

Construction of Law Enforcement Against Narcotics Abuse Based on Legal Certainty

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Abstract. *This study aims to analyze the current construction of law enforcement against drug abuse, identify weaknesses that affect legal certainty, and formulate an ideal law enforcement construction based on legal certainty. This study uses empirical legal methods with legislative, conceptual, case, and empirical approaches. Data were obtained through interviews, literature studies, and analysis of laws and regulations, court decisions, and related documents analyzed descriptively and qualitatively. The results show that law enforcement against drug abuse in the Bareleng Police Department area is still dominated by a repressive approach, thus not fully realizing legal certainty for drug abusers. The main weaknesses found are unclear classifications between abusers and dealers, the use of discretion that has not been standardized, and suboptimal coordination between law enforcement agencies. This study proposes a construction of law enforcement based on legal certainty through standardization of perpetrator classifications, strengthening rehabilitation mechanisms as a form of legal protection for abusers, and developing uniform guidelines for the use of discretion. Thus, law enforcement in the field of narcotics is expected to be more consistent, proportional, and oriented towards justice and legal certainty.*

Keywords: Abuse; Discretion; Law; Legal; Rehabilitation.

1. Introduction

Drug abuse remains a complex legal issue in Indonesia, as it encompasses not only criminal activity but also health, social, economic, and human rights aspects. Drug crimes have multidimensional impacts that threaten the quality of human resources, social resilience, and national stability. Therefore, drug prevention policies cannot focus solely on eradicating crime through criminal penalties, but must also address rehabilitation efforts for drug abusers, who in certain circumstances become victims of addiction. From the perspective of a state based on the rule of law, law enforcement must achieve a balance between legal

certainty, justice, and expediency to optimally achieve the goals of legal protection.¹

Normatively, Indonesia has regulated drug prevention policies through Law Number 35 of 2009 concerning Narcotics, which adopts a dual-track system of criminalization and rehabilitation. The provisions of Articles 54, 55, and 103 of the Narcotics Law provide the legal basis for the implementation of medical and social rehabilitation for drug addicts and victims of drug abuse. However, the implementation of these norms still faces various obstacles. In law enforcement practice, a repressive approach through criminalization remains more dominant than the rehabilitative approach mandated by law. This situation indicates a gap between the normative construction that prioritizes balanced treatment and the reality of law enforcement in the field.²

These issues have resulted in a lack of legal certainty in handling drug abuse cases. Disparities in treatment of cases with similar characteristics persist, particularly in determining whether someone is categorized as a drug abuser entitled to rehabilitation or a criminal offender subject to imprisonment. Differences in interpretation of evidence, assessment results, and the use of discretion by law enforcement officials have the potential to lead to disparities in case handling. This situation not only impacts the effectiveness of law enforcement but also creates legal uncertainty and potentially undermines public trust in the drug criminal justice system.³

The urgency of this research becomes even more relevant when linked to the empirical conditions of drug abuse which is still high in Indonesia. Based on the 2023 Drug Abuse Prevalence Survey published by the National Narcotics Agency of the Republic of Indonesia, the prevalence of drug abuse reached around 1.73% or equivalent to 3.3 million people aged 15–64 years. One of the areas with a high level of vulnerability to illicit drug trafficking is Batam City due to its geographic location directly bordering Singapore and Malaysia and being on a strategic international trade route. Data from the Barelang Police Narcotics Investigation Unit in 2025 showed that 93 narcotics cases had been uncovered with 128 suspects and evidence in the form of 15,503.01 grams of methamphetamine, 2,093.42 grams of marijuana, 1,013 ecstasy pills, and liquid narcotics of 1,848.3933

¹Daris Warsito, DS (2018). The Criminalization System for Narcotics Abusers. *Jurnal Daulat Hukum*, 1(1).

²Saraya, S., & Handayani, Y. (2022). Rehabilitation of Drug Abusers with a Double Track System in Criminal Justice in Indonesia. *ADIL Indonesia Journal*, 4(2).

³Oktaviana, MR, Masyhar, A., & Wulandari, C. (2026). Sentencing Disparity and the Reformulation of Rehabilitation Policy for Narcotics Users Under Law Number 35 of 2009 and the Indonesian National Criminal Code. *Al-Risalah Journal of Sharia and Legal Sciences*.

Mg/ML. The high figure shows that the Batam region faces serious challenges in efforts to eradicate narcotics as well as legal protection for narcotics abusers.⁴

Extensive research has been conducted on law enforcement and the rehabilitation of drug abusers. Daris Warsito highlighted the dominance of the criminal justice system in the drug abuse punishment system. Saraya and Handayani examined the implementation of the double-track system in the punishment of drug abusers. Meanwhile, Angrayni and Yusliati examined the effectiveness of drug addict rehabilitation at the Batam National Narcotics Agency (BNN) Rehabilitation Center. These studies have made important contributions to the development of rehabilitation policies and drug punishment systems. However, most research still focuses on the effectiveness of rehabilitation or partial policy implementation. Previous research has not comprehensively examined the construction of law enforcement against drug abuse from the perspective of legal substance, legal structure, and legal culture, which are linked to the principle of legal certainty in law enforcement practices in border areas.⁵

Based on these conditions, there is an academic need to examine in more depth the construction of law enforcement against drug abuse based on legal certainty. The novelty of this research lies in the integrative analysis of the legal substance, legal structure, and legal culture aspects in the practice of law enforcement against drug abuse in the jurisdiction of the Bareleng Police. In addition, this research offers a reconstruction of law enforcement through standardization of classification between abusers and dealers, strengthening rehabilitation mechanisms, and the development of guidelines for the use of more measured discretion to ensure consistent law enforcement. Thus, this research is expected to provide theoretical contributions to the development of criminal law and drug law enforcement and provide practical recommendations for law enforcement officials in realizing a fairer, more consistent, and more legal certainty-based law enforcement system. Therefore, this research aims to analyze and formulate the construction of law enforcement against drug abuse based on legal certainty.

2. Research Methods

This research is an empirical legal research with descriptive-analytical specifications that aims to analyze the construction of law enforcement against narcotics abuse, identify weaknesses in law enforcement practices, and formulate a law enforcement construction based on legal certainty. The research was conducted in the jurisdiction of the Bareleng Police, Batam City, Riau Islands Province. The selection of the research location was based on the characteristics

⁴National Narcotics Agency of the Republic of Indonesia. (2023). 2023 Narcotics Abuse Prevalence Survey; 2025 Bareleng Police Narcotics Unit Data.

⁵Angrayni, L., & Yusliati. (2019). Effectiveness of Drug Addict Rehabilitation (Study at the BNN Batam Rehabilitation Center). *Jurnal Hukum Respublica*.

of Batam City as a border region with a high level of vulnerability to narcotics distribution and abuse, making it relevant to the research focus.

The approaches used include a statutory approach, a conceptual approach, and a sociological approach. The statutory approach is used to examine various regulations related to law enforcement against drug abuse, particularly Law Number 35 of 2009 concerning Narcotics and other related regulations. The conceptual approach is used to analyze the concepts of law enforcement, drug abuse, rehabilitation, and legal certainty as the theoretical basis of the research. Meanwhile, the sociological approach is used to examine the implementation of law in practice through the behavior and actions of law enforcement officers in handling drug abuse cases.

The research data sources consist of primary and secondary data. Primary data were obtained through interviews with law enforcement officers directly involved in handling drug abuse cases within the Bareleng Police Department. Secondary data were obtained through literature review of primary legal materials in the form of laws and regulations, secondary legal materials in the form of books, scientific journals, research results, official reports, and relevant documents, as well as tertiary legal materials that support understanding of the legal concepts and terminology used in the research. Data collection was conducted through interviews, literature review, and documentation of various documents and statistical data related to the handling of drug cases.

The data obtained were analyzed qualitatively through the stages of data reduction, data presentation, and conclusion drawing. The analysis was conducted by integrating empirical data from field research with statutory provisions, legal theory, and relevant concepts to obtain an overview of the current law enforcement structure for drug abuse, identify weaknesses that affect legal certainty, and formulate a more consistent, proportional, and legal certainty-based law enforcement structure.

3. Results and Discussion

3.1 Current Construction of Law Enforcement against Narcotics Abuse

The results of the study show that the construction of law enforcement against narcotics abuse in the jurisdiction of the Bareleng Police is still dominated by a repressive approach oriented towards punishment, even though normatively Law Number 35 of 2009 concerning Narcotics has accommodated a rehabilitative approach through medical rehabilitation and social rehabilitation mechanisms.⁶This condition shows a gap between the applicable legal norms (*das sollen*) and law enforcement practices (*das sein*), particularly in determining the

⁶Indonesia, Law Number 35 of 2009 concerning Narcotics, specifically Article 54 and Article 103.

position of drug abusers as perpetrators of criminal acts or as individuals who require recovery through rehabilitation.

Research findings indicate that the law enforcement process for drug abuse begins with the construction of a classification of suspects as abusers or dealers. However, Law Number 35 of 2009 concerning Narcotics does not provide clear parameters regarding the boundaries between these two categories. In practice, law enforcement officers use various indicators such as the amount of evidence, urine test results, assessment results, suspect confessions, and alleged involvement in drug trafficking networks. The absence of measurable standards causes case classification to rely heavily on the interpretation of law enforcement officers. As a result, cases with similar characteristics have the potential to receive different legal treatment. This condition indicates that the applicable legal substance is not yet fully capable of providing legal certainty because it still leaves room for multiple interpretations in its application.⁷

These issues directly impact the implementation of rehabilitation for drug abusers. Although Article 54 of Law Number 35 of 2009 affirms the obligation to rehabilitate drug addicts and victims of drug abuse, research shows that most cases are still directed towards criminal prosecution through the criminal justice process. This finding aligns with research by Daris Warsito, who concluded that the drug law enforcement system in Indonesia still tends to position drug abusers as objects of punishment rather than subjects of rehabilitation.⁸ The dominance of this repressive approach shows that the punishment paradigm is still the main orientation of law enforcement officers in handling narcotics cases.

From the perspective of Lawrence M. Friedman's legal system theory, this condition shows that there are problems that occur simultaneously in the aspects of legal substance, legal structure, and legal culture.⁹ In terms of legal substance, the unclear parameters for classifying drug abusers and dealers have led to differing interpretations of the law's application. In terms of legal structure, the use of discretion by law enforcement officers is not supported by standardized guidelines, resulting in relatively high variation in case handling. Meanwhile, in terms of legal culture, the prevailing view persists that the success of drug law enforcement is measured by the number of offenders sentenced to prison, rather than by the success of rehabilitation or recovery for drug abusers.

Research findings also indicate that discretion plays a very dominant role in determining the direction of case handling. Discretion is used in the process of

⁷Jan M. Otto, "Real Legal Certainty and Its Relevance," *The Hague Journal on the Rule of Law*, Vol. 1, No. 1, 2009, p. 20–22.

⁸Daris Warsito, DS, "The Penalty System for Narcotics Abusers," *Jurnal Daulat Hukum*, Vol. 1, No. 1, 2018.

⁹Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975), p. 15–17.

suspect classification, assessment, determining applicable articles, and even rehabilitation recommendations. Conceptually, discretion is necessary to address the complexity of cases, which cannot all be regulated in detail by legislation. However, the use of discretion without objective parameters has the potential to lead to inconsistencies and disparities in case handling. From a legal certainty perspective, this condition indicates a lack of legal predictability because the public cannot predict with certainty how the law will be applied to cases with similar characteristics.¹⁰

Furthermore, the effectiveness of law enforcement is also influenced by coordination between institutions within the criminal justice system. Research shows that coordination between the police, prosecutors, courts, and rehabilitation institutions remains administrative in nature and has not yet fully achieved a shared understanding of how to handle drug abusers. Differences in interpretation regarding the application of rehabilitation and the use of specific articles have led to a fragmented and unintegrated approach to law enforcement. Consequently, the criminal justice system's goal of achieving legal certainty and consistent law enforcement has not been optimally achieved.¹¹

Based on these findings, it can be analyzed that the current law enforcement framework for drug abuse is still characterized by unclear legal classifications, a dominant repressive approach, unstandardized discretion, and weak coordination between criminal justice subsystems. These conditions indicate that the current law enforcement system is not yet fully capable of guaranteeing legal certainty for drug abusers. Therefore, a more measured, consistent, and integrated reform of the law enforcement framework is needed so that the goals of rehabilitation and legal certainty as mandated by Law Number 35 of 2009 can be effectively realized.

3.2 Weaknesses in the Construction of Law Enforcement against Drug Abuse

The research findings indicate that the weaknesses in law enforcement regarding drug abuse within the Bareleng Police jurisdiction stem not only from normative aspects but also from institutional weaknesses and legal culture. These issues demonstrate that narcotics law enforcement must be understood as a system comprising interrelated legal substance, legal structure, and legal culture. When any one element fails to function optimally, the legal objectives of achieving certainty, justice, and benefit will be difficult to achieve.¹² Research findings show that these three elements still face various obstacles which cause the

¹⁰Jan M. Otto, "Real Legal Certainty and Its Relevance," *The Hague Journal on the Rule of Law*, Vol. 1, No. 1, 2009, p. 25.

¹¹Saraya and Handayani, "Rehabilitation of Drug Abusers Using a Double Track System in Criminal Justice in Indonesia," *ADIL Indonesia Journal*, Vol. 4, No. 2, 2022.

¹²Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975), p. 15–17.

implementation of rehabilitation policies for drug abusers to not be carried out consistently.

1) Weaknesses in the Legal Substance Aspect

The first weakness lies in the legal substance that underpins narcotics law enforcement. Law No. 35 of 2009 concerning Narcotics does distinguish between drug abusers and illicit traffickers, but it does not provide clear boundaries for the two.¹³As a result, law enforcement officials have considerable latitude for interpretation when determining an individual's legal status. Field findings indicate that cases with relatively similar characteristics can result in different treatments, both through rehabilitation mechanisms and the criminal process. This situation demonstrates that existing legal norms are unable to provide objective and uniform standards in practice.

From the perspective of legal certainty, the law should provide rules that are clear, consistent, and predictable to society.¹⁴However, the lack of clarity in narcotics regulations opens up room for multiple interpretations, potentially leading to disparities in case handling. This issue relates not only to the classification of abusers and dealers, but also to the requirements and mechanisms for implementing rehabilitation, which have not been comprehensively formulated.

Article 54 of Law Number 35 of 2009 stipulates that drug addicts and victims of drug abuse are required to undergo medical and social rehabilitation. However, research shows that the implementation of this provision is still heavily dependent on assessment results and interpretations by law enforcement officials. This situation means that rehabilitation is not yet a right that can be accessed with certainty by every drug abuser who meets certain criteria. Research conducted by Saraya and Handayani also shows that the implementation of rehabilitation in the drug criminal justice system still faces inconsistencies due to the lack of uniform parameters in law enforcement practices.¹⁵

Furthermore, the normative construction of narcotics law still demonstrates the dominance of the penal paradigm. Although a rehabilitative approach has been incorporated, the threat of relatively severe penalties remains the primary orientation within the regulatory structure. Consequently, law enforcement officials tend to prefer a repressive approach, perceived as providing easier procedural certainty than rehabilitation mechanisms. Thus, the substantive

¹³Indonesia, Law Number 35 of 2009 concerning Narcotics.

¹⁴Gustav Radbruch, *Legal Philosophy*, translated by Kurt Wilk (Cambridge: Harvard University Press, 1950), p. 107.

¹⁵Saraya & Handayani, "Rehabilitation of Drug Abusers with a Double Track System in Criminal Justice in Indonesia," *ADIL Indonesia Journal*, Vol. 4, No. 2, 2022.

weakness of the law lies not only in unclear norms but also in the imbalance in policy orientation between punishment and rehabilitation.

2) Weaknesses in the Legal Structure Aspect

The second weakness was found in the legal structure, which encompasses law enforcement officers and institutions. Research shows that there are still differences in interpretation between the police, prosecutors, and courts in determining the status of drug abusers and their eligibility for rehabilitation. These differences lead to inconsistent case handling at each stage of the criminal justice system.

According to Friedman, the effectiveness of law is not only determined by the quality of legal norms, but also by the ability of legal institutions to apply these norms consistently.¹⁶In the context of this research, law implementation is still heavily influenced by the subjectivity of law enforcement officials. One form of this is evident in the use of discretion that lacks standardized operational guidelines.

Theoretically, discretion is necessary to provide flexibility in dealing with complex cases. However, the use of discretion without clear parameters has the potential to create legal uncertainty and disparate treatment of cases with similar characteristics.¹⁷The research results show that decisions regarding rehabilitation or punishment often depend on subjective considerations of officers, resulting in quite significant variations in case handling.

Another problem identified is the suboptimal coordination between law enforcement agencies. Handling narcotics cases involves the police, the National Narcotics Agency, the prosecutor's office, the courts, and rehabilitation institutions. However, this coordination remains administrative in nature and has not yet fully achieved a shared understanding of how to handle drug abusers. As a result, rehabilitation recommendations made during the investigation stage do not always align with prosecutors' demands or court decisions.

The weakness of the legal structure is also evident in the limited number of rehabilitation facilities and integrated assessment teams. The availability of rehabilitation facilities, which is not commensurate with the number of drug abusers, results in less than optimal implementation of the rehabilitation approach. This situation ultimately encourages authorities to prefer criminal prosecution, as it is considered easier to implement in practice. Thus, the unintegrated legal structure and inadequate support for adequate facilities are

¹⁶Lawrence M. Friedman, *American Law: An Introduction* (New York: W.W. Norton & Company, 1984), p. 6–8.

¹⁷Soerjono Soekanto, *Factors Influencing Law Enforcement* (Jakarta: RajaGrafindo Persada, 2014), pp. 8–9.

significant factors hindering the achievement of legal certainty in handling drug abuse.

3) Weaknesses in the Legal Culture Aspect

The third weakness relates to the legal culture that has developed among law enforcement officials and the public. Research shows that the punishment paradigm remains dominant in handling drug cases. Drug abusers are more often viewed as criminals who must be punished rather than individuals in need of recovery through rehabilitation.

The dominance of this repressive approach indicates that the legal culture of law enforcement officers remains oriented toward achieving enforcement indicators, such as the number of cases processed or the number of suspects successfully brought to justice. This condition aligns with Warsito's research, which concluded that a criminal orientation remains the primary approach in drug law enforcement practices in Indonesia.¹⁸As a result, rehabilitation policies that have been regulated in legislation have not yet received optimal implementation space.

The legal culture of society also influences the construction of law enforcement. The stigma persists that drug abusers are criminals who must receive prison sentences. This perception often leads to rehabilitation being viewed as a form of leniency, rather than as a restorative tool that is part of modern criminal justice policy. Yet, various studies have shown that a rehabilitative approach is more effective in reducing recidivism rates than a purely punitive approach.¹⁹

In Friedman's perspective, legal culture is a factor that determines whether legal norms can work effectively in society.²⁰Therefore, even if the substance of the law accommodates rehabilitation, its implementation will be difficult if the legal culture of officials and society is still dominated by a repressive paradigm. Research findings indicate that inconsistencies in the implementation of rehabilitation are ultimately caused not only by weaknesses in legal norms or institutions, but also by the strong culture of punishment that remains entrenched in drug law enforcement practices.

Based on these findings, it can be analyzed that the weaknesses in law enforcement regarding drug abuse are systemic, involving weaknesses in legal substance, legal structure, and legal culture simultaneously. Unclear norms, the use of unstandardized discretion, weak inter-agency coordination, limited rehabilitation facilities, and the dominance of a repressive paradigm have resulted

¹⁸Daris S. Warsito, "The Penalty System for Narcotics Abusers," *Jurnal Daulat Hukum*, Vol. 1, No. 1, 2018.

¹⁹Muhammad Mustofa, "Rehabilitation Approach in Drug Abuse Prevention Policy," *Ius Quia Iustum Law Journal*, Vol. 26, No. 3, 2019.

²⁰Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975), p. 17.

in the goal of legal certainty not being optimally realized. These findings also serve as an argumentative basis for the need for reconstruction of narcotics law enforcement that focuses not only on regulatory reform but also includes institutional strengthening and transformation of legal culture toward a more rehabilitative, consistent, and legal certainty-based approach.

3.3 Construction of Law Enforcement against Narcotics Abuse Based on Legal Certainty

The research findings indicate that various weaknesses in law enforcement against drug abuse within the Bareleng Police jurisdiction cannot be resolved solely by increasing the intensity of criminal prosecution. The identified problems are systemic in nature, stemming from unclear legal norms, differing interpretations among law enforcement officials, the use of discretion that has not been standardized, weak coordination between institutions, and the lack of a legal culture that supports the consistent implementation of rehabilitation. These conditions result in inconsistent case handling, thus preventing the full realization of the goal of legal certainty as mandated by the rule of law.²¹

From the perspective of the theory of legal certainty, law is not only understood as the existence of written norms, but also as a guarantee that these norms are applied consistently, predictably, and provide equal treatment to cases with similar characteristics.²² Research findings indicate that drug abuse cases with relatively similar circumstances can result in different treatments, both in determining the status of the abuser or dealer and in the awarding of rehabilitation or imprisonment. These differences demonstrate the persistent gap between *das sollen* and *das sein* in drug law enforcement practices.

Normatively, Law Number 35 of 2009 concerning Narcotics has provided space for a rehabilitative approach through mandatory medical rehabilitation and social rehabilitation for addicts and victims of narcotics abuse.²³ However, research shows that the implementation of these provisions has not been optimal due to the lack of clear parameters regarding the classification of drug abusers and dealers, the lack of uniform guidelines for the use of discretion, and the continued strong repressive orientation in law enforcement practices. As a result, rehabilitation, which should be a tool for recovery, often loses out to the criminal approach.

These findings indicate that the reconstruction of law enforcement against narcotics abuse must be carried out comprehensively through improvements to

²¹Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975), p. 15–17.

²²Jan Michiel Otto, "Real Legal Certainty and Its Relevance," *The Hague Journal on the Rule of Law* Vol. 1, No. 1 (2009), p. 20–26.

²³Indonesia, Law Number 35 of 2009 concerning Narcotics, Article 54.

the legal substance, legal structure, and legal culture aspects as stated by Lawrence M. Friedman.²⁴ This reconstruction not only aims to increase the effectiveness of narcotics eradication, but also guarantees proportional protection of the legal rights of narcotics abusers and provides legal certainty in every stage of the criminal justice process.

For comparison, several countries in Southeast Asia have developed more measurable models for handling drug abuse. Singapore implements a relatively strict classification system and handling procedures, ensuring consistent law enforcement. Malaysia has begun strengthening its rehabilitative approach through recovery programs for drug users, while Thailand has developed a public health approach through rehabilitation and social recovery.²⁵ Despite their differing legal systems, the experiences of these countries demonstrate that legal certainty is significantly influenced by clear norms, standardized procedures, and strong coordination between law enforcement agencies and rehabilitation institutions. These findings are relevant as a reference in formulating a reconstruction of drug law enforcement in Indonesia, without ignoring the characteristics of the national legal system.

Based on empirical findings and theoretical analysis, this study offers a construction model for law enforcement against narcotics abuse based on legal certainty consisting of five main components.

First, standardize the classification of drug abusers and dealers through clear and measurable legal parameters. Research shows that unclear classifications are a major source of inconsistencies in case handling. Therefore, objective indicators are needed, such as the amount of evidence, integrated assessment results, level of dependency, and involvement in drug trafficking networks. This standardization will reduce the room for multiple interpretations and increase consistency in law enforcement.²⁶

Second, establishing objective and accountable guidelines for the use of discretion. Research shows that discretion plays a central role in determining the direction of case handling, yet its use is still heavily influenced by the subjectivity of officials. Therefore, guidelines are needed that regulate the conditions for the use of discretion, decision-making procedures, oversight mechanisms, and forms

²⁴Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975), p. 15–17.

²⁵United Nations Office on Drugs and Crime (UNODC), *Drug Policies in Southeast Asia: Regional Overview* (Bangkok: UNODC Regional Office, 2022), p. 21; Kumar Ramakrishna, "Singapore's Drug Control Policy and Legal Certainty," *Asian Security Review* Vol. 14, no. 2 (2021), p. 88; Ahmad Faizal Abdul Rahman, "Drug Rehabilitation Policy in Malaysia," *Malayan Law Journal* Vol. 6, no. 1 (2020), p. 44; Viroj Booncherd, "Drug Policy Reform in Thailand: From Punitive Approach to Public Health Orientation," *Asian Journal of Criminology* Vol. 17, no. 2 (2022), p. 149.

²⁶Jan Michiel Otto, "Real Legal Certainty and Its Relevance," *The Hague Journal on the Rule of Law* Vol. 1, No. 1 (2009), p. 24–25.

of legal accountability. This way, discretion can continue to be used as an instrument of substantive justice without sacrificing legal certainty.

Third, strengthening the integrated assessment system and integrating penal and rehabilitative approaches. Drug users proven to be dependent should be prioritized for rehabilitation based on objective and transparent assessments, while those involved in illicit trafficking should remain subject to strict criminal sanctions. This model reflects a balance between protecting society from drug crimes and protecting the rights of drug users as individuals in need of recovery.²⁷

Fourth, strengthening coordination between institutions within the criminal justice system. Research shows that differing perceptions among the police, prosecutors, courts, the National Narcotics Agency, and rehabilitation institutions are a major cause of inconsistencies in case handling. Therefore, joint guidelines, an integrated assessment system, and a more substantive coordination mechanism are needed to ensure uniform application of the law from the investigation stage to the execution of the verdict.

Fifth, developing a legal culture that supports a proportional rehabilitative approach. Regulatory and institutional changes will not be effective without a paradigm shift among law enforcement officials and the public. Drug abusers must be understood not merely as criminals but also as individuals with the right to recovery if proven dependent. Therefore, law enforcement should not be solely oriented toward punishment (punitive approach) but also toward balanced recovery (rehabilitative approach).²⁸

The model is based on empirical findings within the Bareleng Police jurisdiction and is designed to directly address the weaknesses identified in drug abuse law enforcement practices. Therefore, constructing legal certainty-based drug abuse law enforcement must be understood as a comprehensive reconstruction of the narcotics legal system. This reconstruction is necessary to bridge the gap between legal norms and law enforcement practices, while simultaneously realizing a more consistent, objective, and fair criminal justice system that provides legal certainty for all parties in conflict with the law.

4. Conclusion

This study shows that the current construction of law enforcement against drug abuse in the Bareleng Police area is still dominated by a repressive approach through criminalization, so that the implementation of rehabilitation as mandated in Law Number 35 of 2009 concerning Narcotics has not been implemented

²⁷Suspect Day, *Narcotics and Psychotropics in Criminal Law* (Bandung: Mandar Maju, 2003), pp. 89–91.

²⁸Satjipto Rahardjo, *Progressive Law: A Synthesis of Indonesian Law* (Jakarta: Kompas, 2009), pp. 67–71.

consistently. The weaknesses of this construction are systemic and are found in the legal substance aspect in the form of the absence of clear parameters to differentiate between abusers and dealers and standards for implementing rehabilitation, the legal structure aspect in the form of the use of discretion that has not been standardized, weak coordination between law enforcement agencies, and limited rehabilitation facilities, as well as aspects of legal culture that are still oriented towards punishment rather than recovery. Based on these findings, this study offers a construction of law enforcement against drug abuse based on legal certainty through standardization of the classification of abusers and dealers, the establishment of guidelines for the use of objective and accountable discretion, strengthening integrated assessments, integrating proportional penal and rehabilitative approaches, and strengthening coordination between law enforcement agencies. These findings show that legal certainty in handling drug abuse can only be achieved through simultaneous improvements to the legal substance, legal structure, and legal culture, so as to create a law enforcement system that is more consistent, fair, and oriented towards protecting the rights of drug abusers without reducing the effectiveness of eradicating the illicit trafficking of narcotics.

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