya Memutus Jaringan Peredaran Gelap Narkotika (Studi Kasus Penyidikan oleh Badan Narkotika Nasional Provinsi Daerah Istimewa Yogyakarta). *Kajian Hasil Penelitian Hukum* 7, No. 2 (2024): 198-224.
- 23 Dewi, Ni Luh Putu Wahyuni Yustisia, Ni Ketut Sari Adnyani, and Made Sugi Hartono., Efektivitas Pasal 144 Undang-Undang No. 35 Tahun 2009 Tentang Narkotika Terhadap Penjatuhan Pidana Bagi Residive Narkotika Di Kabupaten Buleleng. *Jurnal Komunitas Yustisia* 4, No. 2 (2021): 344-354
- 24 Buana, Syahfa Rizi Rasta, Famelinda Carera, and Fabiola Nurul Oktavianingrum., Analisis Kebijakan Kriminal Terhadap Anak Sebagai Kurir Narkotika Dalam Perspektif Hukum Pidana. *Jurnal Fakta Hukum* 3, No. 1 (2024): 11-18.
- 25 Hariyawan, Agus Sukma, and Sagung Putri ME Purwani., Analisis Yuridis Pasal 112 dan Pasal 127 Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika: Upaya Reformulasi untuk Menjamin Kepastian Hukum. *Journal of Contemporary Law Studies* 2, No. 2 (2025): 141-152.

Narcotics Law. These two articles are intended for those who qualify as perpetrators of drug crimes within the scope of illicit drug trafficking. Therefore, the perpetrator's actions must be limited as referred to in the two provisions of the above article as "actions in the chain of narcotics distribution", "actions within the scope of being a member of a narcotics crime organization", or "actions that are of a nature to organize a narcotics crime".²⁶

If the acts proven in court are not included in the above limitations, and the narcotics were intended only for the perpetrator's own use, then the act cannot be qualified as an act in a criminal offense referred to in articles (112 and 114). Instead, it must be qualified as an act of narcotics abuse for the purpose of using it for oneself as formulated in the provisions of Article 127 of the Narcotics Law.²⁷ The definition of a drug abuser as stipulated in Article 1, number 15, is "a person who uses narcotics without authorization or against the law." The phrase "use" in this definition should never be interpreted narrowly as simply "using or consuming" narcotics, as such a narrow understanding could obscure the essence of the Narcotics Law itself.

The formulation of criminal sanctions in this law is relatively clear in distinguishing the roles of users, dealers, producers, and organized networks.²⁸ The formulation of unlawful acts, along with gradations of responsibility, demonstrates an effort to create normative certainty in sentencing. The existence of clear, written regulations does not automatically guarantee the effectiveness of criminal penalties in practice. Repressive provisions often directly confront the reality that drug crimes develop adaptively, exploiting gaps in the law enforcement system.²⁹

Law enforcement factors are one of the most dominant determinants³⁰ in measuring the success of narcotics criminal sanctions. Police, prosecutors, judges, and correctional officers are the primary actors who translate written norms into concrete action through the processes of investigation, prosecution, trial, and execution. The professional capacity of officers also influences the quality of criminal

26 Afizuddin, Zakky Maulana, Nur Handayati, and M. Syahrul Borman., Analisis Yuridis Penyidikan Narkoba Menyesuaikan Pasal 114 No 112 Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika di Polres Kota Mojokerto. *Jembatan Hukum: Kajian ilmu Hukum, Sosial dan Administrasi Negara* 2, No. 1 (2025): 281-294.

27 Suratman, Teguh, and Wika Yudha Shanty., Faktor kriminogen dan upaya mengatasi penyalahgunaan narkoba di kalangan masyarakat. *Bhirawa Law Journal* 3, No. 1 (2022): 82-92.

28 Nugraningsih, Dwi Wuryandari., Sanksi Pidana Penyalahgunaan Narkotika Menurut Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika. *Jurnal Madani Hukum-Jurnal Ilmu Sosial dan Hukum* 2, No. 1, (2023): 81-88.

29 Agustin, Rizky Ade, Andika Wijaya, and Satriya Nugraha., Kajian Hukum terhadap Penyalahgunaan Narkotika oleh Anak di Bawah Umur dalam Sistem Peradilan Pidana Anak. *Innovative: Journal Of Social Science Research* 5, No. 3 (2025): 2420-2436.

30 Sudirman, Lu. Peran Media Sosial Sebagai Alat Pencapaian Suara Keadilan Dalam Penegakan Hukum Di Indonesia: No Viral No Justice. *Paulus Law Journal* 5, No. 1 (2023): 16-40.

sanction application. Integrity, technical proficiency, understanding of the substance of regulations, and moral resilience of officers are essential requirements to ensure that the threat of severe punishment does not become a symbol of false assertiveness.

In many cases, striking disparities in verdicts between cases with similar characteristics remain. This situation demonstrates that the human factor in the law enforcement structure has not fully aligned with the ideals of the lawmakers. Facilities, as the third factor in Soerjono Soekanto's theory, also strongly influence the effectiveness of narcotics criminalization.³¹ Limited detection tools, a lack of forensic laboratories, limited detention space, and overcrowding in correctional facilities often have knock-on effects that undermine the objectives of punishment. Prisons experiencing overcrowding have the potential to shift the function of corrections from a place of correction to a place where new problems are reproduced. In such situations, criminal sanctions lose some of the corrective power inherent in all forms of punishment.

Societal factors, as seen by Soerjono Soekanto³² is closely related to the level of public legal awareness of the dangers of narcotics and the meaning of punishment. A permissive social environment regarding the distribution of illicit substances contributes to a low deterrent effect of criminal threats. In some regions, economic problems, unemployment, and social pressures serve as gateways for the growth of the black market in narcotics. This situation often makes the threat of severe punishment less compelling than the need to survive in difficult conditions. The role of family, education, and local communities is crucial in building an anti-narcotics culture. When social ties weaken, criminal sanctions operate alone without the support of a vibrant value system within the community.

Cultural factors, as the fifth element in the theory of legal effectiveness, demonstrate that values, habits, and,³³ and collective mindsets contribute to shaping society's response to the presence of criminal law. Instant culture, a consumerist lifestyle, and the glorification of unrestrained freedom increase the scope for drug abuse. The imbalance between repressive orientations and rehabilitative approaches also impacts the success rate of criminalization. Dependent users are often positioned as mere perpetrators, even though their psychological and medical conditions require separate treatment. Meanwhile, law enforcement officials face public pressure to act decisively against illicit

31 Soraya, Joice, and Galih Setyo Refangga., Peran Kepolisian dalam Mencegah Peredaran Gelap Narkotika dalam Perspektif Kriminologi. *Indonesia Berdaya* 5, No. 3 (2024): 869-878.

32 Huda, Muhammad Miftahul, Suwandi Suwandi, and Aunur Rofiq., Implementasi tanggung jawab negara terhadap pelanggaran HAM berat paniai perspektif teori efektivitas hukum Soerjono Soekanto. *In Right: Jurnal Agama Dan Hak Azazi Manusia* 11, No. 1 (2022): 115-134.

33 Meilinda, Fauziyah Putri., Efektivitas Batas Usia Perkawinan Terhadap Budaya Perkawinan Anak Di Kabupaten Probolinggo Perspektif Teori Efektivitas Hukum. *Maqasid* 13, No. 2 (2024): 47-62.

trafficking networks. This pressure often makes imprisonment the primary instrument without adequately considering its long-term effectiveness in breaking the chain of crime.

The relationship between written law and social practices in drug cases exhibits ongoing tension. Criminal norms operate within a space fraught with illegal economic interests, power relations, and complex network interactions. In the theory of legal effectiveness, the existence of criminal sanctions can only be considered functional if there is harmony between regulations, officials, facilities, society, and culture. Inequality in even one element has the potential to reduce the effectiveness of the entire system.³⁴

The Narcotics Law provides medical and social rehabilitation for addicts, but its implementation often shifts toward pure punishment.³⁵ This shift reflects the lack of a common perspective between those who create norms and those who implement them. The reality of the judiciary shows that users from lower socioeconomic strata are more vulnerable to prison sentences, while those with access to legal resources tend to receive different treatment. This phenomenon illustrates how social and structural factors influence the effectiveness of regulations. Drug punishment, within the context of a state governed by the rule of law, should ideally be understood not only as a means of retribution but also as an instrument for community protection and individual recovery. The tension between these objectives remains a debate that continues to unfold in everyday practice.³⁶

2. The Law Enforcement Against Drug Abusers in the Future

The problem of drug abuse³⁷ has broad and complex dimensions, from medical, psychiatric, mental health, and psychosocial perspectives. Drug users can disrupt the fabric of family life, the community, and school environments, and even directly or indirectly threaten the continued development and future of the Indonesian nation and state. Addressing the problem of drug abuse and illicit trafficking requires the government to consider how to address the issue, ultimately resulting in

34 Satria, Adhi Putra., Proporsionalitas Hukuman Tindak Pidana Narkoba: Analisis Kritis dan Implikasinya bagi Pendidikan Hukum. *Jurnal Pendidikan dan Pembelajaran* 1, No. 2 (2022): 21

35 Ahzan, Gunarto, and Anis Mashdurohatun., Legal Reconstruction of the Formula of Criminal Offense to Determine the Classification of Narcotics User and Victim Based on Justice Value. *Sch Int J Law Crime Justice* 6, No. 3 (2023): 165-170.

36 Laksono, Sipto Dwi, Nandang Sambas, and Hadi Purnomo., Implementasi Pasal 54 Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika Dalam Melakukan Tindakan Rehabilitasi Medis dan Rehabilitasi Sosial. *Iustitia Omnibus: Jurnal Ilmu Hukum* 5, No. 2 (2024): 165-185.

37 Laksana, Andri Winjaya, Adhi Budi Susilo, Peni Rinda Listyawati, Setiawan Widiyoko, and Toni Triyanto. Legal Uncertainty in Law Enforcement for Drug Addicts Resulting in Criminal Disparity. *Yuridika* 40, No. 2 (2025): 253-270.

the issuance of Law No.³⁸ The implementation of rehabilitation for addicts or victims of drug abuse is in principle carried out through a court decision or a request from the addict or victim of drug abuse. Obstacles faced in the implementation of rehabilitation are addicts or victims of drug abuse who have experienced a semi-insane condition (dual diagnosis) or have experienced a serious illness that requires special medical care, addicts or drug abusers are unwilling to be open and realize that narcotics are very dangerous, family factors that have not provided full support to addicts or drug abusers, and the view of the police who still apply prison sentences for drug addicts.³⁹

The circulation of narcotics in Indonesia, from a legal perspective, is legitimate. The Narcotics Law only prohibits the use of narcotics without permission from the law in question. Narcotics are often misused, not for medical or scientific purposes, when viewed empirically. Narcotics crimes have become a promising and rapidly growing business opportunity, which has an impact on the mental and physical health of drug users, especially the younger generation.⁴⁰

The orientation of criminal policy in the future tends to shift from a repressive approach⁴¹ Moving towards a model that places recovery as a crucial part of the drug control system. Drug users are no longer understood solely as perpetrators of violations, but also as individuals experiencing a cycle of biological, psychological, and socioeconomic dependency. Advances in medicine and psychology have influenced the direction of law enforcement, which is more grounded in the actual circumstances of addicts. A scientific understanding of addiction has led to the emergence of an approach that integrates criminal law, health policy, and social services within a single, integrated framework.

In the future, the role of law enforcement is expected to focus not only on enforcement but also on facilitating the recovery process, mentoring, and post-rehabilitation supervision. This changing role requires increased human resource capacity to foster social sensitivity and interdisciplinary competency. Advances in information technology present new challenges to drug abuse patterns, particularly through hidden app-based distribution and transactions using digital financial

38 Thaib, Cut Masyithah, Jon Kennedy Marpaung, and Monica Suryani., Sosialisasi Bahaya Narkoba dan Zat Aditif Pada Kader Posyandu Remaja di Lembaga Pembinaan Khusus Kelas 1 Medan. *Bima Abdi: Jurnal Pengabdian Masyarakat* 2, No. 1 (2022): 81-86.

39 Bambang Tri Bawono, etc, Implementation of Rehabilitation For Drug Abuses According to Law Number 35 of 2009 Concerning Narcotics, *Jurnal Hukum Unissula* 38, No. 1 (2022), 1-11

40 Sihombing, Yossri Mantaw, and Ismaidar Ismaidar., Politik Hukum Dalam Penegakan Hukuman Mati Terhadap Pelaku Peredaran Narkotika di Indonesia. *Innovative: Journal Of Social Science Research* 3, No. 6 (2023): 9810-9820.

41 Situmeang, Sahat Maruli Tua, and Krusitha Meilan., Evolusi Kejahatan Dan Pemidanaan: Tantangan Dalam Penegakan Hukum Dan Penologi Modern: The Evolution of Crime and Punishment: Challenges in Law Enforcement and Modern Penology. *Res Nullius Law Journal* 7, No. 2 (2025): 87-97.

systems. Law enforcement is required to master cyber tracking capabilities, data analysis, and enhanced international cooperation.

At the same time, strengthening the national drug abuse database is a crucial tool to support more precise policies. Risk-based mapping allows for more targeted treatment tailored to regional characteristics, age groups, and socioeconomic backgrounds. Public participation is predicted to increasingly determine the direction of future policy success. Awareness of the dangers of drugs, environmental support for the recovery process, and the elimination of stigma serve as social foundations that strengthen the work of formal institutions.⁴²

Educational institutions have a strategic position in shaping the resilience of the younger generation against the influence of narcotics.⁴³ The integration of character education, health literacy, and early legal knowledge provides a first line of defense before the criminal justice system is implemented. Increasingly structured rehabilitation policies will also require adjustments to the state's financing model. Investment in long-term recovery services is seen as more sustainable than repeatedly financing criminal justice without breaking the cycle of dependency.

Inter-agency coordination is an integral element of the future of law enforcement. Synergy between the police, prosecutors, courts, correctional institutions, health institutions, and local governments forms a complementary network. Globally, the handling of drug abuse is increasingly linked to international policies on drug control and human rights. Standards of protection for individuals undergoing legal proceedings are adjusting in line with demands for more humane justice.

The transformation of law enforcement is also influenced by demands for public transparency.⁴⁴ Increasingly open access to information encourages law enforcement institutions to operate accountably, free from transactional practices that undermine public trust. The development of the digital economy has direct implications for the financing of drug networks. Therefore, future efforts will not only target the perpetrators themselves but also the financial flows that support their distribution, through financial approaches and the confiscation of assets obtained from crime.⁴⁵

42 Salsabilla, Nisrina Shafira, Bagoes Widjanarko, and Budi Laksono., Pengalaman Mantan Pecandu Narkoba, Motivasi Dan Relapse Pasca Rehabilitasi. *Jurnal Kesehatan Masyarakat Khatulistiwa* 9, No. 2 (2022): 69-80.

43 Alvianto, Danang, Ryan Afriansyah, Vina Rahmawati, Anggie Bagus Setiawan, Sarah Ayu Ramadhani Sukmana Putri, Syahdan Syahdan, Akbar Maulana Pawoko et al., Penyuluhan Bahaya Narkotika terhadap Masyarakat dari Perspektif Kesehatan, Pencegahan, dan Penegakan Hukum di Desa Cipambuan, Bogor. *Jurnal Pengabdian Kepada Masyarakat* 1, No. 3 (2025): 89-100.

44 Efrizon, Efrizon, Fauziah Agisty, and Mochammad Kasman., Budaya Hukum di Era Digital: Implikasi Sosial dan Kultural Media Sosial Dalam Penegakan Hukum. *Locus Journal of Academic Literature Review* 4, No. 3 (2025): 177-185.

45 Hasibuan, Rando Vittorio, Tofik Yanuar Chandra, and Hedwig Adianto Mau., Penegakan Hukum Terhadap Pelaku Tindak Pidana Pencucian Uang yang Berasal dari Hasil Tindak

The restorative justice approach is expected to be increasingly applied in dealing with drug abusers.⁴⁶ Mechanisms of dialogue, social restoration, and personal responsibility for the environment provide a more humane solution than mere imprisonment. The future law enforcement framework for drug abusers will move along a trajectory of change influenced by science, technology, social awareness, and the ever-growing demands for justice in society.

Law enforcement against drug addicts in Portugal and the Netherlands positions drug abusers not as criminals, but as individuals in need of health and social intervention. Since 2001, Portugal has implemented a policy of decriminalizing the possession of narcotics for personal use within certain limits. Addicts are not prosecuted but directed to *Commissions for the Dissuasion of Drug Addiction (CDTs)*⁴⁷ consisting of health workers, psychologists, and social workers who assess whether individuals need rehabilitation, counseling, or administrative action. The Portuguese model has been shown to reduce overdose deaths, reduce the spread of HIV, and reduce long-term dependency rates. The Netherlands also implements a harm reduction approach through its safe space program for drug users (*safe consumption rooms*),⁴⁸ Methadone therapy, and community-based health services, while continuing to crack down on illicit trafficking networks. These two countries demonstrate that a clear separation between users and dealers strengthens the effectiveness of overall drug policy.

Indonesia can adopt several good practices from these two countries, while still adapting to the national social and political context. First, a clear distinction between addicts as patients and dealers as criminals is needed, so that abusers are directed towards medical and social rehabilitation rather than imprisonment. Second, Indonesia needs to strengthen its ecosystem of health-based recovery services, including measurable mandatory rehabilitation, psychosocial support, and post-rehabilitation supervision to prevent relapse. Third, developing harm reduction policies such as risk education, safe health facilities, and emergency hotlines can help mitigate broader health impacts. By

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46 Pasaribu, Francisco Lundu Hesekhel, Siti Marwiyah, Wahyu Prawesthi, and Bachrul Amiq., Keadilan Restoratif pada Tingkat Penyidikan bagi Pecandu Narkotika dan Korban Penyalahguna Narkotika." *COURT REVIEW: Jurnal Penelitian Hukum (e-ISSN: 2776-1916)* 4, No. 03 (2024): 11-23.

47 Johansen, Kenneth Arctander, Michel Vandenbroeck, and Stijn Vandeveldel., On The Biopolitics Of Humane Drug Policies: What Can We Learn From 19th Century Sobriety Boards?. *Nordic Studies on Alcohol and Drugs* 38, No. 5 (2021): 498-516.

48 Parkes, Tessa, Tracey Price, Rebecca Foster, Kirsten MA Trayner, Harry R. Sumnall, Wulf Livingston, Andy Perkins, Beth Cairns, Josh Dumbrell, and James Nicholls., Why Would We Not Want To Keep Everybody Safe? The Views Of Family Members Of People Who Use Drugs On The Implementation Of Drug Consumption Rooms In Scotland. *Harm Reduction Journal* 19, No. 1 (2022): 99.

adopting these principles, Indonesia can improve the effectiveness of drug law enforcement while ensuring more humane protection for addicts without weakening the fight against illicit trafficking.

D. CONCLUSION

The effectiveness of criminal sanctions in Law No. 35 of 2009 concerning Narcotics has not fully achieved its intended objectives because the enforcement of legal norms still faces various structural, cultural, and social obstacles. The threat of severe criminal penalties has been clearly formulated normatively, but its implementation is influenced by the quality of the apparatus, limited law enforcement facilities, low public awareness, and a permissive culture that weakens the deterrent power of criminal law. Furthermore, the substantial distinction between users and dealers is often not applied appropriately in practice, thus leading to biased sentencing and obscuring the inherent rehabilitative goals for abusers. The imbalance between elements in Soerjono Soekanto's theory of legal effectiveness shows that the success of narcotics criminalization is determined not only by strict norms, but also by the harmony of all factors supporting the legal system. Law enforcement against drug abusers in the future will move toward a more humanistic, integrative, and recovery-based paradigm, in line with developments in the science of addiction and the social dynamics surrounding drug abuse. A repressive approach alone has proven ineffective in breaking the chain of dependence and illicit trafficking, necessitating synergy between criminal policy, health services, information technology, education, and community participation. Moving forward, law enforcement officials will be required to not only carry out enforcement functions but also play a role in the rehabilitation process and post-rehabilitation supervision. This transformation will be effective if supported by inter-agency coordination, a robust national data system, a reduction in social stigma, and policymaking that positions drug abusers as subjects in need of recovery without neglecting vigilance against illicit trafficking networks.

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