

Effectiveness of Rehabilitation Sanctions for Narcotic Addicts Based on Benefits

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Abstract. *The purpose of this study is to examine and analyze the effectiveness of rehabilitation sanctions for drug addicts based on utility values, to examine and analyze ideal law enforcement for drug addicts in the future. This legal research is normative legal research, namely research that has the object of study on legal rules or regulations. Normative legal research examines legal rules or regulations as a system building related to a legal event. This research was conducted with the intention of providing legal arguments as a basis for determining whether an event is right or wrong and how the event should be according to law. The effectiveness of rehabilitation sanctions for drug addicts reflects the implementation of a double track system that balances recovery and law enforcement through medical and social rehabilitation in accordance with Law No. 35 of 2009. Rehabilitation is seen as a form of depenalization and decriminalization for addicts who are victims of dependence (self-victimizing victims), with stages of detoxification, therapy, and social reintegration. However, its implementation is still hampered by coordination between law enforcement, limited facilities, and social stigma. Ideal law enforcement in the future must be oriented towards humanity, making rehabilitation a right of recovery based on due process of law, with transparent integrated assessments, independent oversight, and synergy between institutions (BNN, Polri, Prosecutor's Office, Courts, Ministry of Health). Adopting the Portuguese model that treats addicts as patients, Indonesia needs to implement a limited decriminalization policy, strengthen rehabilitation facilities and human resources, and build a humanistic legal culture so that addicts can recover, social reintegration is sustainable, and the goals of social benefit and justice can be achieved.*

Keywords: *Effectiveness; Narcotics; Rehabilitation.*

1. Introduction

Currently, drug abuse in Indonesia has reached an alarming level. The number of drug users and addicts continues to increase year after year. The prevalence rate in Indonesia, based on 2023 data, was 1.73 percent, or 3.33 million people aged 15 to 64, the majority of whom were drug abusers.¹ Drug abuse not only hinders development but can also threaten the nation's survival. Ineffective drug abuse management will directly impact efforts to ensure equitable and sustainable public welfare, especially since the victims are generally the younger generation.

Drug abuse in Indonesia has become a complex problem that not only impacts individuals, but also society and the legal system as a whole.² Data from the National Narcotics Agency (BNN) shows that the number of drug users continues to increase annually, with the productive age group being the most vulnerable. This situation further exacerbates crime rates, disrupts social stability, and burdens the criminal justice system and correctional institutions. To date, the legal policy implemented still focuses on a repressive approach, namely imposing prison sentences for drug abusers. Unfortunately, this approach has not proven effective in suppressing abuse or reducing recidivism rates. In fact, the accumulation of prisoners due to the high number of convictions for drug users further worsens the condition of Indonesia's already overcrowded correctional institutions.

The legal basis for dealing with narcotics abuse in Indonesia is currently regulated in Law Number 35 of 2009 concerning Narcotics.³ According to Article 1 number 1, it states "Narcotics are substances or drugs derived from plants or non-plants, both synthetic and semi-synthetic, which can cause a decrease or change in consciousness, loss of feeling, reduce or eliminate pain, and can cause dependence, which is divided into groups as attached to this law". Furthermore, Article 1 number 13 explains the definition of narcotics addicts, namely "people who use or abuse narcotics and are in a state of dependence on narcotics, both physically and psychologically". Article 1 number 14 also explains about narcotics dependence, namely "a condition characterized by the urge to use narcotics continuously with increasing doses to produce the same effect and if its use is reduced and/or stopped suddenly, it causes typical physical and psychological symptoms".

¹The National Narcotics Agency (BNN) Chief Reveals 3.33 Million People Aged 15-64 Misuse Drugs in Indonesia <https://nasional.kompas.com/read/2025/05/05/10510261/kepala-bnn-ungkap-333-juta-orang-usia-15-64-tahun-salah-gunakan-narkotika-dj>, accessed September 10, 2025

²Lukman, Gilza Azzahra, Anisa Putri Alifah, Almira Divarianti, and Sahadi Humaedi. "Drug cases in Indonesia and prevention efforts among adolescents." *Journal of Research and Community Service (JPPM)* 2, no. 3 (2021): pp. 405-417.

³Putra, Rommy Kurnia, and Laurensius Arliman. "The Influence of Cafes in Padang City on Drug Abuse by Adolescents in Padang City (Criminology Study)." *Ekasakti Legal Science Journal* 1, no. 4 (2024): pp. 363-373.

Indonesia has also accommodated the concept of rehabilitation in its legal system, as regulated in Law Number 35 of 2009 concerning Narcotics.⁴ Article 54 of the law states that drug addicts and victims of drug abuse are required to undergo medical and social rehabilitation. Furthermore, Article 103 of Law of the Republic of Indonesia Number 35 of 2009 states that judges examining cases involving drug addicts may choose:

- a. decide to order the person concerned to undergo treatment and/or care through rehabilitation if the narcotics addict is proven guilty of committing a narcotics crime, or
- b. determine to order the person concerned to undergo treatment and/or care through rehabilitation if the drug addict is not proven guilty of committing a drug crime.

If it is decided that the person concerned will undergo treatment and/or care through rehabilitation, then the period of treatment and/or care for the drug addict will be counted as the period of serving the sentence.⁵

Article 1 number 1 of the Government Regulation of the Republic of Indonesia Number 25 of 2011 concerning the Implementation of Mandatory Reporting for Narcotics Addicts confirms that narcotics addicts who are of age or their families, and/or parents or guardians of narcotics addicts who are not of age, are required to carry out mandatory reporting, namely the activity of reporting themselves to institutions receiving mandatory reporting to receive treatment and/or care through medical rehabilitation and social rehabilitation. In relation to rehabilitation, Article 6 of the Government Regulation of the Republic of Indonesia Number 25 of 2011 states that narcotics addicts who have carried out mandatory reporting,⁶ are required to undergo medical and/or social rehabilitation in accordance with the rehabilitation plan. The obligation to undergo medical and/or social rehabilitation also applies to drug addicts who are ordered based on:

- a. court decision if a drug addict is proven guilty of committing a drug crime;
- b. court ruling if a drug addict is not proven guilty of committing a drug crime.

⁴Tanuri, Richard, La Syarifuddin, and Rini Apriyani. "The Application of Article 112 of the Narcotics Law to Perpetrators as Users (Study of Decision Number 396/Pid. Sus/2021/Pn. Smr)." *Tana Mana Journal* 6, no. 2 (2025): pp. 106-117.

⁵Setyadi, Yusuf, and Krismanko Padang. "Implementation of Rehabilitation and Treatment of Narcotics Patients in Article 53 and Article 54 of Law Number 35 of 2009 concerning Narcotics." *Journal of Law and Nation* 1, no. 1 (2022): pp. 9-16.

⁶Kurniawatie, Eka. "The Basis for Judges' Considerations Regarding Narcotics Abuse Reviewed from the Aspect of Rehabilitation Based on Article 127 of Law Number 35 of 2009 Concerning Narcotics." *SINERGI: Scientific Research Journal* 1, no. 12 (2024): pp. 1374-1396.

It also states that drug addicts undergoing legal proceedings may be placed in medical and/or social rehabilitation institutions. Placement in medical and/or social rehabilitation institutions is the responsibility of investigators, public prosecutors, or judges, depending on the level of examination, after receiving a recommendation from the medical team.⁷The provisions for placement in medical rehabilitation and/or social rehabilitation institutions also apply to victims of drug abuse.⁸In the Circular Letter of the Supreme Court Number 3 of 2011 it is stated that the placement of suspects/defendants in medical treatment is not a new thing that has existed since the enactment of Law of the Republic of Indonesia Number 35 of 2009. This is stated in the explanation of Article 21 paragraph (4) letter b of Law Number 8 of 1981 (KUHAP) which regulates as far as possible the detention of suspects and defendants who are narcotic addicts in certain places which also serve as treatment places.

Currently, the rehabilitation of drug addicts and victims of drug abuse has been regulated in several laws and regulations.⁹In addition to being regulated and mandated by Law of the Republic of Indonesia Number 35 of 2009, it is also regulated in Government Regulation of the Republic of Indonesia Number 25 of 2011; Circular Letter of the Supreme Court Number 3 of 2011 concerning the Placement of Victims of Narcotics Abuse and Addicts in Medical Rehabilitation and Social Rehabilitation Institutions; Regulation of the Minister of Social Affairs of the Republic of Indonesia Number 3 of 2012 concerning Standards for Social Rehabilitation Institutions for Victims of Narcotics Abuse, Psychotropics, and Other Addictive Substances; Regulation of the Minister of Health of the Republic of Indonesia Number 4 of 2020 concerning the Implementation of Institutions Receiving Mandatory Reports; Regulation of the Head of the National Narcotics Agency Number 11 of 2014 concerning Procedures for Handling Suspects and/or Defendants of Narcotics Addicts and Victims of Narcotics Abuse in Rehabilitation Institutions; and others.

One example of a case experienced by artist Fachri Albar with a legal decision on the drug abuse case that ensnared him. The panel of judges at the West Jakarta District Court sentenced him to six months of rehabilitation at the BNN Rehabilitation Center, Lido, Sukabumi, West Java, on Wednesday, September 9, 2025. Fachri Albar was found guilty of abusing class I drugs for personal gain and the judge sentenced the defendant Fachri Albar to 6 months of rehabilitation at the BNN Rehabilitation Center in Lido. In the verdict, the panel of judges also

⁷Delmiati, Susi. "Implementation of Medical Rehabilitation and Social Rehabilitation for Drug Addicts and Victims of Drug Abuse." *Sakato Ekasakti Law Review Journal* 2, no. 2 (2023): pp. 65-75.

⁸Laksono, Sipto Dwi, Nandang Sambas, and Hadi Purnomo. "Implementation of Article 54 of Law Number 35 of 2009 concerning Narcotics in Carrying Out Medical Rehabilitation and Social Rehabilitation Measures." *Iustitia Omnibus: Journal of Legal Studies* 5, no. 2 (2024): pp. 165-185.

⁹Iskandar, Farid. "Implementation of Criminal Accountability of Drug Dealers towards Victims of Narcotics Abuse." *Journal of Law Enforcement and Justice* 2, no. 2 (2021): pp. 96-116.

revealed aggravating and mitigating factors. The aggravating factor was that Fachri had previously undergone rehabilitation in 2007 and 2018, so he was considered to have repeated his actions. Meanwhile, the mitigating factor was that Fachri admitted his guilt and was recognized as the backbone of the family. This verdict is in line with the prosecutor's demand that Fachri undergo six months of rehabilitation.¹⁰

This case illustrates that the effectiveness of rehabilitation programs for drug addicts in Indonesia is still less than optimal. Although rehabilitation is intended to restore addicts to social functioning, the reality remains that many relapse cases demonstrate that the approach has not fully addressed the root of the problem, whether medically, psychologically, or socially.

2. Research Methods

This legal research is normative legal research, that is, research that focuses on legal rules or regulations. Normative legal research examines legal rules or regulations as a system structure related to a legal event. This research is conducted with the aim of providing legal arguments as a basis for determining whether an event is right or wrong and how the event should be handled according to law.¹¹

3. Results and Discussion

3.1. The Effectiveness of Rehabilitation Sanctions for Drug Addicts Based on Benefit Values

The enforcement of narcotics criminal law in Indonesia adheres to a double-track system, criminal sanctions imposed on drug addicts as self-victimizing victims by serving a prison sentence, and sanctions in the form of treatment provided in the form of rehabilitation facilities. The implementation system is that the period of treatment and/or care is counted as the period served by the sentence. Rehabilitation measures for drug abusers, psychotropics, and addictive substances are depenalization and decriminalization, namely drug addicts and drug abusers are required to undergo rehabilitation according to Law Number 35 of 2009 concerning Narcotics. Rehabilitation can be done voluntarily, namely by

¹⁰Diana Rafika Sari and Fachri Albar Sentenced to 6 Months of Rehabilitation for Drug Cases <https://lifestyle.sindonews.com/read/1615417/187/fachri-albar-divonis-6-bulan-rehabilitasi-kasus-narkoba-1756890587/6>, accessed September 20, 2025

¹¹Mukti Fajar and Yulianto Achmad, *Dualism of Normative and Empirical Legal Research*, Fourth Edition, (Yogyakarta: Pustaka Pelajar 2017) p. 36

voluntarily reporting oneself, and the determination of rehabilitation is compulsory, namely by a judge's decision.¹²

The purpose of the Mandatory Reporting Recipient Institution (IPWL) is to fulfill the rights of drug addicts to receive treatment and/or care through medical and social rehabilitation. Therefore, IPWL is required to continuously improve the quality and effectiveness of its services to become part of a strategic solution to the problems faced by victims of drug abuse.

The targets of Social Rehabilitation for Victims of Drug Abuse (KPN) are: Adult KPN, namely a person aged over 18 years, either male or female who uses narcotics, psychotropics, and other addictive substances without the knowledge and supervision of a doctor with the intention of not for treatment and/or research; and Child KPN, namely a person aged under 18 years who uses narcotics, psychotropics, and other addictive substances without the knowledge and supervision of a doctor with the intention of not for treatment and/or research.¹³

Rehabilitation is the process of social and medical rehabilitation for victims of narcotics, psychotropic, and other addictive substance abuse. Social rehabilitation is expected to help people with chronic illnesses, particularly those suffering from addiction. Addicts can apply for rehabilitation through Mandatory Reporting Recipient Institutions (IPWL) located in many regions, including hospitals, community health centers, and specialized rehabilitation institutions.¹⁴

Preventing the abuse of narcotics, psychotropic drugs, and addictive substances encompasses three aspects. First, primary prevention, which is an effort to prevent someone from abusing narcotics, psychotropic drugs, and addictive substances. Second, secondary prevention, which is an effort to prevent users from becoming dependent on narcotics, psychotropic drugs, and addictive substances. Third, tertiary prevention, which is an effort to prevent users who have recovered from their dependence on narcotics, psychotropic drugs, and addictive substances after undergoing social rehabilitation, to prevent relapse.

The primary goal of rehabilitation, as part of decriminalization efforts, is to help addicts recover and reduce the rate of relapse. Drug users can be classified into

¹²Richi, Fransilirus Nong. "Implementation of the Double Track Sentencing System for Drug Abusers as an Effort to Reduce Overcrowding in Correctional Institutions." *YUDHISTIRA: Journal of Jurisprudence, Law and Justice* 1, no. 1 (2023): pp. 11-22.

¹³Mukidi, Mukidi, Marzuki Marzuki, Nelvitia Purba, Ismed Batubara, Muhlizar Muhlizar, and Erniyanti Erniyanti. "The Authority of the Medan City Government Regarding the Implementation of Rehabilitation for Drug Addicts and Victims of Drug Abuse at the Rumah Umami Medan Sunggal Rehabilitation Foundation During the COVID-19 Pandemic." *Amaliah: Journal of Community Service* 5, no. 2 (2021): pp. 106-117.

¹⁴Daniel, Benny, and Hendry Hendry. "Design of a Web-Based Rehabilitation Patient Data Information System at the Bukit Doa Mandatory Reporting Recipient Institution (IPWL)." *Journal of Minfo Polgan* 14, no. 1 (2025): pp. 275-283.

various criteria, including drug addicts and drug addiction victims. Drug users and abusers are defined as those who use or abuse drugs to the point of physical and psychological dependence.¹⁵

The Narcotics Law states that drug addicts or those who have been victims of drug abuse must undergo rehabilitation. This is in accordance with Article 54 of the Narcotics Law, which states that drug addicts or those who have been victims of drug abuse must undergo medical and social rehabilitation.

The implementation of drug rehabilitation in Indonesia must be based on the principles of criminal law and human rights, which guarantee justice, transparency, and equality. By learning from the experiences of other countries, such as Portugal, Indonesia can develop a more humane yet accountable rehabilitation system.

Drug abuse cases in Indonesia involve not only ordinary people but also many public figures, including celebrities. This phenomenon often attracts media attention, especially when the punishment handed down to public figures such as celebrities is rehabilitation rather than imprisonment. One such case involved the arrest of comedian Reza Pardede, also known as Coki Pardede, in 2021 for alleged methamphetamine abuse and possession. Despite being named a suspect, Coki Pardede was immediately admitted to rehabilitation at the Drug Addiction Hospital (RSKO) in Cibubur, East Jakarta, without prior legal process.¹⁶

This phenomenon has sparked debate about fairness in drug law enforcement. On the one hand, rehabilitation is considered more humane because it focuses on the recovery of users. However, on the other hand, it raises questions about why rehabilitation is more often granted to celebrities or certain public figures, while many ordinary users languish behind bars. This pattern raises the suspicion that the ease of access to rehabilitation for public figures may be influenced by their social status and influence, raising the question of whether the implementation of this law is purely based on regulations or influenced by external factors. To answer this question, it is necessary to review the legal basis and issues related to drug rehabilitation in Indonesia.

The implementation of drug rehabilitation in Indonesia is based on various legal regulations designed to adopt a health-based approach to addressing drug abuse. Under Law Number 35 of 2009 concerning Narcotics (the Narcotics Law), drug addicts and victims of drug abuse are required to undergo medical and social rehabilitation. Furthermore, judges examining cases involving drug addicts have

¹⁵Fadholi, Ahmat, Dian Surtikanthi, and Sri Annisya. "The Importance of Decriminalizing Drug Abuse Through Integrated Assessment in the Narcotics Bill." *Journal of National Resilience Strategic Studies* 5, no. 1 (2022): p. 56.

¹⁶Benyamin, Aldhito, Velliana Tjan, and Asmak Ul Hosnah. "Drug Crimes at State Borders (A Case Study of Special Crimes Outside the Criminal Code)." *Justice* 11, no. 3 (2024): pp. 49-59.

the authority to order the individual to undergo treatment and/or rehabilitation care.¹⁷

In this regard, the Supreme Court of the Republic of Indonesia (MA RI) has provided technical guidance to judges in determining rehabilitation for drug users by issuing MA RI Circular Letter Number 4 of 2010 concerning the Placement of Drug Abusers, Victims of Drug Abuse, and Addicts in Medical and Social Rehabilitation Institutions (SEMA 4/2010). This regulation aims to provide clarity on the mechanisms and criteria for placing addicts, victims of drug abuse, and users in rehabilitation institutions.¹⁸

The National Narcotics Agency (BNN) has created regulations that provide technical guidance to law enforcement officers, particularly investigators within the BNN, in handling drug addicts and victims of drug abuse as stipulated in the Head of BNN Regulation Number 11 of 2014 concerning Procedures for Handling Suspected and/or Defendants of Drug Addicts and Victims of Drug Abuse in Rehabilitation Institutions (PerKaBNN 11/2014). This regulation aims to ensure that a health-based approach can be consistently applied.¹⁹

One of the key points in this regulation is the integrated assessment mechanism, which serves as the primary basis for determining whether a suspect or defendant is suitable for placement in a rehabilitation facility. This assessment is conducted by a team consisting of medical, psychological, social, and legal personnel to ensure that an individual meets the criteria for being a drug addict or victim of drug abuse. This process separates drug users who require rehabilitation from perpetrators of drug trafficking crimes, such as dealers or dealers.

The Attorney General of the Republic of Indonesia (JA RI), through JA RI Regulation Number: PER-0029/A/JA/12/2015 concerning Technical Guidelines for Handling Narcotics Addicts and Victims of Narcotics Abuse in Rehabilitation Institutions (PERJA 29/2015), has provided guidance for prosecutors in handling cases involving narcotics addicts and victims of narcotics abuse. The handling process at the prosecution stage is also regulated in detail.

Prosecutors are authorized to recommend rehabilitation based on the results of an integrated assessment. This recommendation is incorporated into criminal

¹⁷Saputra, Galih. "The Effectiveness of Criminal Litigation in Handling Narcotics Abuse Cases in Indonesia." *Jurnal Terekam Jejak* 3, no. 2 (2025): pp. 77-88.

¹⁸Suhendar, Henhen, Iwan Setiawan, and Yenni Muliani. "Implementation of Supreme Court Circular Letter Number 04 of 2010 Concerning the Placement of Drug Abusers, Victims of Drug Abuse, and Addicts in Medical Rehabilitation and Social Rehabilitation Institutions in the Ciamis Police Jurisdiction: Case Study of Case File Number: BP/25/VI/RES. 4.2/2022/DRUGS." *Pustaka Galuh Justisi* 2, no. 1 (2023): pp. 78-97.

¹⁹Wirayuda, Haris, Anak Agung Sagung Laksmi Dewi, and Made Minggu Widyantara. "Rehabilitation Efforts for Drug Abusers by the National Narcotics Agency (BNN) of Gianyar Regency." *Journal of Legal Construction* 3, no. 2 (2022): pp. 252-258.

charges, either as a substitute for imprisonment or as part of the defendant's sentence. This aims to ensure that the treatment of drug addicts and victims of drug abuse places greater emphasis on recovery, rather than simply punishment.²⁰

The provisions in SEMA 04/2010, PerKaBNN 11/2014, and PERJA 29/2015 state that drug addicts or abusers can be placed in rehabilitation institutions based on the results of an assessment by an integrated assessment team (TAT). However, these regulations do not specify that rehabilitation placement can terminate ongoing legal proceedings. In fact, a person can only be declared a drug abuser through a court decision, as explained in Article 103 of the Narcotics Law. Another problem is the lack of transparency in the assessment process, which often raises concerns about accountability and the potential for abuse of authority.

According to data from the National Narcotics Agency (BNN), the prevalence of drug users increased to 3.66 million in 2021, compared to 3.41 million in 2019. The prevalence of drug use over a specific period is related to the population of drug cases. The BNN's trend indicates a decline in prevalence in rural areas, but an increase across Indonesia as a whole.

A victim of narcotics, psychotropics, and addictive substances (NAPZA) abuse is someone who uses narcotics, psychotropics, and addictive substances inappropriately. Treatment for narcotics, psychotropics, and addictive substances abuse is best initiated as soon as possible. By voluntarily and willingly seeking rehabilitation, individuals addicted to narcotics, psychotropics, and addictive substances will avoid criminal charges.

The stages of medical rehabilitation that drug addicts (residents) go through initially go through a process called detoxification.²¹In general, the term detoxification refers to a series of interventions aimed at managing acute conditions of intoxication (poisoning) or withdrawal, followed by cleansing the substance from the body of the abuser or drug addict. A detoxification program can minimize the physical impact caused by drug use. The detoxification process is carried out according to the resident's needs or for a maximum of 2 (two) weeks in a specially prepared location, prioritizing the health and safety of the addict. The detoxification process is a medical rehabilitation method carried out by staff who have certain qualifications in accordance with applicable standards. During this process, the resident undergoes several health examinations including laboratory tests, radiology, ECG, ultrasound, odontogram, VCT counseling, and psychiatric examination. The resident is then given several activities including educational therapy, group therapy, religious therapy, and individual and group

²⁰Hastuti, Ari, Joko Sriwiodo, and Basuki Basuki. "Implementation of Prosecutor's Regulation Number 18 of 2021 Concerning Narcotics Rehabilitation Based on Restorative Justice." *SINERGI: Scientific Research Journal* 1, no. 3 (2024): pp. 124-132.

²¹Delmiati, Susi. "Implementation of Medical Rehabilitation and Social Rehabilitation for Drug Addicts and Victims of Drug Abuse." *Sakato Ekasakti Law Review Journal* 2, no. 2 (2023): pp. 65-75.

counseling. The criteria that must be met are that the resident has passed the withdrawal period and the resident is cooperative, as evidenced by recommendations from doctors and nurses.

The next step is social rehabilitation services. Social rehabilitation is an integrated process of recovery activities, encompassing physical, mental, and social recovery, to enable former drug addicts to return to their social functions, based on therapeutic community programs.

Furthermore, in undergoing the social rehabilitation process, residents will go through several stages, namely the primary stage and the re-entry stage. The primary stage is a program stage to stabilize the resident's physical and psychological condition and prepare the resident with an environment that emphasizes social function. At this stage, residents in short-time rehabilitation programs begin to socialize and join a structured community that has a hierarchy, daily schedule, group therapy, seminar groups, family counseling, individual counseling, group counseling and work departments as a medium to support self-change. The implementation of the primary stage takes approximately 2 months by continuing the re-entry program or post-rehabilitation or does not match the resident's entry criteria (the presence of a work or academic leave letter). The implementation of the primary growth program takes approximately 3 months with the requirement to continue the re-entry program and post-rehabilitation.²²

The re-entry phase is the final stage of the TC program, where residents adapt and re-socialize with the wider community outside the residential community, prepared through a healthy and productive lifestyle program based on nature conservation (forests and the sea). The goal of this phase is for residents to be able to independently determine their daily schedules, develop maturity in their thinking, socialize with their environment, and participate in provided vocational activities.

Furthermore, the rehabilitation process is called continuous rehabilitation, namely the aftercare stage which is a series of positive and productive activities for drug abusers/addicts after undergoing the recovery stage (medical and social rehabilitation). The aftercare stage is an integral part of the series of drug dependency rehabilitation and cannot be considered as a stand-alone form of therapy, this is related to the general understanding that after addicts undergo a rehabilitation program at a rehabilitation center, they still need assistance so that

²²Nurhanisa, Dhea, and Ellies Sukmawati. "Social Functioning of Former Residents After Undergoing Therapeutic Community." *Anterior Journal* 24, no. 1 (2025): pp. 44-52.

the reintegration process into society can take place in accordance with the goal of being able to live a normative, independent and productive life.²³

Rehabilitation for drug addicts is an important strategy in law enforcement policies that prioritize humanitarian and recovery aspects over mere punishment. In this context, the effectiveness of rehabilitation needs to be reviewed not only from a technical implementation perspective, but also from a social, legal, and cultural perspective. Soerjono Soekanto's theory of legal effectiveness provides a relevant analytical framework for assessing the extent to which rehabilitation truly functions in achieving the goals of recovery and preventing drug abuse in society. According to Soerjono Soekanto, legal effectiveness depends on five main factors, namely: (1) legal factors or statutory regulations, (2) law enforcement factors, (3) facilities or infrastructure factors, (4) community factors, and (5) cultural factors. These five factors are interrelated and determine the extent to which legal norms can function properly in social life.

The legal factor itself relates to the clarity, consistency, and appropriateness of legal norms governing rehabilitation for drug addicts. Law Number 35 of 2009 concerning Narcotics provides a strong legal basis through Articles 54 and 55, which emphasize that addicts are required to undergo medical and social rehabilitation. However, in practice, there is still an overlap between rehabilitative and repressive approaches, as addicts are often treated as perpetrators of criminal acts, rather than as victims of addiction. This depends on the extent to which rehabilitation provisions are understood as an instrument of recovery, not punishment. If the law functions solely in a repressive manner without balancing the recovery aspect, then the goal of rehabilitation will be difficult to achieve. Soerjono Soekanto emphasized that effective law is law that aligns with society's legal awareness and social needs.

Law enforcement factors, including the police, prosecutors, judges, and officers from the National Narcotics Agency (BNN). Law enforcement plays a vital role in determining the direction of treatment for addicts, whether through rehabilitation or criminal prosecution. In reality, differing perceptions among law enforcement officials often lead to inconsistencies in the implementation of rehabilitation, thus reducing its effectiveness. Many cases show that addicts who should receive rehabilitation are instead imprisoned due to differing interpretations of the terms "possession" and "control" of narcotics. This demonstrates a weak understanding and implementation of the rehabilitative principles mandated by law. In Soerjono Soekanto's framework, the effectiveness of the law depends not only on written norms but also on the behavior of the officers who enforce them.

²³Manik, Jeanne Darc Noviyanti, Abrillioga Abrillioga, and Nur Intan Akuntari. "The Urgency of Implementing Rehabilitation for Drug Addicts and Victims of Drug Abuse by the National Narcotics Agency." *PROGRESSIVE: Journal of Law* 19, no. 1 (2025): pp. 80-101.

Facilities. The effectiveness of rehabilitation is largely determined by the availability of adequate medical and social rehabilitation facilities. In Indonesia, the number of rehabilitation institutions is still very limited and unevenly distributed, especially in remote areas. Many institutions lack professional staff such as psychiatrists, psychologists, and addiction counselors, thus hindering the optimal recovery process. Soerjono Soekanto argues that legal means serve as a support system for the effective implementation of legal norms. If rehabilitation facilities are inadequate, the implementation of legal norms on rehabilitation will be merely a formality. The success of rehabilitation is inseparable from the support of the community's health, social, and economic systems.

Community factors, namely the extent to which the community accepts and supports rehabilitation. The social stigma against addicts remains very strong, so many families are reluctant to report addicted family members. In fact, Article 55 of the Narcotics Law provides legal protection for parents who report their children for rehabilitation. Lack of public understanding causes rehabilitation to be less effective due to minimal public participation. In Soerjono Soekanto's theory, public legal awareness is a crucial measure of legal effectiveness. If the community lacks legal awareness, rehabilitation programs will not receive sufficient social support. Increasing public education about the dangers of narcotics and the importance of rehabilitation is key.

Cultural factors. The legal culture in Indonesian society, which still views addicts as "criminals," reflects a gap between formal legal values and evolving social values. Soerjono Soekanto emphasized that law cannot be separated from the culture of the society that gave birth to it. Therefore, successful rehabilitation requires a shift in the social paradigm from punishment to restoration. In societies with low levels of legal awareness, rehabilitation policies are often perceived as a sign of the state's weakness in eradicating narcotics. However, from a sociological perspective, rehabilitation is a more effective long-term prevention and recovery effort than imprisonment.

3.2. Ideal Law Enforcement Against Drug Addicts in the Future

In rehabilitation policies, drug addicts receive specialized treatment and/or care for health problems caused by drug abuse and to overcome dependency. As is the practice in prisons, first, detoxification is performed to remove toxins from the body through steam baths using traditional herbs, followed by therapy to eliminate dependency. Counseling and spiritual guidance are then provided. There has even been talk of implementing an after-rehabilitation program, a program

aimed at giving recovered former addicts the confidence to reintegrate into society.²⁴

Drug addicts do not receive this if they are placed in a regular correctional facility. However, such treatment and/or care are greatly needed by addicts. Based on the above, considering that criminal law reform is part of criminal policy, the criminal policy in determining sanctions contained in the provisions regarding drug addicts, with the issuance of new laws, indicates a step in national criminal law reform because, there is a change from the old concept to the new one which increasingly shows a shift from the goal of imposing criminal sanctions on drug addicts to a tendency to impose sanctions in the form of rehabilitation.

Rehabilitation is one of the government's efforts to combat drug abuse. This effort is an alternative measure, as drug abusers are also victims of drug addiction who require treatment or care. This treatment or care is provided through rehabilitation facilities. The determination of rehabilitation for drug addicts is an alternative punishment imposed by a judge and counted toward the time served.²⁵

The government has established regulations on narcotics in Law Number 35 of 2009 concerning Narcotics, which in Article 5 stipulates that the regulation of Narcotics in this Law includes all forms of activities and/or actions related to Narcotics and Narcotics Precursors.

In fact, there are regulations prohibiting drug abuse, but in reality, drug abuse still exists, and even now, the drug problem has become a serious problem for the Indonesian nation. This drug abuse is dangerous because it will have an impact on the user, where he will become addicted and his life will depend on narcotic substances. If not prevented (treated), the type of narcotic used will become stronger and the dose will be higher, thus worsening the condition of the addict.²⁶

Article 54 of Law Number 35 of 2009 concerning Narcotics, which stipulates: "Narcotics addicts and victims of narcotics abuse are required to undergo medical rehabilitation and social rehabilitation." Article 57 of Law Number 35 of 2009 states "In addition to medical treatment and/or rehabilitation, healing for narcotics addicts can be carried out by government agencies or the community through religious and traditional approaches."

The implementation of rehabilitation is the realization of a regulation this is very important because it can determine whether a regulation has been truly

²⁴Pangestu, Raden Mas Dimas, and R. Rahaditya. "The Urgency of Social Rehabilitation for Narcotics-Addicted Inmates in Correctional Institutions." *UNES Law Review* 6, no. 2 (2023): pp. 5802-5808.

²⁵Fajri, A. "Implementation of narcotics rehabilitation as an effort to treat inmates who abuse narcotics at the Class IIA Cibinong Prison." *Sociology Scientific Journal of Social and Cultural Studies* 25, no. 1 (2023): pp. 35-53.

²⁶SoedjonoDirdjosisworo. (2010). *Narcotics and Adolescents*. Bandung: Alumni, p. 24.

implemented or not. Law Number 35 of 2009 concerning narcotics has provided different treatment for perpetrators of drug abuse. Before this law was enacted, there was no different treatment between users, dealers, dealers, or producers of narcotics. Drug users or addicts are on the one hand perpetrators of criminal acts, but on the other hand are victims.²⁷

Drug rehabilitation should be viewed as a rehabilitative right, not a privilege reserved for certain individuals, to ensure the rights of suspects to be treated equally before the law and to undergo a fair process. However, discriminatory rehabilitation without transparent mechanisms can threaten these rights.

Rehabilitation is the restoration of a former (original) status (condition, good name), or Rehabilitation can also be defined as the repair of disabled body parts and so on for individuals (e.g. hospital patients, disaster victims) so that they become useful people and have a place in society. Rehabilitation is a program to help recover people who have chronic illnesses, both physically and psychologically.²⁸

Rehabilitation centers employ a variety of different methods for each patient, and treatment is tailored to the patient's specific illness and circumstances. Rehabilitation restores something to its original state, which was previously in good condition but, for some reason, became dysfunctional or damaged. When associated with disability, it is understood as the return of disabled individuals to their fullest potential, whether physically, mentally, personally, socially, vocationally, or economically, in accordance with their abilities. Coordination across these various fields is necessary, creating a closely interconnected process, a team effort toward the ultimate goal. Rehabilitation is used broadly, encompassing rehabilitation, which is defined as an effort to assist those with disabilities from birth or childhood.

The long-term benefits of drug rehabilitation include saving lives, leading a more positive, clean and sober life, long-term recovery, and improved health. Family involvement is crucial for drug addicts to truly break free from drug dependence. Families are the first line of defense for drug abuse victims, as they can provide all forms of specialized attention during the rehabilitation process. This strong support is expected to counteract the stigma that often plagues drug abusers undergoing rehabilitation. Stigma also makes abusers feel ashamed and reluctant

²⁷Kusno Adi. (2009). *Diversion as an Alternative Effort to Address Drug Crimes by Children*. Malang: UMM Press, p. 3

²⁸Mohamad, Amirrul Muhammad Shafie Nor, Muhamad Akif Mohd Shaid, and Muhammad Aiman Shamro. "Wrist Restoration System Project." *Multidisciplinary Applied Research and Innovation* 4, no. 2 (2023): p. 280-286.

to attend therapy. Therefore, social support from families is a solution to restoring the self-confidence of drug users.²⁹

Many families of addicts abandon their addiction once they've been placed in rehabilitation. They forget that addiction isn't just a physical problem; support from their environment, especially their family, is a source of strength in overcoming it. Stay united as a family and avoid forming factions, as when there's an addict in the family, factions of both supporters and opponents often form. Stay focused and united in helping the addict break free from addiction. With family support, it's hoped that this will reduce the number of addicts and create a drug-free Indonesia with a healthy and productive society.

Portugal provides a good example of this approach through its Commission for the Discussion of Drug Addiction (CDT), where the rehabilitation process is structured by an independent panel of legal, medical, and social experts. This approach ensures that rehabilitation decisions are made transparently while respecting the rights of the accused.³⁰

Recommendations for Drug Rehabilitation Policy in Indonesia Drug rehabilitation in Indonesia should be implemented through a fair and transparent court process, with the involvement of judges in the Integrated Assessment Team (TAT) to ensure respect for the principle of due process of law. The assessment mechanism needs to be improved with clear and public guidelines in each case to prevent abuse of authority.

Furthermore, the establishment of an independent oversight body is crucial to ensure that the rehabilitation process is conducted without discrimination and in accordance with criminal law. Rehabilitation should also be designed to provide equal recovery for all users, regardless of social status, by adopting a model like Portugal's that prioritizes independent panels. This policy must be in line with human rights standards to ensure fairness for all parties.

The implementation of drug rehabilitation in Indonesia must be based on the principles of criminal law and human rights, which guarantee justice, transparency, and equality. By learning from the experiences of other countries such as Portugal, Indonesia can develop a more humane yet accountable rehabilitation system. This reform is crucial for building public trust in the legal system and providing equal opportunities for recovery for all drug users.

²⁹Ramadhan, Dhiya Nabilah, Budi Muhammad Taftazani, and Nurliana Cipta Apsari. "Family Support Groups as a Form of Family Support for Drug Abusers." *Share: Social Work Journal* 14, no. 1 (2024): pp. 26-37.

³⁰Pakpahan, Hartato, I. Nyoman Nurjaya, Setiawan Nurdayasakti, and Nurini Aprilianda. "Reformulating Narcotics Control Policy for Self-Users: A Humanist Approach in Indonesian Law, the Netherlands, and Portugal." *Journal of Advanced Studies in Social Sciences* 2, no. 2 (2024). P. 22

Ideal law enforcement for drug addicts in the future must be oriented toward a humanitarian approach that positions addicts as victims of dependence, not as perpetrators of crime. This paradigm is based on the understanding that drug abuse is a public health problem that requires rehabilitative intervention, not simply criminal sanctions. In the context of modern law, the desired justice is not retribution, but rather individual recovery and social protection from the harmful effects of drugs.

Future law enforcement needs to prioritize the principle of limited decriminalization, where addicts proven to be using narcotics for personal gain are not immediately prosecuted but instead directed to medical and social rehabilitation centers. This step aligns with the spirit of Law Number 35 of 2009, which affirms rehabilitation as a right and obligation for addicts. However, implementation in the field is far from ideal, as law enforcement officials tend to focus more on enforcement than rehabilitation.

An ideal drug law policy demands a clear distinction between addicts, users, and dealers. Many cases demonstrate overlap between these three categories, resulting in addicts often being treated the same as dealers. This situation creates substantive injustice, as addicts truly require treatment, not punishment. Ideal law enforcement must be able to objectively distinguish between criminals seeking economic gain and individuals who are victims of addiction.

One of the main obstacles to realizing ideal law enforcement is the persistent repressive paradigm within law enforcement agencies. This paradigm needs to be replaced by a restorative justice-based approach, where the legal process emphasizes social restoration and rehabilitation rather than imprisonment. Restorative justice in the context of drug addiction can be achieved through collaboration between law enforcement officials, medical personnel, addiction counselors, and the addict's family.

Going forward, the Indonesian legal system needs to adopt a dual approach, a combination of public health policies and criminal law policies. The public health approach aims to prevent and mitigate the impact of drug abuse, while the legal approach is used to eradicate illicit trafficking networks. Thus, the law will no longer be a tool of oppression for addicts, but rather a means of protection and rehabilitation.

Portugal can be considered an example of a country that has successfully implemented a decriminalization approach to drug use. Since 2001, Portugal has abolished criminal penalties for individuals caught using small amounts of drugs. They are not imprisoned, but are required to attend an Addiction Prevention Commission consisting of medical personnel, psychologists, and social workers. This model has significantly reduced drug use and overdose deaths.

A comparison with Portugal demonstrates that a humanistic approach is far more effective in controlling drug abuse than repressive policies. Portugal demonstrated that addicts are not criminal threats, but rather individuals in need of social and medical support. Similar principles can be adapted in Indonesia, while still adhering to national social, cultural, and legal values based on Pancasila.

Ideal law enforcement in the future must strengthen coordination between institutions, such as the National Narcotics Agency (BNN), the Ministry of Health, the Police, and the Prosecutor's Office, so that rehabilitation is not merely symbolic. Cross-sector coordination allows for comprehensive treatment of addicts, from early detection and medical intervention to post-rehabilitation social reintegration. Such a system requires clear regulations and a clear division of roles among law enforcement agencies.

In addition to institutional aspects, ideal law enforcement also requires increased human resource capacity. Law enforcement officers need specialized training in recognizing the difference between addicts and dealers, as well as understanding the principles of medical rehabilitation. Without adequate understanding, sound legal policies will not be effectively implemented in the field.

Ideal law enforcement must also ensure equitable access to rehabilitation facilities across all regions. Currently, rehabilitation facilities in Indonesia are concentrated in large cities, making it difficult for addicts in remote areas to access recovery services. The government needs to establish community-based rehabilitation centers accessible to lower- and middle-income communities to achieve the principle of social justice.

In progressive legal theory, as proposed by Satjipto Rahardjo, law enforcement against drug addicts should be aimed at saving people from suffering, not increasing it through imprisonment. Living and beneficial law is one that places humans at the center of its orientation. Rehabilitation is a concrete manifestation of progressive law that prioritizes humanitarian values and substantive justice.

Furthermore, ideal law enforcement demands updating legislation to be more adaptive to a public health approach. For example, there is a need to revise articles in the Narcotics Law that are still open to multiple interpretations, particularly regarding the limits on narcotics quantities for personal possession. This ambiguity often leads to legal uncertainty and abuse of authority during investigations.

Future law enforcement must also utilize digital technology to support an integrated rehabilitation system. The government can develop a national database to monitor the rehabilitation process, relapse rates, and program effectiveness. This data will form the basis for evidence-based policy, enabling more targeted legal interventions.

Community participation is also a crucial element in ideal law enforcement against drug addicts. Communities must be involved in prevention, monitoring, and rehabilitation processes through a community-based approach. Programs such as "drug-free villages" can be strengthened with educational support and local rehabilitation facilities, thereby creating a social environment conducive to recovery for addicts.

The role of the family is equally crucial to the success of rehabilitation-based law enforcement. Many addicts fail to recover due to a lack of emotional and social support from their families. Therefore, the law must encourage the establishment of family support mechanisms integrated with rehabilitation programs to ensure a sustainable recovery process.

4. Conclusion

The effectiveness of rehabilitation sanctions for drug addicts reflects the depenalization policy that positions addicts as self-victimizing victims so that they are more appropriately restored through medical and social rehabilitation within the framework of a double track system as mandated by Law 35/2009, although its implementation is still hampered by weak coordination, limited facilities, and social stigma; ideal law enforcement in the future demands a shift in the repressive paradigm towards a public health approach through transparent integrated assessments, implementation of tiered rehabilitation programs from detoxification to aftercare, independent supervision, and strict separation between addicts, users, and dealers, supported by cross-institutional coordination, equal distribution of facilities, improvement of human resources, and participation of families and communities; this renewal based on the value of benefit and human rights is in line with Soerjono Soekanto's theory of legal effectiveness as well as international practices such as the Portugal model that positions addicts as patients in need of recovery, so that rehabilitation becomes a more humanistic, accountable, and effective criminal policy instrument in reducing dependency and recidivism.

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