

Analysis Rehabilitation for Drug Addicts in Criminal Law Policy in Indonesia Based on Justice Values

Gerry Pamungkas

Faculty of Law, Universitas Islam Sultan Agung, Semarang, Indonesia, E-Mail: gerrypamungkas.std@unissula.ac.id

Abstract. *Addict narcotics are victims of dealers as well as drug dealers. Because of this That does not appropriate If addict narcotics it is said as offender law narcotics obliging addicts narcotics carry out the rehabilitation process. Research the law used is study law empirical, which means another word which is type study hulum sociological and can mentioned with study in a way field, which studies provisions applicable law and those who have happen in the Community life. Construction rehabilitation for addict narcotics in policy law criminal law in Indonesia is based on mark justice put addict as individuals who experience dependency and need recovery medical as well as social, not solely as perpetrator violation law. The legal basis there is in Law Number 35 of 2009, especially Article 54, Article 55, and Article 103, with implementation that must be done based on assessment integrated so that it can differentiate addicts, victims of abuse, abusers, and dealers. The implementation Still face constraint in the form of difference understanding apparatus, limitations institution rehabilitation, weakness supervision, social stigma, lack of role family, and coordination inter-agency communication is not optimal. Solutions are needed is clarify criteria rehabilitation, strengthening assessment integrated, improving role prosecutor general and supervision court, expanding service rehabilitation, as well as build monitoring post-rehabilitation for recovery addict walk measurable, fair, and capable protect public.*

Keywords: *Addicts; Narcotics; Rehabilitation.*

1. Introduction

The Indonesian nation is a state of law as regulated in Article 1 paragraph 3 of the 1945 Constitution which reads "The State of Indonesia is a State of Law, " According to Mochtar Kusumaatmadja, law is the overall principles and rules that regulate human life in society. Over time, Indonesia has recognized a criminal justice system where the first legal expert from ¹the United States named Frank Remington, this idea was then placed in the administrative mechanism of the

¹Mochtar Kusumaatmadja, *Introduction to Indonesian Law*, Bina Cipta, Bandung, 1976, p. 3

criminal justice system which is usually called *the criminal justice system*. State law aims to ensure that the law enforced. However, the facts that occurred in public it turns out start backwards with the goals of our country. Adults This, various type problems that occur within society, one of the form common problems happening in society is existence action criminal abuse narcotics.²

Narcotics have been expected in Islam since its inception. However, they have both medical and scientific benefits. Therefore, they can be used for medical purposes, but only in emergencies. However, the reality in society is that narcotics are widely abused. Drugs are consumed excessively and consistently, illegally, leading to addiction.

Drug addicts are victims of drug dealers and traffickers. Therefore, it is incorrect to define drug addicts as lawbreakers. The narcotics law requires drug addicts to undergo rehabilitation. However, this obligation must be based on a court decision.³

The obligation of rehabilitation is to save drug addicts from dependence. However, rehabilitation programs have not significantly improved the recovery of drug addicts. This is due to numerous factors, such as limited funding, limited facilities and infrastructure, and a lack of public awareness. Furthermore, there is a lack of support from drug addicts' families. Furthermore, a factor contributing to the ineffectiveness of rehabilitation programs is the presence of the drugs in the addicts' bodies.⁴

The National Narcotics Agency (BNN) revealed that approximately 50 people in Indonesia die every day from drugs, or up to 18,000 people per year, with the victims predominantly young people aged 14 to 25. The BNN stated that there are currently 1,386 new types of drugs in the world, 99 of which have been identified as circulating in Indonesia. Meanwhile, 52.97 percent of correctional facility inmates are registered as drug convicts.⁵

Cases of drug addicts who have undergone rehabilitation programs but then return to using the illicit substance are very common, both among ordinary people

²Ni Putu Wulan Noviarini, Review Criminology Against Criminal Acts Abuse Narcotics Among Teenagers in Buleleng Regency , *Community e-Journal Yustisia Ganesha University of Education Legal Studies Program* , Vol 4 No 2 Year 2021, pp 416-427

³ Hadiansyah, Risya, and Nur Rochaeti. "Implementation of rehabilitation for children who abuse narcotics." *Indonesian Legal Development Journal* 4, no. 1 (2022): pp. 1-13.

⁴ Rianda, Husin, and Ari Azhari. "The Rehabilitation Process for Drug Addicts Has Not Yet Fully Recovered Drug Addiction." *AKM: Action to Society* 4, no. 2 (2024): pp. 473-480.

⁵ BNN: Around 50 People Died Consequence Drugs , Most Common in 14-25 Year Olds , <https://tribrataneews.polri.go.id/blog/nasional-3/bnn-sekitar-50-orang-meninggal-akibat-narkoba-terbanyak-di-usia-14-25-tahun-94692> , accessed March 20, 2026

and public figures. Cases frequently exposed in the media usually involve public figures like Ridho Rhoma, Ammar Zoni, Revaldo, and others.⁶

In relation to the problem of drug abuse, a criminal law policy is needed that positions drug addicts as victims, not perpetrators of crime. Drug addicts are *self-sufficient. victimizing victims*, because drug addicts suffer from dependency syndrome as a result of their own drug abuse.

Normatively, Article 54 of the Narcotics Law stipulates that drug addicts and victims of drug abuse are required to undergo medical and social rehabilitation.⁷ This principle signifies that the state recognizes that drug abusers are not merely criminals, but individuals in need of help. Rehabilitation is defined as an alternative form of punishment oriented toward healing and recovery, not retribution. Therefore, implementing rehabilitation as an alternative to punishment has strategic urgency in reducing overcrowding and restoring the function of correctional institutions, as mandated by Law Number 22 of 2022 concerning Corrections.

A penal system that places too much emphasis on imprisonment creates a cycle of *criminal learning*, where new inmates learn criminal behavior from fellow inmates within the prison. This phenomenon reinforces the argument that imprisonment is not the right solution for drug abusers. Through a rehabilitation approach, offenders are given the opportunity to undergo physical, psychological, and social recovery so they can return to functioning as productive individuals in society.⁸

The application of rehabilitation as an alternative form of punishment is also in line with the principle of restorative justice, which is beginning to be incorporated into various legal policies in Indonesia. This principle emphasizes resolving criminal cases by taking into account the interests of victims, perpetrators, and the community. In the context of drug abuse, rehabilitation is a manifestation of the restorative justice approach because it positions abusers as subjects who must be healed, not punished. Thus, rehabilitation policies are not only legally relevant but also reflect a humanitarian approach aligned with human rights values.

Harmonization between law enforcement and social policies in addressing overcapacity is essential, as the Indonesian penal system is still dominated by a formalistic paradigm that places imprisonment as the sole form of criminal

⁶ Arfiani, Febrilia Rustina, and Aris Prio Agus Santoso. "Implementation of Medical Rehabilitation for Narcotics Abusers (Case Study at the Surakarta City National Narcotics Agency)." *Proceedings Law, Accounting, Business, Economics and Language* 1, no. 1 (2024): pp. 294-304.

⁷ Laksono, 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.

⁸ 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.

accountability. However, in certain contexts, such as drug abuse, non-imprisonment sanctions are actually more socially and economically effective. Therefore, shifting the orientation of criminal law toward a rehabilitative approach is imperative in national criminal law reform.⁹

In the Narcotics Law, there are regulations regarding criminal sanctions for narcotics addicts, that in Article 127 paragraph (1), every Class I Narcotics Abuser for themselves is punished with a maximum prison sentence of 4 (four) years; then Class II Narcotics Abuser for themselves is punished with a maximum prison sentence of 2 (two) years; and Class III Narcotics Abuser for themselves is punished with a maximum prison sentence of 1 (one) year.

However, in Article 127 paragraph (2) there is a warning for judges that in deciding cases as referred to in paragraph (1), judges are required to pay attention to the provisions in Article 54 (obligations for Narcotics Addicts and victims of Narcotics abuse to undergo medical rehabilitation and social rehabilitation), Article 55 (mandatory reporting provisions), and Article 103 (the judge's authority to issue a decision in the form of rehabilitation, where the period of undergoing rehabilitation is calculated as the period of serving the sentence). Article 103 of the Narcotics Law is reaffirmed in SEMA Number 04 of 2010.

Although regulations regarding mandatory rehabilitation and the authority of judges to impose rehabilitation sanctions on drug addicts have been established, many drug addicts are sentenced to prison, often without receiving rehabilitation. This demonstrates a gap between legislation and implementation.¹⁰

In the applicable national Criminal Code based on Constitution Number 1 of 2023,¹¹ arrangement about addict narcotics No placed as chapter itself which calls it " addict" narcotics" as subject special, but rather arranged through draft action rehabilitation. National Criminal Code start valid on January 2, 2026 and Books the First Criminal Code becomes guidelines for implementation provision criminal, including laws outside the Criminal Code as long as no otherwise specified. With thus, addict narcotics in the Criminal Code more viewed as the perpetrator who also needs recovery, not solely as a person who must sentenced criminal prison.

Arrangement main for addict narcotics in the Criminal Code can associated with Article 105 of the National Criminal Code, which determines that action rehabilitation can charged to the defendant who experienced addicted alcohol,

⁹ Nur, Andi Wahyuddin, and Andi Bau Mallarangeng. "Transformation of Criminal Policy in the National Criminal Code: Between Humanization of Punishment and Effectiveness of Crime Prevention." *Collaborative Journal of Science* 9, no. 1 (2026): pp. 1414-1421.

¹⁰ Kurniawatie, Eka. "The Basis for Judges' Considerations Regarding Narcotics Abuse Reviewed from the Rehabilitation Aspect is Based on Article 127 of Law Number 35 of 2009 concerning Narcotics." *SINERGI: Scientific Research Journal* 1, no. 12 (2024): pp. 1374-1396.

¹¹ Syukri, Muhammad Alvi, and Muhammad Afdil Zikri. "New Criminal Code Law No. 1 of 2023." *INOMATEC: Journal of Innovation and Contemporary Multidisciplinary Studies* 1, no. 04 (2026).

narcotics, psychotropics, and other substances addictive others. Form rehabilitation the covering rehabilitation medical, rehabilitation social and rehabilitation psychosocial. This means that judges have base law For drop action rehabilitation to addict narcotics if proven that condition defendant more appropriate restored through care, development and recovery dependence than only sentenced punishment prison.¹²

However Thus, the provisions of the Criminal Code remain must read together with Constitution Number 35 of 2009 concerning Narcotics as rule special. Narcotics Law in a way firm arrange aspect treatment and rehabilitation, including provision that addict narcotics and victims of abuse narcotics must undergo rehabilitation medical and social. Therefore that, in case addict narcotics, the Criminal Code functions give base general about action rehabilitation, while the Narcotics Law still become base special determine obligation rehabilitation, examination, and handling law to addict narcotics.

From the above description, it is clear that recovery from drug addiction is not easy. Therefore, the best solution is to stop using drugs early. However, given the fact that drug use continues to increase year after year, it is crucial for relevant authorities to take action.

2. Research Methods

Referring to the background back and focus research taken, research This categorized as study law empirical.¹³ Study law empirical or juridical empirical means another word which is type study hulum sociological and can mentioned with study in a way field, which studies provisions applicable law and those who have happen in the community life.

3. Results and Discussion

3.1. Analysis Rehabilitation for Drug Addicts in Criminal Law Policy in Indonesia Based on Justice Values

Construction rehabilitation for addict narcotics in policy law criminal law in Indonesia is necessary placed on understanding that abuse narcotics No solely is actions violate law, but also related to with condition dependency that requires recovery. Law Number 35 of 2009 places narcotics on two sides, namely as useful materials for service health and science knowledge, but also can cause detrimental dependency if used without control as well as strict supervision. Formulation the show that policy law criminal narcotics since beginning contain balance between

¹² Azwar, Azwar. "Protection of Rehabilitation Rights for Drug Users, Victims of Drug Abuse, and Addicts from the Snares of Criminal Law." *RIGGS: Journal of Artificial Intelligence and Digital Business* 5, no. 1 (2026): pp. 2859-2869.

¹³ Soejono and Abdurrahman, *Research Methods ; A Thought and Implementation* , (Jakarta: Rineka Cipta, 2005), 2nd edition, p . 56

aspect control, eradication circulation dark, and protection to humans who experience dependency.

Construction the seen from the objectives of the Narcotics Law which are not only directed at eradication circulation dark, but also on the settings effort rehabilitation medical and social. The BPK noted material The main points of Law Number 35 of 2009 include treatment and rehabilitation, guidance and supervision, prevention and eradication, and provision criminal. Position rehabilitation as part from material main Constitution show that former Constitution No put addict solely as object enforcement, but also as subjects that need restored to return functioning in life social.

Article 54 of Law Number 35 of 2009 becomes base normative main Because state that addict narcotics and victims of abuse narcotics must undergo rehabilitation medical and rehabilitation social. Provisions This give direction that the country has not quite enough answer provide road recovery for addicts. BNN also emphasized that rehabilitation has arranged through Article 54, Article 55, and Article 103 of the Narcotics Law, even though implementation Not yet always walk maximum Because still there is difference perceptions between apparatus enforcer law.

Rehabilitation medical and rehabilitation social own mutually exclusive functions complete.¹⁴ Rehabilitation medical directed at recovery condition physical and psychological consequence dependency, whereas rehabilitation social directed at recovery ability interact, run role family, and build return not quite enough answer social. Separation of two forms recovery the important Because dependence narcotics No only damage health, but also relationships social, discipline, work, education, and trust family and society.

Value of justice in policy rehabilitation looks from distinction between addicts, victims of abuse, abusers, dealers, and perpetrators who become part from network circulation dark. Differentiation This it is important that the law criminal No treat all over perpetrator case narcotics in a way same. Proven addict use narcotics self Alone need treatment different laws from the actor who produces, stores in amount large, trading, or take profit from circulation dark. Justice in matter This want accuracy response law in accordance condition actor, role, item evidence, results assessment, and level danger his actions.

Policy rehabilitation is also related with principle proportionality. Addicts who have dependence heavy No Enough completed through criminal prison Because source the problem are in addiction. Criminalization that is not accompanied by recovery potential make addict return use narcotics after finished undergo

¹⁴ Chaidar, Muhamad, Sekaring Ayumeida Kusnadi, Ahmad Zakariyah Alfadani, and Intan Predita Lystiadi. "Modeling Social Rehabilitation for Narcotics Addicts." *Legal Standing: Journal of Legal Studies* 9, no. 2 (2025): pp. 408-419.

punishment. A measured recovery program can give benefit more big Because directed at termination dependency, change behavior, reinforcement family, and prevention repetition deeds.¹⁵

Construction law criminal law based on justice need put assessment as door enter main. Assessment functioning know whether somebody truly addicts, victims of abuse, or precisely involved in circulation dark. Assessment Team Integrated in policy narcotics own role important Because the result give description about condition medical, psychological, history usage, level dependency, as well as analysis role suspect in case. Regulations Head of BNN Number 11 of 2014, as recorded in source BNN official, familiar with the Integrated Assessment Team consisting of on team doctors and team law.

Position assessment need strengthened Because decision rehabilitation that is not based on examination objective can cause injustice. The real perpetrator is part from network circulation dark can take cover behind reason as addicts, whereas addicts who should restored can end in prison Because No get adequate inspection. Standard clear assessment become condition it is important that the policy rehabilitation No open room abuse authority and not cause treatment different inter-case.¹⁶

The role of the prosecutor general in construction rehabilitation has an important meaning Because prosecutor is controller case at the stage prosecution. Prosecutor's Guidelines Number 18 of 2021 are directed at resolving case action criminal abuse narcotics through rehabilitation with approach justice restorative as implementation the principle of dominus litis of the prosecutor. The Prosecutor's Office also noted existence letter regarding procedures implementation Guidelines Number 18 of 2021, which shows existence policy institutional give direction technical in settlement case abuse narcotics through recovery.

Policy at this stage prosecution the show shift important in law criminal narcotics. The prosecutor did not only positioned as the party who delegates case to court, but also as the assessing officer eligibility settlement through recovery. Assessment the need notice results assessment, number goods evidence, history case, involvement family, readiness institution rehabilitation, as well as agreement tiered in Prosecutor's Office. Construction This give room for settlement more

¹⁵ Hidayat, Abdi Fahmil, and Saka Andriyansa. "Decriminalization and Rehabilitation in the New Criminal Code as a Solution to Overcoming Prison Overcapacity in Indonesia." *Judge: Jurnal Hukum* 6, no. 04 (2025): pp. 1273-1283.

¹⁶ Yusril, Delvi, and Robi Syafwar. "Rehabilitation of Drug Addicts as an Alternative to Sentencing in the Indonesian Criminal Law System." *Judakum: Journal of Legal Dedication* 4, no. 2 (2025): pp. 132-142.

matters fair Because No all abusers must resulting in detention and criminal prosecution prison.

Approach justice restorative in case narcotics own character special. Matter narcotics often not presenting individual victims in a way direct as case persecution or theft,¹⁷ but cause impact on self addicts, families, and communities. Recovery in case This more directed at recovery perpetrator as a person who experiences dependency, protection public from repetition abuse, as well as termination connection addict with environment circulation dark. This pattern make justice restorative narcotics No Enough understood as peace, but rather as supervised recovery.

Regulation Supreme Court Decree Number 1 of 2024 strengthens direction justice restorative in the judicial process. Regulations the state that the judge adjudicates case criminal based on principle recovery state, strengthening rights and needs of victims, responsibilities answer defendant, criminal as effort lastly, consensuality, and transparency and accountability. The goal covers victim recovery, recovery relationship, accountability defendant, and evasion robbery independence, especially for child. This direction relevant for case abuse narcotics Because recovery addict need executed with clear accountability and reliable oversight checked.¹⁸

Justice for addict No means liberation without not quite enough answer. Rehabilitation need placed as obligation the law that must be executed in a way discipline. Addicts who acquire termination prosecution or decision rehabilitation still carry obligation follow the recovery program, obey the rules institution, undergoing inspection periodically, and accept supervision from officials and family. Obligations the show that recovery still contain accountability, only its shape directed at improvement condition perpetrators and protection public.

Justice for society must also become part from construction policy rehabilitation. The community has the right get protection from circulation dark narcotics, abuse repeated, and practice deviation in giving rehabilitation. Weak recovery program, no supervised, or only become formality can harm interest public. Fair recovery must ensure that addict truly follow care and not return become part from pattern destructive abuse order social.

Justice for family own position important Because family often become the parties most affected by dependency narcotics. Good rehabilitation need involving family

¹⁷ Irawan, Ade, Alwan Hadiyanto, and Ciptono Ciptono. "Child Criminal Policy in Narcotics Cases: A Restorative Justice Perspective." *USM Law Review Journal* 8, no. 2 (2025): pp. 923-937.

¹⁸ Gani, Najamudin. "IMPLEMENTATION OF RESTORATIVE JUSTICE ACCORDING TO SUPREME COURT REGULATION NUMBER 1 OF 2024 (CASE STUDY OF JAYAPURA CLASS IA DISTRICT COURT DECISION NUMBER: 252/PID. B/2024/PN JAP)." *SIGARUDA JOURNAL: Scientific Journal of Social, Economic, Cultural, Technology and Education* 1, no. 4 (2026): pp. 18-28.

in monitoring, moral support, and reinforcement environment after addict return to community. Recovery without support family can weaken. Because addict back to normal the same social with before undergo care. Involvement family become part from justice relational, namely recovery broken relationship consequence abuse narcotics.

Weakness main construction rehabilitation moment This located in yet his uniform implementation inter-enforcement law. BNN has take notes that the rehabilitation program Not yet walk maximum. Because not yet fully there is similarities perception apparatus in interpret applicable rules. Note This show existence problems at the level implementation, especially in differentiate users, addicts, victims of abuse, and dealers.

Another problem lies in potential domination chapter ownership or mastery narcotics to addicts. In practice, addicts who carry narcotics for used Alone can charged the article that threatens heavy if investigators and prosecutors general more emphasize element have, keep, or mastery. Construction based on justice need ensure existence analysis role in a way careful. Evidence, method acquire, history usage, results test, description experts, and results assessment must read in a way intact so that addicts No automatic treated the same with perpetrator circulation dark.

Ideal policy formulation rehabilitation for addict narcotics need built through a number of element main, namely assessment integrated, mandatory and fast, standard amount goods clear evidence, separation firm between addicts and dealers, supervision court to termination prosecution, institution accredited rehabilitation, involvement family, and evaluation post-rehabilitation. Every element the functioning for ensure that recovery No only become reason termination matter, but truly executed as a measurable legal and social process.

Rehabilitation based mark justice in essence put law criminal as means protection humans and society. Addicts restored so as not to Keep going is at in dependency, family get chance repair relations, society protected from repetition abuse, and the state can centralize enforcement hard on dealers as well as syndicate. Policy like This more in line with the aim of the Narcotics Law which combines service health, prevention, eradication circulation dark, and settings rehabilitation.¹⁹

Direction of necessary updates is strengthening rehabilitation as policy law criminals who have definite terms, procedures and supervision. The value of justice No Enough realized through statement that addict entitled restored, but must looks in access assessment, objective decision, institution proper recovery, control implementation, and equal treatment interregional law. Such

¹⁹ Siregar, Sutan, Nur Oloan, and Sarmadan Pohan. "Rehabilitation Policy for Narcotics Users: A Review of Justice and Human Rights Protection." *Journal of Human and Education (JAHE)* 6, no. 1 (2026): pp. 40-49.

rehabilitation can become construction policy more criminal humane, measurable, and beneficial for countermeasures abuse narcotics in Indonesia.

Based on example Decision Sintang District Court Number 26/ Pid.Sus /2024/PN Stg. Chronology case show that Defendant FII alias F. alias T. was arrested on September 10, 2023 around at 21.25 WIB on the edge of the Nanga Pinoh-Sintang Provincial Road, Melawi Regency, when be inside truck expedition. Matter started when A. ordered crystal methamphetamine for IDR 600,000.00 to the defendant, then defendant buy crystal methamphetamine from Ab. in Pontianak. Some of the crystal methamphetamine consumed by the defendant, while the rest brought in journey heading to Melawi for handed over to A. and some had time planned for sale to R. When it was done search, police found two plastics clip containing crystal methamphetamine, tools suction, pipette, lighter fire, cellphones, cash, bags, wallets, as well trucks used defendant. Results of the examination laboratory state goods proof contain methamphetamine, and results inspection drugs to defendant show positive for amphetamine and methamphetamine.

In its decision, the Panel of Judges stated defendant FII alias F. alias T. did not proven in a way valid and convincing do action criminal as primary indictment Article 114 paragraph (1) of the Narcotics Law, so released from the primary charge. However, the defendant stated proven in a way valid and convincing do action criminal agreement wicked in a way without rights and against law control Class I narcotics are not plant as subsidiary charges under Article 112 paragraph (1) of the Narcotics Law. The panel of judges sentenced criminal prison for 2 years and a fine of IDR 1,000,000,000.00, with provision if fine No paid replaced criminal prison for 4 months. The period of arrest and detention reduced all of it from the sentence imposed on the defendant still detained, goods proof narcotics and tools related destroyed, cellphone and IDR 100,000.00 in cash confiscated for the country, whereas truck returned to the owner, namely Ar. alias U.

Form injustice in decision the seen from No considered rehabilitation to the defendant who has indication strong as user narcotics. The fact that defendant proven positive contain *amphetamine* and *methamphetamine*, as well there is information that part crystal methamphetamine has consumed alone, showing existence aspect abuse narcotics that should be No only read as problem mastery goods in a way oppose law. The decision that was made criminal prison without evaluate in a way deep possibility defendant as addict or abuser for self Alone show an approach that is still dominant punitive. In fact, in case narcotics, criminalization to users without rehabilitation potential No finish root problem dependency, because defendant only undergo corporal punishment without get recovery medical and social.

Injustice is also apparent from no existence balance between objective punishment and purpose recovery. Evidence narcotics in case the relatively related with use personal, temporary the defendant also did not proven in primary

charge as the selling party or buying and selling narcotics. In a state thus, the judge should consider assessment integrated determine whether defendant worthy placed in a rehabilitation program. Nothingness rehabilitation make decision not enough reflect mark justice, because defendant treated solely as perpetrator crime, not as individuals who also need recovery from dependence narcotics. As a result, the verdict the potential extend problem social, add burden institution correctional, and not ensure defendant free from abuse narcotics after undergo criminal.

According to Hans Kelsen, justice is fundamentally related to the orderly application of the law based on applicable norms. In his legal positivism theory, the law is considered just if it is applied consistently according to the rules determined by the legal system. In the context of drug addict rehabilitation, the injustice in the Sintang District Court Decision Number 26/Pid.Sus/2024/PN Stg is seen when the judge emphasized the prison sentence approach without optimizing the rehabilitation provisions that are actually regulated in Article 54 of Law Number 35 of 2009. In fact, the defendant tested positive for amphetamine and methamphetamine use and there is evidence that some of the narcotics were used for personal use. Based on Kelsen's view, if legal norms have provided space for rehabilitation for addicts and victims of drug abuse, then the application of the law that ignores this mechanism indicates that normative justice has not been achieved because the law is not implemented fully according to the construction that has been established by the law.

Furthermore, Hans Kelsen views justice as a social order capable of creating balance in society. In this case, imposing a prison sentence alone without rehabilitation has the potential to fail to achieve the goal of social protection because the root cause of the defendant's addiction is not addressed. According to Kelsen, justice is not only related to punishment, but also to the effectiveness of legal norms in maintaining social order. Therefore, a rehabilitation policy for drug addicts is more in line with the objectives of the law because it not only provides accountability to the perpetrator but also restores the perpetrator's condition so that he does not repeat drug abuse. Therefore, a rehabilitation approach based on objective assessment and applicable legal provisions can reflect justice according to Kelsen, because the law is implemented according to norms and produces order and benefits for society.

According to the author, the verdict in the Sintang District Court case Number 26/Pid.Sus/2024/PN Stg does not fully reflect justice in narcotics criminal law policy because the judge emphasized a repressive approach rather than a restorative approach. Although the defendant was proven to have possessed narcotics unlawfully, the trial facts showed strong indications that the defendant was also a drug user himself, as evidenced by positive amphetamine and methamphetamine test results and an admission that some of the

methamphetamine had been consumed. In such circumstances, the judge should consider the application of medical and social rehabilitation based on Article 54 of Law Number 35 of 2009 by first assessing the results of a comprehensive assessment. Imposing a prison sentence without a rehabilitation program has the potential to fail to address the root cause of addiction and can actually increase the risk of repeat drug abuse after the defendant has completed his sentence. Therefore, according to the author, justice in narcotics cases should not only be understood as the imposition of criminal sanctions, but also as an effort to rehabilitate addicts so they can return to healthy social functioning while still providing protection to the community from the dangers of drug abuse.

3.2. Obstacles and Solutions to Implementing Rehabilitation for Drug Addicts in Criminal Law Policy in Indonesia

Drug abuse is a growing global phenomenon that poses a serious threat to the sustainability of social life, public health, and the legal stability of a country.²⁰ In Indonesia, the drug problem is no longer limited to illicit trafficking and organized crime, but has also reached the level of individual dependency, making addicts the largest segment of the drug user population. Data from the National Narcotics Agency (BNN) shows that the number of drug abusers in Indonesia reaches millions, with a trend of increasing annually, particularly among productive age groups and students. This fact demonstrates that drug abuse has shifted from a mere conventional crime to a structural issue closely related to public health and human resource protection. In law enforcement practice, drug addicts are often processed through criminal justice mechanisms that focus on imprisonment. However, medically and psychologically, addicts are in a state of dependency that affects their ability to control themselves and act rationally.

This situation places addicts in a dilemma, as on the one hand they are considered criminals, but on the other hand they are victims of drug abuse itself.²¹ This phenomenon demonstrates the tendency for a repressive approach to dominate in the criminal justice system, which has not fully accommodated the rehabilitative approach adopted in the development of modern criminal law. The negative impacts of drug abuse by addicts are extensive and multidimensional. From a health perspective, drugs cause physical and psychological dependence, impaired brain function, decreased immunity, and the risk of death from overdose. From a social perspective, drug addicts often experience marginalization, social stigma, broken family relationships, and decreased work productivity. Meanwhile, from a legal and correctional perspective, imprisonment for addicts actually contributes

²⁰ Gustiani, Adelia. "The Phenomenon of Drug Abuse Among Adolescents in Indonesia." *Journal of Law and Social Change Review* 1, no. 01 (2026): pp. 01-18.

²¹ Putra, Ivan Erranza, Hartiwiningsih Hartiwiningsih, and Anita Zulfiani. "Restorative Justice as a Criminal Sanction in Narcotics Crimes in Indonesia." *Indonesian Journal of Social Sciences and Humanities* 6, no. 1 (2026): pp. 23-32.

to the problem of overcrowding in correctional institutions and increases the rate of reoffending (recidivism). This indicates that imprisonment does not provide a deterrent or rehabilitative effect for addicts and even has the potential to worsen their dependence. Normatively, Indonesian positive law has actually provided a strong foundation for the implementation of a rehabilitation model for drug addicts. Law Number 35 of 2009 concerning Narcotics explicitly stipulates that drug addicts and victims of drug abuse are required to undergo medical and social rehabilitation as a form of protection and recovery. However, in practice, this provision has not been consistently applied by law enforcement officials. Differences in interpretation of the status of addict, limited rehabilitation facilities, and the strong retributive paradigm within the criminal justice system are key factors hindering optimal rehabilitation.²²

Furthermore, strengthening the implementation of rehabilitation for drug addicts also requires stronger synergy between law enforcement agencies within the criminal justice system. The role of judges is highly strategic, as they have the authority to determine whether addicts are placed in rehabilitation institutions or sentenced to prison. In this context, guidelines issued by the Supreme Court through Supreme Court Regulation Number 4 of 2010 have provided a basis for judges to prioritize a rehabilitative approach for addicts and victims of drug abuse. However, in practice, these guidelines have not been fully utilized as the primary reference in deciding drug cases. This indicates that the main problem lies not in a lack of norms, but rather in a weak commitment and consistency in the application of the law. As a result, the legal objectives of realizing justice, benefit, and protection of human rights have not been fully achieved in handling drug cases involving addicts.

Government Regulation Number 25 of 2011 concerning the Implementation of Mandatory Reporting for Narcotics Addicts is one of the technical regulations that regulates the rehabilitation mechanism for narcotics addicts in more detail. The PP requires every narcotics addict to report themselves or be reported by their family to the Mandatory Reporting Receiving Institution (IPWL) designated by the government. Supreme Court Circular Letter (SEMA) Number 4 of 2010 concerning the Placement of Narcotics Abusers, Victims of Abuse, and Addicts in Medical and Social Rehabilitation Institutions also strengthens this normative framework by providing guidelines to judges in deciding narcotics cases involving addicts. This SEMA provides more operational criteria for judges to determine whether a defendant in a narcotics case is worthy of being directed to a rehabilitation institution or serving a prison sentence.²³

²² *Ibid*

²³ Manik, Melin, and Budi Sastra Panjaitan. "THE ROLE OF NARCOTICS REHABILITATION INSTITUTIONS AS A PUNISHMENT PREFERENCE FOR NARCOTICS ABUSE." *Kertha Semaya: Journal of Legal Studies* 14, no. 2 (2026): pp. 1-15.

Furthermore, a Joint Regulation of seven state institutions was issued in 2014, which serves as a cross-sectoral policy instrument to strengthen the authority of law enforcement officials to place drug addicts in rehabilitation institutions as an alternative to prison sentences. This Joint Regulation is a concrete manifestation of the government's efforts to build synergy between institutions in handling narcotics problems, as well as a response to the still low implementation of rehabilitation mechanisms in previous law enforcement practices. Thus, the normative framework governing rehabilitation for drug addicts in Indonesia is actually quite comprehensive, and the problem lies in the implementation of this normative framework, which is currently considered far from adequate.

Implementation rehabilitation for addict narcotics in policy law criminal law in Indonesia is still face issues at the level of norms, institutions and practices enforcement law. In normatively, Law Number 35 of 2009 has put rehabilitation as part important from arrangement narcotics, even material main Constitution the load part about treatment and rehabilitation. Article 54 of the Narcotics Law also emphasizes that addict narcotics and victims of abuse narcotics must undergo rehabilitation medical and rehabilitation social. Provisions the show that the state recognizes existence need recovery for addicts, not only enforcement to circulation dark narcotics.

Based on results interview with Dr. Indra Rivani, SH. MH, Coordinator of the East Kalimantan High Prosecutor's Office,²⁴ obtained explanation that implementation rehabilitation for addict narcotics Still face constraint from internal side of enforcement law. One of the problem main located in yet his uniform understanding apparatus in differentiate position addicts, victims of abuse, abusers, and perpetrators circulation dark. Difference method view the influential to direction settlement matter, because a real person more appropriate placed in the recovery program Still can processed through mechanism criminal normal.

Source person explain that in practice, apparatus often more formerly see element mastery narcotics, such as have, keep, or bring goods evidence. Assessment regarding personal status suspect, history usage, level dependency, as well as objective mastery goods often Not yet become attention main since stage beginning. Condition This can cause treatment lack of law right, especially for users the ending that brings narcotics in amount limited consumption personal and not proven involved in network circulation dark.

According to him, the handling case addict need directed for further examination careful through assessment integrated so that the apparatus own base objective in determine whether suspect worthy undergo rehabilitation or still processed in a way criminal. Assessment the important evaluate connection between goods

²⁴ Interview with Dr. Indra Rivani, SH. MH, Coordinator of the East Kalimantan High Prosecutor's Office on May 20, 2026

evidence, condition dependency, results inspection laboratory, information family, and the possibility involvement in circulation narcotics. With method Thus, the policy rehabilitation can implemented in a way more fair, no abused by the perpetrator circulation dark, and still give room recovery for a real addict need maintenance.

Internal problems are also visible from construction of the Narcotics Law which is still load threat criminal heavy to actions control or keep narcotics. Formulation the often put addicts in the same position with perpetrator crime narcotics others, even though position law they different. Change political law criminal through the New Criminal Code shows the need adjustment method view apparatus for recovery No understood as form leniency law, but rather as legitimate choice for addicts and victims of abuse.

Assessment integrated Not yet running optimally as base determination action recovery. Examination to level dependency, history use, conditions medical, condition psychological, as well as involvement in network circulation dark Still Not yet always done since early. Delay assessment can harm addict Because decision law made without description intact about condition personal circumstances this also opens opportunity for perpetrator circulation dark For abuse mechanism recovery with confess as user.

Other internal obstacles related with limitations of the Assessment Team Integrated in the region, weak coordination inter-agency, not yet strong supervision, as well as Not yet existence integrated data system. Handling addict involving investigator, prosecutor general, judge, BNN, personnel health, service social, institutions recovery, family, correctional facilities, and government area. Without channel clear work, inspection process, placement, supervision and mentoring after the program is finished will difficult walk effective.

Based on results interview with Dr. Indra Rivani, SH. MH, Coordinator of the East Kalimantan High Prosecutor's Office,²⁵ obtained explanation that obstacle external in implementation rehabilitation for addict narcotics is one of them lies in the limitations facilities and equality institution rehabilitation. Not all area own facility medical and adequate social accommodate addicts in need recovery. Condition geographical, distance travel time, and availability place become influencing factors fast or slowness somebody can placed in an institution proper rehabilitation.

Need rehabilitation No only stop on availability place, but also includes power professional, service health, assistance psychological, coaching social, as well as supervision during the recovery process. Areas that have not been own facility adequate often depend on institutions in other regions, so that the placement

²⁵ Interview with Dr. Indra Rivani, SH. MH, Coordinator of the East Kalimantan High Prosecutor's Office on May 20, 2026

process need coordination additional. Condition the can slow down implementation rehabilitation, especially if amount case narcotics Enough height and capacity available institutions limited.

According to him, the problem costs also become obstacles that are not can neglected. Rehabilitation need support financing inspection medical, counseling, transportation, place stay, coaching continued, and evaluation post-rehabilitation. For addicts who come from from family not enough capable, limitations economy can influence sustainability of the recovery program. Therefore, it is necessary state support, government region, BNN, institution social, and family for rehabilitation No only become decision law, but truly can implemented in a way effective and sustainable.

Social stigma also becomes obstacle sufficient external strong. Addict Still often viewed as perpetrator crimes that must be kept away from environment social, not as a person in need maintenance consequence dependency. View the make family reluctant report, cover up condition addicts, or No Ready accompany the recovery process. In fact, support family and environment are very important success somebody For No return use narcotics.

The height burden institution correctional facilities consequence case narcotics show that approach prison Not yet capable answer problem abuse narcotics in a way right. Addicts placed in prison Not yet Of course get maintenance in accordance need addiction. Dense environment, social circle with perpetrator action criminal others, and Still existence circulation narcotics inside prison can enlarge risk repetition after free. Condition This show the need shift from punishment solely going to measurable recovery.

Improvement efforts need directed at strengthening criteria law about worthy addict get recovery. Criteria the must covers amount goods evidence, results test laboratory, history usage, level dependency, description family, results assessment medical and legal, as well as No existence involvement in network circulation dark. A more precise formulation clear will help apparatus take decision in a way uniform and prevent difference treatment interregional.

Assessment integrated need placed as procedure must since stage beginning handling matter. Investigators and prosecutor general should quick request inspection if suspect allegedly as addicts, drug abusers self themselves, or victims of abuse. Examination since beginning can prevent error placement matter, reduce use detention that is not necessary, and give base objective for prosecutors and judges in determine action proper law.

The role of the prosecutor general need strengthened through policy recovery based justice restorative. The prosecutor as controller case No only on duty bring case to trial, but also judge eligibility settlement through rehabilitation based on results assessment, number goods evidence, history suspects, and interests more

laws broad. Approach This can put criminal prison as choice final for addicts who don't involved circulation dark.

The government also needs to expand facility equitable, accredited, and equitable recovery power professional service medical, psychological, social, and post-rehabilitation must arranged in a way integrated so that addicts No only stop use narcotics during the program, but also able to return operate function social after finished. Supervision periodic, counseling advanced training skills, as well as mentoring family become part important from success policy the.

Supervision court necessary for termination prosecution or placement addict in the recovery program own base strong law. Control judicial can ensure that decision the given based on clear conditions, results valid assessment, and No open room abuse. Mechanism this also strengthens accountability apparatus at a time guard trust public to policy rehabilitative.

Integrated data system inter-enforcement laws and institutions recovery need built For take notes results assessment, decision law, place implementation, duration care, compliance participants and results post-rehabilitation. The data important For monitor effectiveness policy, prevent manipulation of addict status, as well as ensure every decision can accountable. Strengthening integrity apparatus and institutions implementers also need carried out so that the recovery program No perceived as gap avoid accountability criminal.

Based on theory law progressive Satjipto Rahardjo, policy rehabilitation for addict narcotics must directed at recovery human, not solely punishment. The law does not Enough read formally through element own or control narcotics, but must see condition real that addict is at in condition dependency that requires maintenance medical and social apparatus enforcer law need use his authority in a way wise differentiate addict from dealers, so that the criminal process No give birth to injustice new.

Progressive law also assesses success enforcement law narcotics No from the number of people in prison, but rather from the country's ability to recover addicts, reduce repetition abuse, pressure density prison, and remains eradicate circulation dark. Policy based justice restorative become in line with thinking This Because put law as means repair condition social. With proper assessment, strong supervision, support family, and monitoring post-rehabilitation, recovery addict can walk more fair, humane and beneficial for public.

According to the author, the implementation of rehabilitation for drug addicts in criminal law policy in Indonesia has a strong normative foundation. However, its implementation still faces various obstacles, both in terms of legal substance, law enforcement structures, and community legal culture. Disparities in the understanding of officials in distinguishing addicts, abusers, and dealers have resulted in a repressive approach being more dominant than the rehabilitative

approach mandated by the Narcotics Law. Furthermore, the suboptimal implementation of integrated assessments, limited rehabilitation facilities, weak inter-agency coordination, and public stigma against addicts are factors that hinder the effectiveness of recovery. These conditions indicate that the treatment of drug addicts is not fully oriented towards the protection and restoration of human rights. Therefore, strengthening rehabilitation policies is needed through the consistent implementation of integrated assessments, increasing the capacity of rehabilitation institutions, accountable supervision, and a paradigm shift among law enforcement officials and the community so that addicts are viewed as individuals in need of treatment, not merely as criminals. In this way, the goals of modern criminal law, which emphasize justice, benefit, and social recovery, can be achieved more effectively and humanely.

4. Conclusion

Arrangement rehabilitation for addicts and victims of abuse narcotics has own base law in Law Number 35 of 2009, especially Article 54, Article 55, and Article 103, which places rehabilitation as instrument recovery through assessment integrated differentiate addicts, victims of abuse, abusers, and dealers. The implementation need supported role prosecutor general, supervision court, involvement family, and evaluation post-rehabilitation to walk objective and proportional. Implementation rehabilitation Still face constraints on norms, institutions, enforcement law and culture society, especially Because Not yet his uniform understanding apparatus, dominant use chapter ownership narcotics, not yet optimally assessment integrated, limitations facilities and manpower rehabilitation, weakness supervision post-rehabilitation, community stigma, low support family, and height burden institution correctional facilities consequence handling addicts who are still tend oriented towards punishment.

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