

## Implementation of Sanctions and Rehabilitation Measures Against Narcotics Addicts from a Restorative Justice Perspective

**Bram Prima Putra<sup>1)</sup> & Andri Winjaya Laksana<sup>2)</sup>**

<sup>1)</sup>Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia,  
E-mail: [bramprimaputra.std@unissula.ac.id](mailto:bramprimaputra.std@unissula.ac.id)

<sup>2)</sup>Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia,  
E-mail: [andri.w@unissula.ac.id](mailto:andri.w@unissula.ac.id)

**Abstract.** *In line with this, narcotics abuse should take into account the application of restorative justice, which emphasizes that a person who commits a criminal act does not necessarily have to end up in prison as their punishment. The purpose of this research is to examine and analyze the implementation of rehabilitation sanctions for narcotics addicts from the perspective of restorative justice, to examine and analyze the weaknesses of current rehabilitation sanctions for narcotics addicts, and to examine and analyze the legal policy of rehabilitation sanctions for narcotics addicts in the future. This legal research is normative legal research, namely research that focuses on the study of legal norms or rules. Normative legal research examines legal norms or regulations as a system that is related to a legal event. The implementation of rehabilitation sanctions for narcotics addicts from the perspective of restorative justice is a legal measure that emphasizes recovery rather than mere punishment, with medical and social rehabilitation reinforced by mandatory reporting and integrated assessments by the National Narcotics Board (BNN). Through the Attorney General's Regulation No. 18 of 2021, prosecutors are given the authority to divert narcotics abuse cases to rehabilitate in order to restore addicts' conditions so they can function normally in society. However, its implementation remains weak because Law No. 35 of 2009 still emphasizes imprisonment, does not provide explicit authority for prosecutors to terminate prosecution based on restorative justice, and contains overlapping provisions that often result in addicts being treated the same as dealers. Furthermore, coordination among law enforcement agencies is still weak, rehabilitation facilities and human resources are limited, and social stigma along with the repressive paradigm of law enforcement hinders social reintegration. Therefore, future legal policy needs to be directed toward a more humanistic approach by clearly differentiating addicts from dealers, revising Law No. 35 of 2009 to make rehabilitation mandatory, strengthening prosecutorial discretion, expanding*

*rehabilitation facilities, and building cross-sectoral integration of law, health, and social services. In addition, transparent monitoring mechanisms, anti-stigma campaigns, and paradigm shifts between law enforcement and society are needed so that addicts are accepted as victims who must be restored.*

**Keywords:** *Justice; Narcotics; Rehabilitation; Restorative.*

## 1. Introduction

The Republic of Indonesia is a state of law based on Pancasila and the 1945 Constitution of the Republic of Indonesia, the Republic of Indonesia is also a democratic state that upholds the philosophy of the people, by the people, and for the people. Therefore, this country must guarantee that all its citizens receive equal treatment under the law and guarantee all the rights of Indonesian citizens to be given justice in the application of the law. The law has an important role in social life, not only in Indonesia but in all countries in the world have their own laws that they apply, both written and those that arise based on the culture of everyday life. Not all violations of the law or criminal acts are reprehensible acts, for example when driving a four-wheeled vehicle but not wearing a seat belt.<sup>1</sup>

Drug abuse (narcotics and illicit drugs) is currently a very complex and widespread problem in Indonesia. In general, drug abuse is widespread and often found among young people, the nation's future generation. This drug abuse can lead to drug dependence, which can result in a "periodic or chronic intoxication condition resulting from repeated use of drugs (natural or synthetic).

Treatment for drug addicts, drug abusers, and victims of drug abuse focuses on rehabilitation efforts through comprehensive and accountable assessment mechanisms. Its implementation aims to protect existing human resources, but not all drug abusers are sentenced to prison; rehabilitation is an alternative option.<sup>2</sup>

In cases of drug abuse, treatment can be through rehabilitation, especially for drug addicts undergoing legal proceedings. Articles 54 and 56 of the Narcotics Law mandate that drug addicts undergo rehabilitation. Both medical and social rehabilitation are mandatory for drug addicts, which are expected to restore them to health, productivity, freedom from crime, and the eradication of drug

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<sup>1</sup>Sri Endah Wahyuningsih, The Urgency of Reforming Indonesia's Material Criminal Law Based on the Values of Belief in the One Almighty God, Journal of Legal Reform, Volume I No.1 January-April 2014, pp. 19-23

<sup>2</sup>Ahmad Fauzi, M. Noor Fajar Al Arif F. "The Right to Medical Rehabilitation for Drug Abuse as a Form of Legal Equality with Drug Addicts Undergoing Legal Processes." ProBono & Community Service Journal 1, no. 2 (2022): 39-46

dependence. The time spent in rehabilitation is counted as a substitute for prison sentences.<sup>3</sup>

Rehabilitation focuses on the physical and mental recovery of drug users. Rehabilitation assistance for drug addicts and victims of drug abuse in Indonesia refers to the Joint Regulation on Handling Narcotics Addicts and Victims of Narcotics Abuse in Rehabilitation Institutions issued in 2014. Rehabilitation assistance also refers to Law No. 35 of 2009 concerning Narcotics and Government Regulation No. 25 of 2011. These two regulations ensure that drug users receive the necessary rehabilitation services and are no longer placed as perpetrators of criminal acts or criminals.<sup>4</sup>

In psychology, drug addicts/users are referred to as "addiction as sin," a term that views addictive behavior as a deviant from moral and religious teachings. Based on this view, addiction is a choice made by the individual concerned, and therefore, the most appropriate treatment is to rehabilitate the individual. The second view, "addiction as a disease," views addiction as a disease, similar to physical and mental (psychological) illnesses. Addicts are considered victims of their illness and therefore require assistance in the form of medication or treatment to overcome their addiction.<sup>5</sup>

The rampant distribution and abuse of narcotics in Indonesia is proven by the results of drug operations for 2 months in 2022, namely February and March, which have arrested 31 perpetrators, 26 kilograms of crystal methamphetamine were confiscated, 1,979 ecstasy pills, 8.5 grams of marijuana, 2 kilograms of TAC, up to 399 happy five pills were confiscated by the police (Ernes 2022) becoming a serious problem faced by society, especially if narcotics abuse by users can have very dangerous impacts on the body and psyche because the effect of narcotics itself is that it can create dependence on its users.

## **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

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<sup>3</sup>Intan Permata Sari, I Gusti Bagus Surwayan, I Nyoman Sudjana. "Law Enforcement Against Narcotics Addicts." *Journal of Legal Analogy* 1, no. 1 (2019): 104-109

<sup>4</sup>Toni Hidayat, Henny Andriyani Wirananda. "The Effect of Psychological Therapy and Physical Therapy in Rehabilitation Efforts for Drug Addicts at the Al Kamal Sibolangit Rehabilitation Center, Suka Makmur Village, North Sumatra." *Proceedings of the National Seminar on Research Results at Al Washliyah Muslim Nusantara University*, (2020): 622-629

<sup>5</sup>Panggalo, Iindarda S., and Yulianus M. Rombeallo. "Rehabilitation as a fulfillment of restorative justice for narcotics abuse at the BNN of Tana Toraja Regency." *UNES Law Review* 6, no. 3 (2024): 9226-9236.

according to law.<sup>6</sup> Normative legal research can also be defined as a technique or procedure for review based on several legal principles, legal rules, and legal principles related to the substance of general and specific laws and regulations. Normative legal research is legal research conducted by analyzing and examining primary and secondary literature.

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

#### **3.1. Implementation of Rehabilitation Sanctions for Drug Addicts from a Restorative Justice Perspective**

In handling narcotics, Indonesia has a law that regulates the problem of drug abuse, namely Law No. 35 of 2009 concerning Narcotics. Law No. 35 of 2009 stipulates the threat of severe penalties for producers, stores, and distributors of narcotics, including life imprisonment or the death penalty. However, Law No. 35 of 2009 also seeks to protect victims of drug abuse by providing them with the opportunity to undergo social and medical rehabilitation to free themselves from the shackles of narcotics.<sup>7</sup>

Then, in Article 55 of Law No. 35 of 2009 concerning narcotics, it is obligatory for narcotics addicts who are of legal age or parents/guardians of narcotics addicts who are not of legal age to report to community health centers, hospitals, and/or medical rehabilitation and social rehabilitation institutions appointed by the government.<sup>8</sup> The goal is to obtain treatment and/or care through medical rehabilitation and social rehabilitation.

In the second part of Law no. 35 of 2009 concerning Narcotics, Article 54 states that: Article 54 Narcotics Addicts and Narcotics Abusers are required to undergo medical rehabilitation and social rehabilitation. The explanation in Article 54 is that every person who is dependent on Narcotics is required to receive medical and social rehabilitation to cure the person (Narcotics addict), namely someone who consciously and intentionally consumes Narcotics on their own for themselves without any element of coercion, persuasion and / or being threatened to use narcotics. What is meant by "Victim of narcotics abuse" is someone who accidentally uses narcotics because they are persuaded, tricked, deceived, forced, and / or threatened to use narcotics. So they are required to receive both medical and social rehabilitation. In the medical rehabilitation

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<sup>6</sup>Mukti Fajar and Yulianto Achmad, *Dualism of Normative and Empirical Legal Research*, Fourth Edition, (Yogyakarta: Pustaka Pelajar 2017) p. 36

<sup>7</sup>Lina, Siti Rahma Irma Nova, Sherly M. Imam Slamet, and Indah Dwiprigitaningtias. "Legal Protection for Victims of Child Trafficking in Law Number 23 of 2002 in conjunction with Law Number 35 of 2014 concerning Child Protection." *Journal of Legal Dialectics* 1, no. 2 (2019): pp. 122-143.

<sup>8</sup>Maysarah, Maysarah. "Fulfillment of Human Rights in the Implementation of Rehabilitation Based on Law No. 35 of 2009 Concerning Narcotics." *SOSEK: Journal of Social and Economics* 1, no. 1 (2020): pp. 52-61.

process, there is a process that has been carried out by the BNN, namely with Methadone Terrapin Maintenance Treatment (PTRM), a healing process that uses a substitute or replacement substance, namely subutek, but this substance has a dependency effect so this substance is replaced with methadone which does not have a dependency effect, methadone is specifically intended for drug addicts who consume heroin and Injecting Drug Users (PENASUN). In other words, Injection Drug Users (IDU). Medical rehabilitation is carried out in hospitals designated by the Minister of Health, while social rehabilitation for drug addicts is carried out in social rehabilitation institutions designated by the Minister of Social Affairs. This refers to the places designated by the minister, namely Lido in Bogor and Makassar owned by the BNN which include medical rehabilitation and social rehabilitation, currently the central government through the Head of the BNN.<sup>9</sup>

BNN has implemented it by establishing a rehabilitation center, namely Lido in Bogor and Makassar, as a real thing that already exists in the rehabilitation treatment facilities for drug addicts, both medical rehabilitation and social rehabilitation. BNN carries out social rehabilitation in accordance with the existing Ministerial Decree and the continuity in the Ministry of Social Affairs to assist rehabilitation in the social sector. The importance of rehabilitation both from the social aspect, especially human rights, namely the right to life, this is an effort by the government so that people get welfare without the threat of narcotics dangers in the community, BNN tries as much as possible to socialize and provide advocacy so that people know the dangers of narcotics by signaling for guidance in the family sphere to the community sphere.

Furthermore, in special treatment for victims of drug abuse, especially users who are not dealers or producers, in a humane manner without criminal penalties (PP No. 25 of 2011 concerning mandatory reporting of victims of drug abuse), which begins with a medical and social rehabilitation process, so that victims of abuse are motivated to be enthusiastic about returning to life as before.<sup>10</sup>

Then based on Government Regulation No. 25 of 2011, Chapter I General Provisions Article 1, the definition of mandatory reporting is the activity of reporting oneself carried out by narcotics addicts who are of age or their families and/or parents or guardians of narcotics addicts who are not of age to institutions that receive mandatory reporting to receive treatment and/or care through medical rehabilitation and social rehabilitation.

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<sup>9</sup>Pambudi, Mhd Rio, Umi Rozah, and Rahmi Dwi Sutanti. "The Relevance of the Sanctions for Rehabilitating Drug Addicts to the Purpose of Criminalization." *Diponegoro Law Journal* 11, no. 2 (2022). Pp. 1-14

<sup>10</sup>*Ibid*

As a consequence, drug users are drug addicts who undergo treatment and/or care for drug addicts as stipulated by law and government regulations, where the determination of the period of treatment and care is determined by experts.<sup>11</sup>

Based on the decision of the Indonesian Minister of Health, number HK.02.021/MenKes/402/2014, there are five places in Jambi Province that are designated as mandatory reporting receiving institutions (IPWL) as well as rehabilitation places for drug addicts.

The rehabilitation program has the following stages: Medical rehabilitation stage This program is a form of treatment and care for residents who are addicted to drugs. This program includes: Detoxification is a program to remove toxins from the body caused by drug use. The method used is alternative therapy by consuming D5. D5 is a concoction of natural ingredients that functions to neutralize and remove toxins from the body, thereby eliminating withdrawal and suggestion.<sup>12</sup>

Medical treatment and care activities. These activities are carried out by doctors and nurses at the polyclinic if residents experience health problems. The polyclinic provides inpatient and outpatient programs for residents. Social rehabilitation phase: Social rehabilitation is a developmental activity aimed at guiding inmates to develop social attitudes and instill social skills so that they can reintegrate into society and prevent repeat drug abuse after release.

The Spiritual Rehabilitation Phase is an activity aimed at increasing devotion to God Almighty. This program includes religious activities covering Islam, Christianity, and Buddhism. The Skills Program provides intellectual and skills training that can support residents upon their release.<sup>13</sup>

Medical rehabilitation is a process of integrated treatment activities to free addicts from drug dependence, while social rehabilitation is a process of integrated recovery activities, both physical, mental and social, so that former drug addicts can return to carrying out social functions in community life.<sup>14</sup>

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<sup>11</sup>Mintarum, Ahadin, Vieta Imelda Cornelis, and Siti Marwiyah. "Rehabilitation for Narcotics Addicts as an Assessment Function." *COURT REVIEW: Journal of Legal Research* (e-ISSN: 2776-1916) 4, no. 03 (2024): pp. 60-93.

<sup>12</sup>Saefudin, Yusuf, and Gamalel Rifqi Samhudi. "Preventing Second Victimization Through Integrated Assessment for Drug Abuse Victims in Banyumas Regency." *Kosmik Hukum* 21, no. 3 (2021): p. 159.

<sup>13</sup>Dotrimensi, Dotrimensi, Ahmad Saefulloh, Eddy Lion, Offeny Offeny, and Ahmad Irfan Musthafa. "Analysis of the Implementation of Social and Religious Rehabilitation during the Covid-19 Pandemic." *FIKROTUNA: Journal of Islamic Education and Management* 10, no. 2 (2021): pp. 1909-1924.

<sup>14</sup>Delmiati, 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.

Furthermore, this stage of the rehabilitation program uses a spiritual approach and several alternative treatments, both traditional and modern, with activities carried out including regular urine tests, medical examinations and psychiatric observations.

### **3.2. Weaknesses of Current Rehabilitation Sanctions for Drug Addicts**

#### **1) Weaknesses of Legal Substance**

Substance (legal substance) is the output of the legal system, which is in the form of regulations and decisions used by both the regulating and regulated parties.<sup>15</sup>

In any case, termination of prosecution for the sake of restorative justice is possible. A case can be closed for legal reasons, including if an out-of-court settlement has been reached. This is commonly referred to as *afdoening buiten proces*. This process can be carried out under the following conditions: first, for a specific crime, the maximum fine must be paid voluntarily in accordance with statutory provisions; and second, there has been a restoration of the original situation using a restorative justice approach. In the event of the latter, the prosecutor will terminate the prosecution.

Based on Article 140 Paragraph (2) letter a of the Criminal Procedure Code, the public prosecutor can stop the prosecution, for the following reasons:<sup>16</sup> Termination of prosecution for technical reasons and termination of prosecution for policy reasons. Termination of prosecution for technical reasons, due to circumstances that cause the public prosecutor to make a decision not to prosecute, namely:

- a) If there is insufficient evidence;
- b) If the incident is not a criminal act;
- c) If the case is closed by law.

The article explains that the Public Prosecutor can terminate a prosecution if there is insufficient evidence or the case is not considered a crime. However, in practice, termination of prosecution by public prosecutors in drug abuse cases has largely not been implemented within the Indonesian criminal justice system.

Another weakness lies in Law Number 35 of 2009 concerning Narcotics, which is still oriented towards imprisonment. Article 127 paragraph (1), for example, states

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<sup>15</sup>Suyatno, Suyatno Suyatno. "Weaknesses of the Legal System Theory According to Lawrence M. Friedman in Indonesian Law." *IUS FACTI: Periodical Journal of the Faculty of Law, Bung Karno University 2*, no. 1 June (2023): pp. 197-205.

<sup>16</sup>Artadinata, Naomi, and Sahuri Lasmadi. "Regulation of Public Prosecutors in Handling Corruption Crimes Based on the Principle of *Dominus Litis*." *PAMPAS: Journal of Criminal Law 4*, no. 3 (2023): pp. 311-321.



that every narcotics abuser is subject to imprisonment, while provisions regarding rehabilitation are only implied in certain articles, such as Article 54 and Article 103, which are alternative in nature. This norm does not emphasize rehabilitation as an obligation, but rather as an option, thus opening up space for law enforcement officers to more frequently choose imprisonment over rehabilitation.

## 2) Weaknesses of Legal Structure

The legal structure is an institution created by the legal system with various functions to support its operation. This component allows us to see how the legal system provides services for the regular processing of legal materials. Elements of the legal structure are institutionalized within legal entities such as the structure of first-instance, appellate, and cassation courts, the number of judges, and the integrated justice system. Legal substance concerns the entire substance of legal rules containing norms, principles, and rules, both written and unwritten, including court decisions. Legal culture concerns attitudes, behavior, and values related to the law.

Coordination between law enforcement agencies in implementing rehabilitation remains weak. The Prosecutor's Office, police, the National Narcotics Agency (BNN), and rehabilitation institutions often operate within their own paradigms without uniform technical guidelines. As a result, despite the legal framework for rehabilitation, practices often vary depending on interpretations and regional policies.

Available rehabilitation facilities are also very limited. The number of rehabilitation centers is disproportionate to the high number of drug addicts in Indonesia. Many drug users end up in prison due to a lack of adequate rehabilitation facilities. This limitation demonstrates the weak structural readiness to implement rehabilitation sanctions broadly.<sup>17</sup>

Human resources in law enforcement agencies and rehabilitation institutions also do not fully understand the concept of restorative justice. The mindset of officers is still dominated by a repressive paradigm, making them reluctant to use rehabilitation mechanisms even when they are available. Lack of training and outreach are major inhibiting factors that lead to inconsistent rehabilitation implementation.

## 3) Weaknesses of Legal Culture

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<sup>17</sup>Hardinah, Hardinah, Nurul Qamar, and Baharuddin Badaru. "The Urgency of Implementing Rehabilitation for Narcotics Abusers in the Perspective of Law No. 35 of 2009 Concerning Narcotics." *Journal of Lex Theory (JLT)* 6, no. 1 (2025): pp. 55-71.



Culture (legal culture) which consists of values and attitudes that influence the working of the law, or what Friedman calls legal culture.<sup>18</sup> This legal culture serves as a bridge connecting legal regulations with the legal behavior of all citizens. Legal culture is an interrelated variable. Social forces create law, but they do not create it directly. On the one hand, legal awareness changes legal culture, legal culture changes the legal system, and the legal system influences the broader socio-economic and political systems. On the other hand, socio-economic and political pressures significantly influence legal awareness.

Law No. 35 of 2009 concerning Narcotics basically has 2 (two) sides, namely the humanist side towards narcotics addicts, and the hard and firm side towards narcotics dealers, meaning that Law No. 35 of 2009 concerning Narcotics guarantees punishment for addicts/victims of narcotics abuse in the form of rehabilitation, because basically they are victims, who must be cured, while for narcotics dealers the punishment is imprisonment and some are even given the death penalty, because they are considered very evil and can damage the nation's generation.<sup>19</sup>

In reality, there are always people who are addicted to narcotics, where the actions committed by the perpetrators in Law No. 35 of 2009 concerning Narcotics are sentenced to prison. When the prosecutor charges and in his demands using Article 127, the judge predominantly gives a prison sentence, as if not caring that the defendant is also a victim of the crime he committed, someone who must be helped to recover so that he is free from the clutches of narcotics that have addicted him, especially when the defendant plays a role not only as an abuser (addict) but also as a dealer (related to the illicit trafficking of narcotics).

### **3.3. Legal Policy on Sanctions and Rehabilitation Measures for Drug Addicts in the Future**

In the Netherlands, drug addiction policy is implemented with a clear distinction between users and dealers. The principle of *opportuniteitsbeginsel* (opportunitybeginsel) gives prosecutors broad discretion to decide whether a case merits prosecution in the public interest. In practice, drug addicts who possess only very small amounts of drugs for personal use are generally not prosecuted but are instead directed to health care and social rehabilitation programs. Well-known tolerance policies, such as the *Gedooftbeleid* (the "drug ban"), also apply

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<sup>18</sup>Oktavia, Ayu, and Nitaria Angkasa. "The Relationship between Social Change and Legal Change in an Open Legal System." *Siyasah Journal of Constitutional Law* 4, no. 2 (2024): p. 123-136.

<sup>19</sup>Puluhulawa, Irlan. "Clemency in Narcotics Cases Between Justice Policy and Law Enforcement Efforts." *Collegium Studiosum Journal* 7, no. 1 (2024): pp. 221-233.

to marijuana to a limited extent, allowing law enforcement to focus more on cracking down on distribution networks than on punishing small-time users.<sup>20</sup>

In Australia, rehabilitation measures for drug addicts are administered through a specialized court system known as Drug Court. This court operates on a problem-solving court model that integrates law enforcement with health services. Addicts convicted of minor offenses and not involved in serious crimes are diverted from prison to medical rehabilitation, counseling, close supervision, and regular drug testing. Evaluations of Drug Courts in New South Wales and Victoria have shown they are successful in reducing recidivism rates and are more cost-effective than incarcerating addicts.

Both countries emphasize that rehabilitation is not a form of leniency, but rather a serious sanction aimed at recovery. In the Netherlands, rehabilitation is implemented with the full support of the public health sector, while in Australia, rehabilitation is integrated with judicial mechanisms, ensuring strict oversight by judges. This approach demonstrates that rehabilitation sanctions can be effective if supported by clear regulations, adequate facilities, and cross-sector coordination between the legal, health, and social sectors.<sup>21</sup>

For Indonesia, the experiences of the Netherlands and Australia offer important lessons. First, there is the need for a clear distinction in the law between addicts and dealers, so that small-time users are not always treated as criminals. Second, the importance of establishing a court mechanism or special unit to oversee the rehabilitation process, so that rehabilitation is not merely a formality but is actually implemented consistently. Third, the state must ensure widespread access to medical and social rehabilitation services, so that addicts diverted from the criminal process truly receive adequate care.

By adopting these principles, Indonesia can strengthen its legal policy direction toward a more humane and effective approach. Mandatory rehabilitation for addicts not involved in drug trafficking networks, prosecutorial discretion to discontinue prosecution, and integration between the legal and health sectors could be key. The Dutch model, which emphasizes flexibility, and the Australian model, which emphasizes judicial oversight, could be combined to create a rehabilitation system that not only protects the public from the dangers of drugs but also rescues young people from the clutches of addiction.

Future legal policies regarding rehabilitation sanctions for drug addicts require a new direction that places greater emphasis on humanitarian and rehabilitation

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<sup>20</sup>Firmansyah, Hery, and Grace Bernadette Michelle. "Comparison of Drug Trafficking Eradication Strategies in Indonesia and the Netherlands." *Lex Generalis Law Journal* 5, no. 1 (2024).

<sup>21</sup>Situmeang, Sahat Maruli Tua, and Krusitha Meilan. "THE EVOLUTION OF CRIME AND PUNISHMENT: CHALLENGES IN LAW ENFORCEMENT AND MODERN PENOLOGY." *Res Nullius Law Journal* 7, no. 2 (2025): pp. 87-97.

aspects. To date, Indonesian positive law still places addicts in an ambiguous position, on the one hand recognized as victims of addiction, but on the other hand still subjected to criminal penalties. This situation creates contradictions that result in legal uncertainty and the failure to achieve rehabilitation goals. Therefore, policy reform is urgently needed to ensure the legal system truly favors human salvation, not merely punishment.<sup>22</sup>

Rehabilitation policies demand a comprehensive revision of Law No. 35 of 2009 concerning Narcotics. Article 127, which currently emphasizes imprisonment, must be reformulated to make rehabilitation a legal obligation for addicts, not simply an alternative. This formulation eliminates the need for law enforcement to equate addicts with dealers, thus providing a clearer and more legally sound orientation for recovery.<sup>23</sup>

In addition to legal revisions, policy reforms must also strengthen prosecutors' discretion in the context of restorative justice. Prosecutors, as *dominus litis*, must be given explicit authority to discontinue prosecution of certain drug cases on the basis of rehabilitation. This step will expedite the rehabilitation process without the need for lengthy trials and reduce the burden on correctional institutions. This discretion must also be limited by national guidelines to prevent abuse of authority.

Future legal policies must also expand rehabilitation infrastructure. Currently, the number and quality of rehabilitation institutions are far from adequate compared to the high number of drug addicts. The state needs to prioritize rehabilitation by establishing affordable, professional, and equitable rehabilitation centers across various regions. This is crucial to prevent drug abusers from being sent to prison simply because of limited rehabilitation facilities.

#### **4. Conclusion**

The implementation of rehabilitation sanctions for drug addicts from a restorative justice perspective is a legal step that emphasizes recovery, not just punishment. Although Law No. 35 of 2009 still carries the threat of imprisonment, the regulation also provides for medical and social rehabilitation, reinforced by mandatory reporting and integrated assessments by the National Narcotics Agency (BNN). Through Attorney General's Guidelines No. 18 of 2021, prosecutors, as *dominus litis*, are authorized to divert drug abuse cases to rehabilitation, as is the practice in various prosecutorial offices. Rehabilitation

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<sup>22</sup>Afrizal, Riki, and Iwan Kurniawan. "Rehabilitation as an action in the National Criminal Code and its implications for the legal policy of preventing and overcoming narcotics abuse." *Unes Journal of Swara Justisia* 8, no. 3 (2024): pp. 666-675.

<sup>23</sup>Widanarko, Agus, Suparwi Suparwi, and Hafid Zakariya. "An Empirical Legal Review of Community Stigma Towards Drug Addicts After Rehabilitation." *BEVINDING JOURNAL* 3, no. 01 (2025): pp. 18-28.

encompasses medical, social, and spiritual stages, including skills development, with the goal of restoring addicts to normal functioning in society. However, its successful implementation depends heavily on consistent regulations, the availability of facilities, support from officials, and social acceptance to eliminate stigma. Thus, restorative justice-based rehabilitation is expected to create a more humane, responsive, and equitable legal system in handling drug cases in Indonesia.

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