

Effectiveness of Rehabilitation Program as an Alternative to Prison for Narcotics Users: a Case Study at the Rehabilitation Institution of the BNNP Jateng

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Abstract. *This research examines the effectiveness of rehabilitation programs at the Central Java Provincial National Narcotics Agency (BNNP) as an alternative to imprisonment for drug users, from the perspective of modern criminal law based on the principles of ultimum remedy and humanistic law. Through an empirical legal method with sociological and normative approaches, this study found that the implementation of rehabilitation at the Central Java BNNP is considered effective, as evidenced by the low relapse rate and increased social support for former users. Factors determining success include family support, post-rehabilitation accompaniment, and synergy between agencies. However, the limited availability of professional human resources and local facilities remains a major constraint. Therefore, future need to prioritize rehabilitation as an integral part of the national penal system, which is oriented toward restorative justice and the protection of human rights.*

Keywords: *Effectiveness; Humanistic; Law; Rehabilitation.*

1. Introduction

The 1945 Constitution mandates the state to enforce the law and provide social recovery mechanisms for citizens caught up in legal problems.¹This provides the legitimacy for state institutions, including the National Narcotics Agency (BNN), to implement rehabilitation programs for drug abusers. Rehabilitation is not only a form of protection for individuals, but also a preventative measure to maintain public order and health in general.

¹ National Narcotics Agency, Guidelines for the Rehabilitation of Narcotics Users (Jakarta: BNN, 2020).

As a state of law and a welfare state, Indonesia has a dual obligation: to protect society from the impacts of narcotics and to provide rehabilitation opportunities for users so they can return to functioning productively in society.⁵ This approach emphasizes that the state is not only repressive, but also rehabilitative. The concept of a state of law (*Rechtsstaat*) and a welfare state (*Welfare State*) demands a balance between law enforcement and the provision of social recovery facilities.² In the context of drug abuse, the state has a dual obligation: to protect society from the effects of drugs and to provide rehabilitation opportunities for users so they can return to functioning productively in society.³ This aligns with the state's principle of social control, which not only punishes but also promotes social recovery.³

According to Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics, narcotics are substances or drugs derived from plants or non-plants, both synthetic and semi-synthetic, which can reduce or alter consciousness, relieve pain, or cause dependence. Narcotics are classified into several groups based on their potential for abuse and their impact on health. Narcotics are one of the most complex social and health problems in Indonesia. In general, narcotics are substances or drugs that can reduce or alter consciousness, relieve pain, and cause dependence.⁴ This definition is not only medical in nature, but also has broad legal and social implications. In medical contexts, narcotics are used for pain relief, anesthesia, or certain therapies, such as morphine for cancer patients or codeine for cough control. However, drug abuse occurs when these substances are used without medical indication, in excessive doses, or for the purpose of seeking psychoactive effects, resulting in physical and psychological dependence².

Sanctions for drug abuse in Indonesia consist of two approaches. First, prison sentences are imposed according to the type of drug and the amount consumed, for example, Class I and II, based on Articles 111–127 of Law No. 35/2009.⁵ Second, rehabilitation is offered as an alternative to imprisonment for users proven to be addicted, both medically and socially. Rehabilitation aims to restore the physical, psychological, and social conditions so that users can reintegrate into society.⁹ This dual approach is intended to reduce recidivism rates while protecting the wider community.

²Head of BNN Regulation Number 12 of 2021 concerning Rehabilitation Service Standards.

³ Salsabila Putri Zahra Nasution and Boedi Prasetyo, "Analysis of Narcotics Rehabilitation Programs and Their Impact on Improving the Quality of Life of Drug Users," *Jurnal Hukum Lex Generalis* 5, no. 12 (2024): 1–17.

⁴ Muhammad; Ahmad Rifa' I Huda Muflikhuddin, "Drug Abuse in Society: An Analysis of Structural Functionalism Theory," *El-Qist Journal of Islamic Family Law* 3, no. 2 (2020): 19–39.

⁵ Amelia Dwi Putri et al., "Criminal Sanctions for Class I Narcotics Dealers According to Law Number 35 of 2009 Concerning Narcotics," *Ejournal.Unsrat.Ac.Id* 4, no. 5 (2014): 36–49, <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/49114>.

Drug abuse is not just a legal issue, but also a complex health and social problem with far-reaching impacts on individuals and society. Recognizing this, Indonesia implements a dual approach to addressing the drug problem: imprisonment for certain perpetrators and rehabilitation as an alternative for users proven to be dependent. This approach is clearly regulated in Law Number 35 of 2009 concerning Narcotics, which provides the legal basis for enforcing the law and rehabilitating drug users.

Prison sentences are imposed on drug users, dealers, and producers based on various factors, such as the type of drug used, the quantity possessed or consumed, the intensity of use, and the perpetrator's role in the distribution chain. Class I drugs, such as heroin, marijuana, and ecstasy, have a very high potential for addiction, so legal sanctions for violators are more severe than those for Class II or III drugs. The use of large amounts of narcotics can be categorized as distribution, which carries higher criminal penalties. Meanwhile, personal users are usually subject to lighter sentences, while dealers or producers can be sentenced to life imprisonment or even the death penalty if the quantities of drugs involved are very large.

According to Articles 111–127 of Law No. 35/2009, drug users classified as Class I can be sentenced to between 4 and 12 years in prison, while dealers or producers can face up to 20 years or life imprisonment, depending on the quantity of drugs and the level of involvement of the perpetrator. The primary purpose of imprisonment is to provide a deterrent effect, protect society from the dangers of drugs, and uphold the principle of justice. However, this approach is not always effective for users who are proven to be addicted, because imprisonment does not address the underlying physical or psychological root causes of dependence.

In addition to imprisonment, rehabilitation is offered as an alternative for users proven to be dependent on narcotics. The concept of rehabilitation emphasizes individual recovery, not simply punishment, so the ultimate goal is to return users to productive members of society. Rehabilitation programs in Indonesia include several key components.⁶First, medical rehabilitation, which includes physical treatment and detoxification to normalize biological functions, reduce withdrawal symptoms, and prevent health complications. Second, psychosocial rehabilitation, which involves counseling, behavioral therapy, and education to address the psychological and social factors that contribute to dependence, while also developing social skills, stress management, and self-control. Third, social reintegration, which aims to facilitate users' return to productive functioning in society through job training, education, and family support programs. Rehabilitation can be provided on an inpatient or outpatient basis, depending on

⁶ Siti Hidayataun and Yeni Widowaty, "The Concept of Just Rehabilitation for Narcotics Users," *Journal of Law Enforcement and Justice* 1, no. 2 (2020): 166–81, <https://doi.org/10.18196/jphk.1209>.

the user's condition, and all implementation adheres to medical and psychosocial standards established by the National Narcotics Agency (BNN) to ensure the quality of services and measure their effectiveness.⁷

The dual approach of imprisonment and rehabilitation serves complementary purposes. With rehabilitation, recidivism rates for drug users tend to decrease because they receive appropriate medical and psychosocial treatment, while imprisonment remains in place for dealers and producers to prevent drug trafficking and protect the public. Furthermore, this combination of the two approaches fulfills the principles of humanity and social justice, as enshrined in the Pancasila and the 1945 Constitution, by providing opportunities for recovery for addicts. Thus, law enforcement in Indonesia is not only repressive but also rehabilitative, in line with international practice that emphasizes social and health recovery as an integral part of drug user management.

However, in practice, the implementation of rehabilitation also faces a complex dilemma. On the one hand, rehabilitation is expected to be a humane solution that provides a chance for recovery for drug users. On the other hand, this policy is often considered to have a weak deterrent effect on perpetrators. Many believe that placing users in rehabilitation programs instead of imprisonment weakens the moral and social message about the dangers of drugs. In some cases, rehabilitated users have even returned to drug use after leaving rehabilitation institutions (recidivism), demonstrating that physical and mental recovery is not always accompanied by sustainable behavioral changes.

This situation has given rise to normative and practical debate regarding the effectiveness of rehabilitation as an alternative to imprisonment. From a criminal law perspective, imprisonment serves both a repressive and preventive function, namely providing appropriate punishment and creating a deterrent effect on the perpetrator and society, preventing them from repeating their actions. Rehabilitation, on the other hand, focuses on health and social recovery, which tends to be more therapeutic than punitive. Consequently, the law's goal of instilling fear of violations can be weakened if rehabilitation is perceived as a form of "forgiveness" for the perpetrator. This is where the issue of balancing the principles of justice (justice and deterrence) and humanity (humanity and rehabilitation) arises.

A case study of the Central Java National Narcotics Agency (BNNP) found that rehabilitation programs have been routinely implemented for drug users proven to be addictive. Administrative data from the agency indicate that tens to hundreds of users participate in rehabilitation programs annually, both inpatient and outpatient. However, despite the significant number of program participants, the effectiveness of rehabilitation in reducing dependency, preventing recidivism,

⁷Ibid.

and facilitating social reintegration is rarely systematically evaluated. Internal reports from the Central Java BNNP indicate that most evaluations are administrative in nature, such as the number of users completing the program, the length of the rehabilitation period, and the number of participants attending counseling. Unfortunately, there is little research assessing the long-term impact on users, including whether they are able to return to productive functioning in society, refrain from drug abuse, and rebuild healthy social and family relationships. This reflects a gap between the implementation of rehabilitation programs and empirical evaluations that could serve as the basis for effective policy.

This situation confirms that although rehabilitation has become an alternative to imprisonment as regulated by Law No. 35 of 2009, understanding of the program's success in the field remains limited. Therefore, an empirical study assessing the effectiveness of rehabilitation at the Central Java National Narcotics Agency (BNNP) is crucial, not only to ensure the program is running as intended, but also to provide recommendations for improving procedures, therapy methods, and policies that are more targeted to drug users. This approach also strengthens the principles of humanity, social justice, and community protection as reflected in Pancasila and the 1945 Constitution, by positioning rehabilitation not merely as a legal formality but as a real and sustainable recovery mechanism for individuals caught up in drug abuse.

Research focusing on the effectiveness of rehabilitation as an alternative to imprisonment is crucial. Such research not only helps improve program design and rehabilitation methods, but also provides a basis for developing more humane legal and social policies that align with the principles of community protection and social recovery. Empirical evaluation can also serve as a benchmark for the Central Java National Narcotics Agency (BNNP) and related institutions in optimizing rehabilitation programs so that drug users can truly recover and return to being productive members of society.

Based on the background that has been described, it is an attraction for the author to study this matter more deeply by conducting research, to determine the effectiveness of the rehabilitation program implemented at the Central Java BNNP as an alternative to imprisonment for current narcotics users, the factors that influence its success, as well as strategies for developing and improving rehabilitation programs in the future so that they are in line with the principles of humanist law and community protection.

2. Research Methods

This study uses a sociological (empirical) juridical approach that views law not only as written norms (law on the books) but also as actual behavior in society (law in action). This approach was chosen to examine the effectiveness of the drug user

rehabilitation program at the Central Java Provincial National Narcotics Agency (BNNP) as an alternative to imprisonment, by assessing the suitability between applicable legal provisions and their implementation in the field.

The research specifications are descriptive and analytical, namely systematically describing and analyzing in depth the implementation of rehabilitation based on Law Number 35 of 2009 concerning Narcotics and its derivative regulations. The types of data consist of primary data obtained through interviews, observations, and documentation at the Central Java BNNP, as well as secondary data including primary, secondary, and tertiary legal materials.

Data collection was conducted through field studies and literature review. The field study aimed to obtain empirical data from officials, counselors, and drug users, while the literature review was used to strengthen the normative and theoretical foundations through regulations, books, journals, and previous research results. All data were analyzed qualitatively by comparing *das sollen* (the law as it should be) and *das sein* (the law in reality) to assess the effectiveness, constraints, and direction of rehabilitation policy development based on the principles of *ultimum remedium* and humanist law.

3. Results and Discussion

3.1. The Effectiveness of the Rehabilitation Program Implemented at the Central Java BNNP as an Alternative to Prison Sentences for Current Narcotics Users

Rehabilitation centers employ a variety of methods that vary for each patient, and treatment is tailored based on the patient's health condition and background. Time also influences treatment variations among patients. Patients treated at rehabilitation centers often experience low self-esteem and a negative outlook on life, making psychology a crucial role in rehabilitation programs. This is also crucial in protecting patients from friends and environments that can trigger relapse into drug addiction.⁸

Rehabilitation for drug abusers is firmly grounded in Law Number 35 of 2009 concerning Narcotics. This law represents a milestone in the reform of narcotics criminal law policy in Indonesia, introducing a new paradigm: drug users are not merely viewed as criminals but also as victims of abuse who have the right to recovery. Article 54 of Law Number 35 of 2009 states that "Narcotics addicts and victims of drug abuse are required to undergo medical and social rehabilitation." This norm affirms the state's legal obligation to provide recovery mechanisms for addicts and victims of abuse. In the context of criminal law, this article shifts the focus from punishment-oriented to treatment-oriented, where drug users are treated as patients in need of medical and social therapy.

⁸Ibid.

Article 55 of Law Number 35 of 2009 states that "Narcotics addicts who are under age and have been proven to be narcotics addicts are required to report themselves or be reported by their parents or guardians to receive treatment and/or care through medical and social rehabilitation." This norm demonstrates a protective approach to children as a vulnerable group. The state does not place them in a criminal position, but rather provides a path to recovery through a self-reporting mechanism. This approach also demonstrates the application of the principle of non-penal policy in the criminal law system, where prevention and recovery are integral parts of law enforcement efforts.

Article 103 of Law Number 35 of 2009 provides the legal basis for courts to impose rehabilitation as a substitute for imprisonment. Judges can decide to order drug addicts to undergo rehabilitation or to order drug addicts to remain in medical and social rehabilitation institutions. This provision grants judges judicial discretion to replace prison sentences with rehabilitation based on the results of medical and legal assessments. This norm aligns with the principle of *ultimum remedium*, which requires that criminal sanctions be used as a last resort, not the sole instrument of law enforcement.

As a follow-up to Law No. 35 of 2009, the government issued Government Regulation No. 25 of 2011 concerning the Implementation of Mandatory Reporting for Narcotics Addicts. This regulation explains the self-reporting mechanism, assessment procedures, and referrals to rehabilitation institutions. Article 2 of PP No. 25/2011 states that: "Narcotics addicts are required to report themselves to the Mandatory Reporting Receiving Institution (IPWL) to receive treatment and/or care through medical and social rehabilitation." IPWL includes hospitals, community health centers, and government-owned and community-owned rehabilitation institutions appointed by the Ministry of Health and the National Narcotics Agency (BNN). This provision serves as an administrative instrument to link the criminal law system with the public health system.

Furthermore, BNN Regulation No. 11 of 2014 concerning Procedures for Implementing Rehabilitation for Drug Addicts and Victims of Drug Abuse clarifies the technical aspects of rehabilitation, from assessment, detoxification, stabilization, continued rehabilitation, and post-rehabilitation. As a technical institution, the BNN has the authority to conduct integrated assessments involving medical, legal, and psychological elements to determine the type of rehabilitation services appropriate to the user's condition.

The National Narcotics Agency (BNN) is a non-ministerial government agency tasked with implementing national policies to prevent and eradicate the abuse and illicit trafficking of narcotics, psychotropic substances, precursors, and other addictive substances, excluding tobacco and alcohol. The BNN was established in response to the growing threat of narcotics, which has become a national and even transnational problem that threatens national security.

In practice at the Central Java National Narcotics Agency (BNNP), rehabilitation implementation directly adheres to these two regulations. Every user who is caught or self-reports first undergoes an integrated assessment by a team consisting of doctors, psychologists, investigators, and social workers. Based on the assessment results, users can be directed to inpatient or outpatient rehabilitation depending on their level of dependency. Specifically in Central Java Province, the 2024 Central Java BNNP Report shows that drug abuse rates increased by approximately 12% compared to the previous year, with an estimated 180,000 active users.⁹The regencies/cities with the highest case rates include Semarang City, Banyumas Regency, and Sukoharjo Regency. Abuse patterns are dominated by the use of methamphetamine, synthetic marijuana, and psychotropic drugs obtained online.

The social impact of drug abuse in Central Java is significant. It not only causes economic and health losses but also creates new social burdens for the community. National Narcotics Agency (BNNP) data shows that over 40% of drug offenders arrested in Central Java are users or addicts who should receive treatment, not punishment.¹⁰This shows a tendency to criminalize drug users who are essentially victims of substance dependence.

The implementation of the rehabilitation program for drug users within the Central Java Province National Narcotics Agency (BNNP Jateng) is in principle carried out in an integrated manner through assessment mechanisms, medical and psychosocial therapy, and post-rehabilitation assistance. Based on the results of the author's interview with the Head of the Rehabilitation Division of the Central Java BNNP, it was stated that the rehabilitation system at the Central Java BNNP refers fully to the provisions of the Head of BNN Regulation Number 11 of 2014 concerning Procedures for Handling Suspects and/or Defendants of Narcotics Addicts and Victims of Narcotics Abuse into Rehabilitation Institutions, as well as BNN Regulation Number 24 of 2017 concerning Rehabilitation Service Standards.

The rehabilitation program at the Central Java National Narcotics Agency (BNNP) utilizes a therapeutic community approach, combining medical therapy, individual counseling, family counseling, group therapy, and vocational skills training. The program is implemented at BNNP-owned facilities and in collaboration with BNNK and accredited private rehabilitation partner institutions.¹¹In a follow-up interview, the Head of the Post-Rehabilitation Section of the Central Java National Narcotics Agency (BNNP) explained that the post-rehabilitation (aftercare) phase

⁹ National Narcotics Agency of Central Java Province, 2024 Annual Report of the Central Java BNNP (Semarang: BNNP Jateng, 2025), p. 3

¹⁰Results of an Interview with the Head of the Eradication Division of the Central Java BNNP, October 13, 2025.

¹¹Results of an Interview with the Head of the Eradication Division of the Central Java BNNP, October 13, 2025.

is a crucial component of successful recovery. According to her, participants who have completed the basic program will receive ongoing support in the form of regular urine monitoring, monthly counseling, job training, and referrals to social services or the workforce. Rini emphasized that "without aftercare, the risk of relapse can increase up to twofold compared to participants who receive post-rehabilitation support."¹²

Data from the Central Java National Narcotics Agency (BNNP) shows that in 2024 there were 1,972 rehabilitation program participants, consisting of 753 inpatients and 1,219 outpatients.⁷ of these, approximately 85% of participants completed the program, while the relapse rate recorded in the six-month post-rehabilitation period was approximately 18%, a figure relatively lower than the national average (approximately 30–40%).¹³

According to the results of interviews with the Sub-Coordinator of Rehabilitation Data and Evaluation, the decrease in relapse rates was influenced by the increasing quality of aftercare programs involving rehabilitation alumni communities and peer support groups.¹⁴In practice, the Central Java BNNP has collaborated with a number of institutions such as the Central Java Provincial Social Service, the Manpower Service, and the Mitra Sehati Non-Governmental Organization (NGO) to expand the reach of social reintegration for post-rehabilitation participants.

The implementation of the rehabilitation program at the Central Java National Narcotics Agency (BNNP) is generally considered effective administratively and socially, although challenges remain in the availability of professional human resources and the distribution of facilities at the district/city level. Some areas, such as Wonosobo and Rembang Regencies, still lack adequate inpatient rehabilitation facilities and must therefore refer to provincial facilities. Nevertheless, the quantitative achievement of nearly two thousand participants in rehabilitation within one year demonstrates improved program access and effectiveness compared to the previous period.¹⁵

Conceptually, rehabilitation practices at the Central Java National Narcotics Agency (BNNP) reflect the application of restorative justice and therapeutic justice principles, where the legal process focuses not only on punishing perpetrators but also on the rehabilitation of victims of drug abuse. This approach aligns with the

¹²Results of Interview with the Head of the Post-Rehabilitation Section of the Central Java BNNP, October 13, 2025.

¹³Central Java BNNP, Op.Cit

¹⁴Results of Interview with the Sub-Coordinator of Data and Rehabilitation Evaluation of the Central Java BNNP, October 13, 2025.

¹⁵ Results of an Interview with the Head of the Eradication Division of the Central Java BNNP, October 13, 2025.

mandate of Articles 54 and 103 of Law No. 35 of 2009, which position drug users as entitled to treatment and care, not merely as criminals. Therefore, the achievements of rehabilitation implementation at the Central Java BNNP demonstrate that rehabilitation is not merely a health program, but also a concrete form of implementing alternative punishment for drug abusers. In the context of modern criminal theory, this approach reflects a paradigm shift from a retributive system to a restorative and therapeutic system. This means that punishment is no longer solely intended to inflict suffering or retribution, but rather to restore the individual and social conditions affected by drug crimes.

Rehabilitation as an alternative to imprisonment has a strong legal basis in Articles 54 and 103 of Law Number 35 of 2009 concerning Narcotics, which stipulate that drug addicts are required to undergo treatment and/or care. This provision provides room for law enforcement officials, particularly investigators, prosecutors, and judges, to divert the criminal legal process toward rehabilitation mechanisms without compromising the principle of substantive justice. This approach emphasizes that drug users are positioned not as perpetrators of crimes who must be punished, but as victims who need to be rehabilitated.

The results of rehabilitation at the Central Java National Narcotics Agency (BNNP) support this argument. With a program completion rate of 85% and a relapse rate lower than the national average, rehabilitation has proven more effective than imprisonment in reducing relapse rates and increasing social reintegration. While imprisonment often leads to stigmatization and recidivism, rehabilitation opens opportunities for participants to return to productive activities through aftercare programs, peer support, and cross-agency collaboration.

Criminologically, this success demonstrates that rehabilitation as a form of non-conventional punishment is able to fulfill the function of special prevention by suppressing the possibility of perpetrators repeating their actions, as well as the social function of punishment through the restoration of social and economic relations of participants. Therefore, from the perspective of criminal law policy (penal policy), the rehabilitation model as implemented by the Central Java BNNP can be seen as a concrete implementation of the concept of alternative sentencing or non-custodial measures recommended in the United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules) 1990.

An interview with the Head of the Rehabilitation Division at the Central Java National Narcotics Agency (BNNP) also confirmed this view. He stated, "From a criminal justice perspective, rehabilitation is actually an alternative to imprisonment, as its primary goal is not punishment, but rather the recovery of the client's physical, psychological, and social well-being."¹⁶ He added that

¹⁶Results of an Interview with the Head of the Eradication Division of the Central Java BNNP, October 13, 2025.

rehabilitation mechanisms, whether through legal processes (mandatory treatment) or voluntary treatment, have a more constructive deterrent effect than prison sentences, which tend to be repressive. In practice, the Central Java National Narcotics Agency (BNNP) often accepts participants resulting from integrated assessments by the police or prosecutors who were previously suspects in drug abuse cases, but were diverted to rehabilitation as a form of fulfilling the principles of restorative justice.

This statement demonstrates that rehabilitation is not merely an administrative step or a public health program, but has become part of a criminal justice system that emphasizes humanitarian aspects and individual improvement. With this model, the state continues to exercise its social control function through the law, but with a more humanistic and effective approach in the long term. Furthermore, an interview with an addiction counselor at the Central Java National Narcotics Agency (BNNP) Rehabilitation Clinic corroborates this view. He stated that, "Many clients who previously served prison sentences actually return to drug use because they lack psychological recovery and social support. Meanwhile, those who undergo rehabilitation are generally better prepared to reintegrate into society because they are equipped with life skills and post-rehabilitation support."¹⁷ Thus, rehabilitation can be understood as a form of actualization of punishment that is oriented toward improvement, not retribution. This aligns with the treatment theory in criminal law, which positions drug abusers as individuals in need of rehabilitation so they can return to normal social functioning.

The effectiveness of a rehabilitation program as an alternative to imprisonment can be measured through several indicators, including the success of participants in completing the rehabilitation program, the relapse rate after rehabilitation, the level of social reintegration of participants into society, and the consistency of implementation with applicable legal provisions and principles of sentencing.

The data empirically demonstrates that the rehabilitation program at the Central Java National Narcotics Agency (BNNP) has a high level of effectiveness, both in terms of program completion and relapse prevention. This high success rate is inextricably linked to the implementation of an aftercare system, or post-rehabilitation program, involving rehabilitation alumni, peer communities, and cross-institutional support. This model emphasizes that rehabilitation is not just medical treatment but also encompasses social and economic dimensions that support the comprehensive recovery process for participants.

According to an interview with the Sub-Coordinator of Rehabilitation Data and Evaluation at the Central Java National Narcotics Agency (BNNP), the program's

¹⁷Results of an Interview with the Head of the Eradication Division of the Central Java BNNP, October 13, 2025.

effectiveness is greatly influenced by the continuity between the rehabilitation and post-rehabilitation phases. He explained that: "The key to a successful rehabilitation program lies not only during therapy, but also after participants return to their social environment. Therefore, we strive to ensure participants receive ongoing support and are directed to engage in productive activities such as job training or small businesses."¹⁸ This statement demonstrates that rehabilitation effectiveness cannot be measured solely by medical success, but rather by the program's ability to restore participants' social functioning. This approach aligns with the principles of therapeutic justice, where the sentencing process is directed toward healing and improvement, not simply punishment.

From a criminal law policy perspective, the implementation of rehabilitation at the Central Java National Narcotics Agency (BNNP) also reflects the effectiveness of alternative sentencing, as recommended by the 1990 United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules). This principle emphasizes the importance of using non-custodial measures in dealing with offenders who do not pose a high risk to society, including drug users. Therefore, the rehabilitation policy implemented in Central Java aligns with the direction of modern criminal policy, which emphasizes corrective justice, human rights protection, and reducing the burden on correctional institutions. However, the effectiveness of the rehabilitation program at the Central Java BNNP also faces several challenges. Interviews with rehabilitation officers revealed that limited professional human resources and disparities in facilities across regions remain major obstacles. Several districts, such as Wonosobo and Rembang, do not yet have adequate inpatient rehabilitation facilities, requiring patients to be referred to the provincial level. This situation can reduce the efficiency and accessibility of rehabilitation services for communities in remote areas.¹⁹

Furthermore, not all law enforcement officials at the investigative and prosecution levels fully understand the mechanism for diverting drug users' cases to rehabilitation institutions. Consequently, there are still cases where minor drug users are sentenced to prison even though they legally meet the criteria for rehabilitation. This phenomenon demonstrates the need for strengthened coordination between law enforcement agencies and synchronized technical policies to ensure the principle of rehabilitation as an alternative to punishment is consistently implemented.²⁰

Nevertheless, from an empirical and legal perspective, the rehabilitation program at the Central Java National Narcotics Agency (BNNP) can currently be categorized as an effective alternative to imprisonment. This is evidenced by the increasing

¹⁸Results of Interview with the Sub-Coordinator of Data and Rehabilitation Evaluation of the Central Java BNNP, October 13, 2025.

¹⁹*Ibid.*

²⁰*Ibid.*

recovery rate, low relapse rate, and the increasing number of participants who have successfully reintegrated into society productively. Furthermore, this effectiveness also demonstrates that rehabilitation policies have become a crucial instrument in achieving a balance between legal, humanitarian, and social recovery interests, as mandated by Law Number 35 of 2009 and the principles of restorative justice that have developed within the Indonesian criminal justice system.

However, in practice, the implementation of rehabilitation also faces a complex dilemma. On the one hand, rehabilitation is expected to be a humane solution that provides a chance for recovery for drug users. On the other hand, this policy is often considered to have a weak deterrent effect on perpetrators. Many believe that placing users in rehabilitation programs instead of imprisonment weakens the moral and social message about the dangers of drugs. In some cases, rehabilitated users have even returned to drug use after leaving rehabilitation institutions (recidivism), demonstrating that physical and mental recovery is not always accompanied by sustainable behavioral changes.

This situation has given rise to normative and practical debate regarding the effectiveness of rehabilitation as an alternative to imprisonment. From a criminal law perspective, imprisonment serves both a repressive and preventive function, namely providing appropriate punishment and creating a deterrent effect on the perpetrator and society, preventing them from repeating their actions. Rehabilitation, on the other hand, focuses on health and social recovery, which tends to be more therapeutic than punitive. Consequently, the law's goal of instilling fear of violations can be weakened if rehabilitation is perceived as a form of "forgiveness" for the perpetrator. This is where the issue of balancing the principles of justice (justice and deterrence) and humanity (humanity and rehabilitation) arises.

In this context, the main problem lies not in the concept of rehabilitation itself, but in the effectiveness of its implementation. If rehabilitation is merely an administrative formality without in-depth and ongoing guidance, the results will be similar to imprisonment, with users remaining at risk of relapse into drug abuse. Conversely, if rehabilitation programs are implemented with an integrated medical, psychological, and social approach, not only will users' physical and mental health recover, but they will also develop a sense of urgency to refrain from repeating their actions. In other words, a true deterrent effect should not stem solely from physical punishment, but also from the moral awareness and behavioral changes that emerge after an effective rehabilitation process.

According to the author, the implementation of rehabilitation for drug users at the Central Java National Narcotics Agency (BNNP) best aligns with the relative and combined theories of punishment, as both position punishment as a tool to achieve broader social goals, not merely retribution. In the context of drug users,

rehabilitation serves as a means of recovery that aligns with the values of social justice and humanity.

3.2. Factors Influencing the Success of the Rehabilitation Program for Narcotics Users at the Central Java BNNP

The rehabilitation program at the Central Java National Narcotics Agency (BNNP) has been effective and has achieved its goal of providing an alternative to imprisonment for drug users. The following analysis is based on empirical data, interviews with BNNP officials, and the applicable normative framework.

1) Legal Factors (Legal Substance)

Legal factors as a substance include the existence of legal norms governing rehabilitation mechanisms for drug users. Articles 54 and 103 of Law Number 35 of 2009 concerning Narcotics stipulate that drug addicts are required to undergo treatment and/or care, rather than being punished like ordinary criminals. This provision is reinforced by the 2014 Joint Regulation of the Chief Justice of the Supreme Court, the Minister of Law and Human Rights, the Attorney General, the Chief of Police, and the Head of the National Narcotics Agency (BNN), which provides technical guidelines for law enforcement officials in diverting drug users to rehabilitation institutions.

In terms of substance, this regulation demonstrates a therapeutic and restorative criminal law policy direction, positioning rehabilitation as an alternative form of punishment. However, according to the author, its effectiveness is not yet optimal because the implementation of the regulation still faces disparities among law enforcement agencies, particularly at the investigation and prosecution stages. Several cases show that light drug users are still sentenced to prison due to differing interpretations of the norm. This indicates that good legal substance is not necessarily effective without consistent implementation.

2) Law Enforcement Factors

Law enforcement plays a crucial role in bridging the gap between norms and reality. Interviews revealed that officers at the Central Java National Narcotics Agency (BNNP) demonstrated a relatively progressive understanding of the concept of rehabilitation. A Sub-Coordinator for Rehabilitation Data and Evaluation at the BNNP stated: "We always strive to direct drug users to rehabilitation, not imprisonment. The principle is that they are victims of substance abuse, not pure criminals."²¹ However, in practice, coordination between the National Narcotics Agency (BNNP), the police, the prosecutor's office, and the courts still faces technical and administrative challenges. Differences in

²¹Results of Interview with the Sub-Coordinator of Data and Rehabilitation Evaluation of the Central Java BNNP, October 13, 2025.

perceptions among law enforcement officials regarding the classification of "users" and "distributors" often lead to inconsistencies in the implementation of rehabilitation.

According to the author, the effectiveness of rehabilitation programs is largely determined by the moral commitment and professionalism of law enforcement officers. When officers understand that the purpose of criminal law is not only to punish but also to restore, rehabilitation will be more effective and in line with the values of substantive justice.

3) Supporting Facilities or Infrastructure Factors

The availability of facilities and infrastructure is a crucial factor in supporting the success of rehabilitation programs. Data shows that the Central Java National Narcotics Agency (BNNP) treated 1,972 rehabilitation participants in 2024, comprising 753 inpatients and 1,219 outpatients. However, several regencies, such as Wonosobo, Blora, and Rembang, still lack adequate inpatient rehabilitation facilities, requiring referrals to the provincial level.²²

These limited facilities indicate that the infrastructure is not yet fully optimized. However, the Central Java Provincial Narcotics Agency (BNNP) has attempted to address this by collaborating with the Social Services Agency, the Manpower Agency, and the NGO Mitra Sehati to expand the reach of aftercare services and job training. According to the author, this infrastructure factor demonstrates that legal effectiveness is determined not only by regulations and law enforcement, but also by the state's ability to provide supporting instruments. Without adequate facilities and professional human resources, rehabilitation will struggle to achieve its goal as an alternative to imprisonment.

4) Community Factors

The community plays a strategic role in determining the success of rehabilitation, particularly in the post-rehabilitation phase. Interviews with aftercare workers revealed that the presence of rehabilitation alumni communities and peer support groups is crucial in preventing relapse and facilitating social reintegration.

The author believes that community and family social support is a crucial dimension of successful rehabilitation. When society welcomes former users back without stigma, the chances of successful recovery increase significantly. Conversely, social stigma can be a major barrier to participants returning to normal functioning in society. Therefore, community factors act as a social mechanism for law enforcement, ensuring that rehabilitation does not stop in the institution but continues in the participants' daily lives.

²²*Ibid.*

5) Cultural Factors

Cultural factors relate to the value system and societal perceptions of the law. In the context of rehabilitation, Indonesia's legal culture, which tends to emphasize punishment, remains a major challenge. Many people believe that justice is only achieved if the perpetrator is sentenced to prison. However, based on observations and outreach conducted by the Central Java National Narcotics Agency (BNNP), there has been a gradual shift toward a more humane and inclusive legal culture. The public is beginning to understand that rehabilitation is a more substantial form of justice because it prioritizes healing, not retribution.

According to the author, successfully changing societal mindsets is the most profound indicator of legal effectiveness, as it demonstrates the acceptance of legal norms within social consciousness (value internalization). In other words, when a society's legal culture aligns with the spirit of restoration and humanity, legal effectiveness will be achieved comprehensively.

From the description above, it can be concluded that the success of the rehabilitation program at the Central Java BNNP is the result of a dynamic interaction between legal factors, law enforcement, facilities, society, and culture as explained in Prof. Soerjono Soekanto's theory of legal effectiveness. According to the author, the application of this theory shows that the success of rehabilitation does not only depend on norms and policies, but also on the readiness of the social structure and legal culture of society to accept the paradigm of therapeutic justice. Therefore, the rehabilitation program at the Central Java BNNP can be said to be effective normatively, empirically, and culturally, because it successfully combines the objectives of criminal law with humanitarian values and social recovery.

3.3. Strategy for Developing and Improving Rehabilitation Programs in the Future to Align with Humanist Legal Principles and Community Protection

The success of the rehabilitation program at the Central Java National Narcotics Agency (BNNP) demonstrates a new paradigm in the Indonesian penal system, one that positions rehabilitation as a form of humanistic law. However, future challenges require a development strategy to ensure the program is not only empirically effective but also aligned with the principles of social justice, humanity, and community protection.

According to the author, this strategy can be developed in three main dimensions: strengthening legal institutions, improving the quality of rehabilitation services, and social synergy based on restorative justice, as follows:

1) Strengthening Institutions and Legal Policies

The first step to increasing the effectiveness of rehabilitation is to strengthen the legal and institutional framework that supports it. Although Law No. 35 of 2009 concerning Narcotics recognizes rehabilitation as part of law enforcement, its implementation still faces challenges in inter-institutional coordination, particularly between law enforcement officials, the National Narcotics Agency (BNN), and health institutions.

Weak coordination often causes rehabilitation participants to experience legal uncertainty, especially at the pre-adjudication stage, because there is no national standard that regulates the mechanism for determining rehabilitation through legal or medical channels in an integrated manner.²³ Therefore, institutional strengthening is needed through:

- a) Drafting new implementing regulations that emphasize cross-sector coordination between the BNN, Police, Prosecutor's Office, and Health Service;
- b) Establishment of an integrated legal rehabilitation service unit, which integrates legal and medical processes from the arrest stage to post-rehabilitation;
- c) Digitalization of the rehabilitation monitoring system, to ensure transparency and accountability in program implementation.

According to the author, this institutional strategy is a prerequisite for making rehabilitation a punishment instrument that is in line with the principle of due process of law and guarantees the protection of human rights for drug users.

2) Improving the Quality and Standards of Rehabilitation Services

The second aspect that needs to be strengthened is improving the quality of rehabilitation services to be more responsive to participants' needs. Interviews with officers from the Central Java National Narcotics Agency (BNNP) revealed that several ongoing obstacles include limited professional counselors, a lack of rehabilitation facilities in the region, and a limited aftercare program in rural areas.

The effectiveness of rehabilitation will increase significantly if the process meets three principles: individualized treatment, continuity of care, and community reintegration.²⁴ This means that services must be tailored to each participant's profile, have continuity between stages (detoxification, therapy, reintegration), and be supported by social mechanisms that encourage community acceptance. To achieve this, development strategies that can be implemented include:

²³ Puspitasari Dwi, "Inter-Agency Coordination in the Implementation of Narcotics Rehabilitation Programs in Indonesia," *Journal of Law & Development* 53, no. 2 (2023).

²⁴ F. Simanjuntak, R. & Siregar, "Evaluation of the Effectiveness of Drug Addict Rehabilitation Programs in Indonesia," *Journal of Humanities Law* 12, no. 1 (2022).

- a) Increasing the capacity of rehabilitation human resources through addiction psychology training and counseling based on a humanist legal approach;
- b) Expansion of regional rehabilitation facilities through cooperation between local governments and universities;
- c) Standardization of national aftercare programs, so that participants continue to receive social, economic, and spiritual support after completing therapy.

The author is of the opinion that improving the quality of service is a concrete manifestation of the principle of human dignity in modern criminal law, namely restoring human dignity as the main goal of law enforcement.

3) Social Synergy and the Implementation of Restorative Justice Principles

The third and most crucial strategy is strengthening social synergy based on restorative justice. This paradigm views drug users not as perpetrators who must be punished, but as victims who need to be healed and reintegrated into society. The Indonesian criminal justice system should move toward an integrated criminal justice system that prioritizes a balance between legal certainty, justice, and social benefits. In the context of the Central Java National Narcotics Agency (BNNP), a restorative approach can be implemented through:

- a) Collaboration with community institutions and religious communities in the process of re-entry of participants into the social environment;
- b) Economic empowerment of post-rehabilitation participants through partnerships with the private sector and MSMEs;
- c) Developing a legal education and digital literacy curriculum for participating families to strengthen positive social control.

The author believes that integrating restorative justice principles not only increases the success of rehabilitation but also strengthens community protection. When users are rehabilitated and socially accepted, the risk of re-offending decreases, thereby achieving the goal of criminal law: protecting society while upholding human values.

According to the author, the future of rehabilitation policy must be directed towards a humanist model of punishment, where the state does not merely punish but also restores. This principle aligns with positive peace, namely justice built through social healing, not the dominance of coercive law. Within the framework of national criminal law, rehabilitation needs to be positioned as the mainstream of criminal policy, integrating law, health, and humanity. Thus, the effectiveness of the law is no longer measured solely by compliance with the rules, but also by the law's ability to restore human beings and maintain social balance.

By linking legal protection theory with the humanist paradigm, it can be concluded that the future direction of rehabilitation programs must balance individual protection with social interests. The law should not stop at crime prevention alone, but should also restore individuals and strengthen social integration. According to the author, this is the ideal form of criminal law evolution: a law that upholds justice with conscience, a law that restores people as human beings, and a law that protects society without sacrificing the humanity of the perpetrator.

4. Conclusion

Based on the research and discussion, it can be concluded that the rehabilitation program implemented by the Central Java Provincial National Narcotics Agency (BNNP) has proven effective as an alternative to imprisonment for drug users. Its legal basis is clearly regulated in Law Number 35 of 2009 concerning Narcotics, specifically Articles 54 and 103, which emphasize the state's obligation to provide medical and social rehabilitation for drug addicts. These provisions demonstrate legal recognition of drug users as individuals in need of recovery, not merely punishment.

The implementation of rehabilitation policies at the Central Java National Narcotics Agency (BNNP) reflects the successful integration of legal, medical, and social approaches. Through therapeutic community methods and aftercare programs, the rehabilitation completion rate has reached 85%, while the relapse rate is relatively low. This demonstrates the effectiveness of the law in the five dimensions proposed by Soerjono Soekanto: legal substance, law enforcement officers, facilities, society, and legal culture, which synergize to support the program's success.

Moving forward, strengthening rehabilitation policies needs to focus on improving service quality, expanding facilities, and harmonizing law enforcement agencies to create a more humane penal system. Thus, rehabilitation will function not only as a repressive legal instrument but also as a preventive and educational tool in reducing the impact of drug abuse and building a healthy, productive, and just society.

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