

Efforts for Reforming the Criminal Justice System in Implementing Rehabilitation Sentences for Drug Abusers

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ABSTRACT

Drug abuse is a serious problem affecting public health and social stability in Indonesia. The criminal justice system often faces challenges in dealing with drug abuse cases, where the punitive approach often ignores the more humane aspects of rehabilitation. This study aims to evaluate the effectiveness of rehabilitation policies in the Indonesian criminal justice system related to drug abuse and identify the obstacles faced by judges in imposing rehabilitation punishment. The research method used is normative legal research, with a statutory approach to analyze various relevant laws and policies. Data was collected through literature study and document analysis. The results showed that there are several obstacles in the implementation of rehabilitation policy, including community stigma towards drug abusers, judges' lack of knowledge about the rehabilitation process, limited rehabilitation facilities, and legal uncertainty. The research also found that despite regulations supporting rehabilitation, practices in the field often favor imprisonment. To improve the effectiveness of rehabilitation policies, it is important to provide education and training to judges, develop quality rehabilitation facilities, improve inter-agency coordination, and conduct campaigns to reduce social stigma. These measures are expected to shift the paradigm of handling drug abuse from a retributive to a rehabilitative approach, supporting individual recovery and reintegration into society.

INTRODUCTION

The issue of drug abuse is of paramount importance in the social and legal context due to its extensive and complex impacts on individuals, families, and society (Kerker & Adeyongo, 2024). From a social perspective, drug abuse not only affects the physical and mental health of users but also leads to the deterioration of interpersonal relationships, an increase in crime rates, and triggers various other social issues, such as violence and poverty (Short Jr, 2018). Meanwhile, from a legal perspective, the criminal justice system often faces challenges in addressing drug abuse cases, where the tendency for a repressive approach with harsh law enforcement often neglects a more humane rehabilitative aspect. This can result in a high rate of recidivism among former drug users, creating a cycle of dependency that is difficult to break (Yang et al., 2015).

Drug abuse has long been a recognized problem in Indonesia, as evidenced by the issuance of the Presidential Instruction of the Republic of Indonesia (INPRES) Number 6 of 1971. This instruction was directed to the Head of the National Intelligence Coordinating Agency (BAKIN) to address six significant national issues, one of which is the eradication of drug abuse (Hapsari et al., 2022; Riyadi, 2023; Setiyaningrum et al., 2022). Over time, the problem of drug abuse has become

increasingly serious and urgent, prompting the government during the New Order era to issue regulations in the form of Law Number 22 of 1997. This law was later revised and replaced by Law Number 35 of 2009 on Narcotics. In Article 1, paragraph 1, of the Law, it is explained that narcotics are substances or drugs that can be derived from plants or synthesized, which can alter consciousness, reduce or eliminate pain, and can cause dependence. These substances are also categorized into groups that have been specified in the law.

In Law Number 35 of 2009, Article 1, paragraph 13 defines a narcotics addict as an individual who uses or abuses narcotics to the extent of experiencing dependence, both physically and psychologically. Meanwhile, a narcotics abuser is defined in Article 1, paragraph 15 as an individual who uses narcotics without rights or illegally. In this context, the victims of narcotics abuse are individuals who suffer physically and mentally as a result of the actions of others seeking personal gratification, often at the expense of their interests and human rights.

An individual can be considered a victim of narcotics abuse if it is proven that there is no element of intent in the illegal use of the substance. In many cases, the individual may find themselves in situations where they are coerced or threatened to use narcotics, or due to their ignorance about the type of substance they are consuming. For example, they may have been deceived or persuaded to consume narcotics without realizing the harmful consequences that would ensue (Gossop, 2017). This highlights the complexity of the issue of drug abuse in Indonesia, where various social and psychological factors contribute to the existing problems, as well as the urgent need for a more humane and rehabilitative approach in addressing these cases. According to data from the National Narcotics Agency (BNN), the number of narcotics cases in Indonesia has significantly increased since 2003, with the number of suspects continuously rising year by year (Anzani, 2022; Dharmawan et al., 2022; Suyatin et al., 2023). In 2019, it was recorded that 17,700 people underwent rehabilitation due to drug abuse. The phenomenon of narcotics abuse is not only occurring in Indonesia, but is also a serious global issue. For example, in Mexico, narcotics can infiltrate to the circles of high officials, including mayors, and even a former attorney general was arrested for involvement in drug trafficking networks. These incidents demonstrate the seriousness of the drug problem, which not only affects individuals but also involves power structures and legal institutions.

The ongoing increase in drug abuse cases demands progressive policy actions, meaning that the handling of this issue must be forward-looking and sustainable. The policies adopted must encompass a multidimensional approach, ranging from prevention efforts to handling existing cases. This includes strategies that focus not only on law enforcement but also on rehabilitation and recovery for users. In order to achieve these goals, various activities have been carried out by the police, including the installation of billboards and banners as a form of socialization, as well as calls to raise public awareness about the dangers of narcotics (Dale et al., 2014; Tyler et al., 2015; Utami & Jaya, 2024). In addition, the police also conduct coaching and counseling through interactive dialogues with the community, seminars, and monitoring in entertainment venues suspected of being drug trafficking locations. These activities aim to empower the community to be more proactive in preventing narcotics abuse. Mass media also plays an important role in this by providing information about law enforcement results, investigation processes, and raids conducted by the police throughout Indonesia.

One approach to reducing the incidence of narcotics abuse can be viewed from two different perspectives. First, there is the approach that emphasizes law enforcement through penal policies, aimed at deterring drug abusers. This approach relies on criminal law as a tool to punish violations and hopes to reduce the number of abusers through strict sanctions (Robinson & Darley, 2019; Sloane, 2017). On the other hand, there is also a non-penal approach, which focuses on handling outside the realm of criminal law, such as rehabilitation and education, to support the recovery and reintegration of abusers into society. In law, Law Number 35 of 2009 on Narcotics regulates how

judges handle drug abuse cases. Article 103 of the law provides two options to judges when deciding cases involving drug addicts. First, the judge may order individuals proven guilty to undergo treatment and/or rehabilitation. Second, if the addict is not proven guilty of committing a criminal act, the judge can still order treatment and/or rehabilitation. This authority demonstrates that drug addicts are not only viewed as criminals but also as victims of circumstances that affect them. In the perspective of victimology, this is known as self-victimization or victimless crime, where individuals caught up in drug abuse become victims of their own behavior, triggered by various factors.

However, the implementation of oversight regarding rehabilitation decisions remains a problem. According to Supreme Court Circular Number 4 of 2010, there are challenges related to how the oversight of rehabilitation decisions for drug abusers can be implemented. This is important considering that the oversight mechanism is not clearly regulated in Law Number 35 of 2009 or in the government regulations that implement that law. This situation creates a legal norm or regulation vacuum, resulting in uncertainty in the implementation of rehabilitation and monitoring of individuals undergoing the recovery process. This regulatory void requires the authorities to immediately develop and implement clear guidelines regarding rehabilitation oversight to ensure that judicial decisions can be effectively enforced and that the individuals involved can receive the necessary support for their recovery. Thus, a comprehensive and integrated approach between law enforcement and rehabilitation is necessary to holistically address the problem of narcotics abuse, with the hope of reducing the number of abusers in Indonesia and facilitating their reintegration into society (Chu & Daffern, 2024; Lee et al., 2018; Sumarno, 2024; Tepora, 2023).

This research offers novelty by analyzing in depth the challenges faced in the implementation of rehabilitation policies for drug abusers in Indonesia that have not been widely discussed in previous studies. This research also discusses how social stigma, judges' lack of knowledge about rehabilitation, and limited rehabilitation facilities affect legal decisions.

The purpose of this research is to provide an in-depth understanding of the effectiveness of rehabilitation policies in the Indonesian criminal justice system, as well as to provide recommendations that can assist policy makers in improving the rehabilitation system for people who use drugs. Thus, the results of this research are expected to make a significant contribution in understanding and addressing the problem of drug abuse in a more comprehensive and integrated manner.

RESEARCH METHOD

The normative legal research method is an approach that focuses on the analysis of legal norms, both written and unwritten, to understand the substance and application of law in a specific context. In this research, the legislative approach becomes very important, where the researcher analyzes various regulations, laws, and relevant legal policies to gain an in-depth understanding of the legal framework governing the issue being studied. Additionally, the conceptual approach also plays a significant role, where the researcher explores and analyzes various legal concepts, definitions, and principles underlying the legal phenomenon. By integrating these two approaches, normative legal research can not only construct a robust theoretical framework but also provide practical recommendations based on a thorough analysis of existing norms and legal principles, thereby contributing to the development of more effective and responsive legal policies that meet the needs of society.

RESULTS AND DISCUSSION

Effectiveness of Rehabilitation Policy Implementation in the Criminal Justice System in Indonesia Regarding Drug Abusers

Based on Article 1 number 15 of Law Number 35 of 2009 on Narcotics, a drug abuser is defined as an individual who uses narcotics without permission or illegally. On the other hand, Article 1 number 14 defines drug dependence as a condition in which an individual experiences an urge to continuously use narcotics in increasing doses to achieve the same effect. If narcotics use is suddenly stopped, this can lead to specific physical and psychological symptoms. Drug abuse is a form of deviant behavior that frequently occurs in society today. The forms of abuse include the consumption of narcotics in excessive doses, unauthorized sales, and violations of the provisions set forth in the law.

Drug abuse is often categorized as a victimless crime. According to H.L.A. Hart, this type of crime does not mean there are no victims at all; in many cases, the perpetrators themselves can be considered victims of their own actions. In this context, crimes categorized as victimless crimes are difficult to detect, as the perpetrators often engage in such acts discreetly, known only to certain individuals. This approach indicates that while there are two parties involved in the prohibited transaction, the perpetrator feels that they are not suffering any loss from the action. Criminal law experts have raised several fundamental issues regarding victimless crimes. Solehuddin highlights the relationship between crime, responsibility, and punishment, while Packer notes that these aspects relate to crime, responsibility, and penalty. In the rehabilitation of drug abusers, the adopted approach is the treatment theory, which focuses on comprehensive treatment to help addicts be free from dependence. This rehabilitation process is not merely punitive but also aims to provide care and remedy for offenders who can be considered individuals suffering from illness.

According to this theory, penalties should be directed toward providing care and rehabilitation to offenders, not solely for punishment. In other words, rehabilitation is viewed as a more humane and effective solution to address drug abuse issues, considering that those who experience drug dependence actually need support and care. In this case, the offenders can be categorized as victims of their situations, thus requiring a more restorative approach within the legal system. Drug dealers in Indonesia, according to Law Number 35 of 2009, are classified as perpetrators (daders), while drug users can be identified as both perpetrators and victims. Although the definition of drug dealers is not explicitly outlined in the law, they can be implicitly understood as individuals involved in the distribution and delivery of narcotics. More broadly, the definition of dealers includes activities such as selling, buying, storing, possessing, supplying, as well as the export and import of narcotics. This indicates the complexity present in the narcotics legal system in Indonesia, where users can be in an ambiguous position, simultaneously as offenders and victims in the context of drug abuse.

In the Supreme Court Circular (SEMA) Number 4 of 2010, section 3 (a) explains that when judges impose a penalty in the form of a rehabilitation order, they must explicitly and clearly state the location of rehabilitation to be designated as a place for the defendant in their ruling. The intended rehabilitation locations include: 1) Medical and social rehabilitation institutions managed and supervised by the National Narcotics Agency (BNN); 2) Drug Dependence Hospitals (RSKO) in Cibubur, Jakarta; 3) Psychiatric hospitals spread across Indonesia; 4) Rehabilitation centers from the Ministry of Social Affairs of the Republic of Indonesia and Regional Technical Implementation Units (UPTD); and 5) Community rehabilitation institutions that have been accredited by the Ministry of Health or the Ministry of Social Affairs, even if the costs are borne by the service users.

The regulation regarding rehabilitation for drug addicts reflects a criminal law policy aimed at preventing abusers and addicts from returning to drug use. Rehabilitation is considered a more

appropriate and humane alternative to punishment for drug addicts. This shows that the law in Indonesia aims not only to punish but also to provide opportunities for addicts to recover and stop abusing narcotics. This rehabilitation approach should be supported by implementing regulations that consider the rights of drug abusers and addicts. Rehabilitation programs should also incorporate educational elements, including religious education, to help addicts realize their mistakes. The emotional closeness established between counselors and patients is expected to create a sense of brotherhood and kinship, making it easier for counselors to convey learning materials to patients. Jerome Hall explains that punishment can be understood through several aspects, including: first, punishment means the loss of necessary things in life; second, punishment can involve violence; third, punishment is imposed on behalf of the state; fourth, punishment is based on regulations and violations expressed in rulings; fifth, punishment is imposed on offenders who commit crimes; and sixth, the level or type of punishment is related to the crime committed and is influenced by the offender's personality, motives, and urges.

The theory of punishment has several perspectives that can serve as a basis for imposing penalties. One known theory is the absolute or retributive theory, emphasizing that punishment should be carried out as a form of retribution for the criminal act committed. This theory focuses on the offender's wrongdoing as the basis for imposing penalties, assuming that every violation must receive a proportional response. In this context, Herbert L. Packer mentions that the retributive theory focuses more on the act committed, looking backward, and aims to provide a deterrent effect for the offender. On the other hand, there is the relative or utilitarian theory, which emphasizes that the purpose of punishment is to protect society and prevent future crimes. This theory is oriented toward the positive impact of punishment on the offender, the victim, and society. Packer also states that the utilitarian theory looks forward and emphasizes that punishment should provide benefits, such as preventing future criminal acts and correcting offender behavior.

The combined theory integrates both of the previous theories, where the imposition of punishment considers not only the wrongdoing committed but also the objectives of the punishment itself. In this context, Indonesia, which refers to the Criminal Code (KUHP) as a colonial legacy, initially recognized the principle of retribution more dominantly, but over time there has been a shift toward more rehabilitative punishment. This is reflected in Law Number 12 of 1995 on Corrections, which directs punishment toward the development of prisoners and correctional students. This law emphasizes that corrections are carried out in an integrated manner between the caregivers, inmates, and the community to improve the quality of inmates, making them aware of their mistakes and preventing them from repeating crimes, as well as facilitating their acceptance back into society. This indicates that the theory of punishment adopted in Indonesia is now more combined, integrating aspects of both retribution and rehabilitation in its approach.

The process of implementing narcotics rehabilitation is divided into three main stages: pre-rehabilitation, execution of rehabilitation, and post-rehabilitation counseling. The pre-rehabilitation stage includes guidance and counseling for clients, families, and the community, followed by motivating clients to participate in the formulation of the rehabilitation program, as well as initial assessments of the clients. In the implementation stage, clients participate in rehabilitation programs that encompass medical, vocational, and social services simultaneously. Finally, the post-rehabilitation counseling stage focuses on clients who have completed the program and are deemed ready to return to society, where evaluations are conducted to assess their adjustments. The goal of rehabilitation is to restore individual self-esteem and responsibility, as well as to enhance their social skills and independence. The targets of rehabilitation include raising awareness of the issues faced, forming better self-identity, and facilitating social integration. Medical rehabilitation focuses on treating drug addicts through a comprehensive approach to address dependence, while social rehabilitation aims to restore the individual's social function. The implementation of these two forms of rehabilitation is regulated by Law Number 35 of 2009 and

SEMA Number 4 of 2010, which emphasize the importance of providing support to drug abusers to prevent them from falling back into dependence.

The Supreme Court Circular (MA) Number 4 of 2010 regulates the placement of drug users in therapy and rehabilitation centers, providing guidelines for judges in district courts and high courts to handle narcotics cases. In this SEMA, judges are expected not to hastily impose prison sentences on drug abusers, but rather to consider sending them to rehabilitation centers. The basis for this policy is Law Number 5 of 1997 on Psychotropics and Law Number 35 of 2009 on Narcotics, which allow judges to mandate treatment and care as part of the sentence. While in rehabilitation facilities, the time served is also counted as part of the sentence. If the drug addict is not found guilty, the judge may order them to be sent to a rehabilitation center without punishment.

Despite the clear guidelines, the practice of handling drug abusers in Indonesia still shows differences in sentencing where some offenders are sentenced to prison while others undergo rehabilitation. These differences reflect variations in judges' assessments of similar cases, including differing views on relevant data. The principles of sentencing, both written and unwritten, need to be considered by judges so that decisions are complex and fair. Inconsistencies in the implementation of rehabilitation programs can lead to public skepticism and apathy toward the law. Therefore, rehabilitation is deemed a better alternative than incarceration, and the Constitutional Court's decision in ruling Number 248/PUU-IX/2011 rejected the material test against Article 112 paragraph (1) and Article 127 paragraph (1) letter a of Law Number 35 of 2009, allowing drug users to still face criminal penalties.

The implementation of rehabilitation policy in the criminal justice system in Indonesia regarding drug abusers faces several challenges that result in ineffectiveness. One of the main factors is uncertainty in the application of laws relating to rehabilitation. Despite regulations supporting rehabilitation, such as Law Number 35 of 2009 and Supreme Court Circular (SEMA) Number 4 of 2010, practices on the ground show that judges still tend to impose prison sentences rather than rehabilitation. This occurs partly due to the persistent social stigma against drug abusers, who are seen as lawbreakers that need punishment rather than individuals in need of help. As a result, despite the legal instruments permitting diversion to rehabilitation, in many cases, drug abusers continue to be sentenced to prison.

The mismatch between policy and implementation is also due to a lack of deep understanding among judges and law enforcement regarding the importance of rehabilitation. In many cases, judges do not have adequate background or training on addiction and rehabilitation issues. This can lead to erroneous assessments of drug abuse cases where judges prefer penalties deemed firmer. Additionally, the lack of adequate rehabilitation facilities, both in terms of quantity and quality, also hinders the effectiveness of this policy. Many rehabilitation centers lack resources, facilities, and sufficient professional staff to provide effective rehabilitation services. As a result, rehabilitation often does not proceed as expected, and the outcomes are inadequate to effectively address drug abuse issues.

Another aspect affecting the ineffectiveness of rehabilitation policy implementation is the lack of coordination among various government agencies, both at the central and regional levels. Drug rehabilitation involves many parties, including the Ministry of Social Affairs, the Ministry of Health, and law enforcement agencies. However, there often exists overlapping duties and a lack of synergy among agencies, making the implementation of rehabilitation not integrated. This situation is compounded by the low level of public awareness regarding the importance of rehabilitation as a solution for drug abusers, which creates additional challenges in reintegrating former addicts into society. The lack of social support and the stigma attached to drug abusers often serve as barriers for them to undergo effective rehabilitation and contribute back to society.

Obstacles Faced by Judges in Imposing Rehabilitation Sentences for Drug Abusers and Solutions to Improve the Effectiveness of Rehabilitation Decisions in Law in Indonesia

The implementation of rehabilitation policies for drug abusers in Indonesia's criminal justice system has become an increasingly important issue, especially considering the high rates of drug abuse threatening public health and social stability. Although there are regulations supporting rehabilitation as an alternative to imprisonment, the execution of rehabilitation decisions often encounters various obstacles. One of the main challenges is the social stigma attached to drug abusers, which can influence judges' perspectives when imposing rehabilitation sentences. Additionally, the lack of knowledge and understanding among judges regarding rehabilitation processes, as well as limited rehabilitation facilities, also significantly hinder progress.

The implementation of rehabilitation decisions for drug abusers within Indonesia's criminal justice system faces various complex obstacles. One of the most significant obstacles is the social stigma associated with drug abusers. This stigma not only affects society's view of individuals involved in drug abuse but also impacts judges' decisions. In many cases, judges may be swayed by public opinion that tends to blame and discredit drug abusers, viewing them as lawbreakers deserving punishment. As a result, rehabilitation decisions are often seen as a less serious effort to address drug problems, leading judges to prefer prison sentences instead. This social stigma also negatively affects community acceptance of rehabilitation programs, as they may feel that drug abusers do not deserve a second chance, further exacerbating the cycle of abuse and distrust in the rehabilitation system.

In addition to social stigma, the lack of knowledge and understanding about rehabilitation also stands out as a major obstacle for judges. Many judges might not have adequate backgrounds in mental health or drug addiction, making it difficult for them to comprehend the complexities of this issue. Analysis of judges' knowledge regarding rehabilitation indicates that significant misconceptions still exist regarding the rehabilitation process, effective interventions, and the long-term goals of rehabilitation for drug abusers. This situation is compounded by a lack of adequate training and education for judges on public health and rehabilitation issues, preventing them from making decisions based on sound rehabilitation principles. Without sufficient knowledge, judges may hesitate to impose rehabilitation sentences and instead opt for punishment, which is a more familiar route for them.

Another crucial obstacle is the limited rehabilitation facilities. Identifying deficiencies in both the quantity and quality of rehabilitation centers in Indonesia reveals that many drug abusers do not have adequate access to quality rehabilitation services. Existing rehabilitation centers often cannot accommodate the number of drug users needing care or have limited resources in terms of staff training and available programs. This inadequacy creates doubts for judges when faced with the option to recommend rehabilitation. When available facilities cannot guarantee the quality of care, judges may feel compelled to avoid rehabilitation decisions in favor of pursuing more "safe" outcomes for society—namely, imposing prison sentences.

Equally important, legal uncertainty plays a significant role in hindering the implementation of rehabilitation policies. There are legal constraints related to the application of rehabilitation policies, including ambiguities in existing regulations and legislation. Although there are laws that support rehabilitation, inconsistencies in court applications often lead to confusion for both judges and drug abusers. Analysis of existing laws shows that while certain articles provide room for

rehabilitation, their implementation is not always accompanied by clear guidelines for enforcement in the field. This leads to confusion and uncertainty among judges when making decisions, ultimately resulting in inconsistent rulings and a lack of justice.

Pressures from the public and media also add complexity to this issue. Public opinion, often shaped by negative narratives about drug abusers, can make judges uncomfortable taking decisions that may not be popular, such as imposing rehabilitation sentences. This discomfort may stem from concerns that such decisions will be misinterpreted by society as a weakening of law enforcement. Consequently, judges may be more inclined to impose prison sentences to avoid controversy, even though rehabilitation may offer a more effective solution to tackling drug abuse issues. In this context, it is crucial for both the legal system and society to understand that rehabilitation is not just a more humane option but also a vital step in restoring individuals and communities from the negative impacts of drug abuse.

To improve the effectiveness of rehabilitation decisions for drug abusers, one of the first steps that need to be taken is to provide education and training for judges. Training programs specifically designed for judges should not only focus on legal aspects but also include a deep understanding of rehabilitation and addiction. This is essential because a solid comprehension of the medical and social factors associated with addiction can help judges make more informed decisions. With better knowledge, judges can view drug abusers not only as lawbreakers but also as individuals who require care and support. Such training could involve collaboration with experts in mental health and rehabilitation, allowing judges to understand the various approaches available in rehabilitation and how these interventions can benefit individuals and society as a whole.

The development of better and quality rehabilitation facilities is also a crucial step to enhance the effectiveness of rehabilitation decisions. Recommendations to improve the quantity and quality of rehabilitation centers should be taken seriously, considering that many drug abusers do not have adequate access to quality rehabilitation services. This could be achieved through increased government funding and facilitating collaborations between the public and private sectors. With support from various stakeholders, it is hoped that rehabilitation facilities can be more widespread and have sufficient resources to provide comprehensive care. This also includes training for staff in rehabilitation centers, enabling them to deliver professional and recovery-oriented services, thus increasing judges' confidence in recommending rehabilitation as an alternative to prison sentences.

Improving coordination among agencies is also very important in handling drug abuse cases and rehabilitation. Proposals to strengthen cooperation among government agencies in dealing with drug abusers should be prioritized, potentially through the establishment of integrated teams involving various stakeholders, such as judicial institutions, the Ministry of Health, and social agencies. This team could be tasked with formulating an integrated strategy for addressing drug abuse cases, including referrals to rehabilitation centers and evaluating rehabilitation outcomes. Effective collaboration among governmental agencies is expected to create a system that is more responsive to the needs of drug abusers, enabling rehabilitation decisions to be implemented more effectively.

Additionally, public outreach and education are vital to reducing social stigma against drug abusers. Campaign plans focusing on public awareness of rehabilitation as an alternative to punishment can help change societal views of drug abusers. Through this campaign, the community can understand that rehabilitation is a more humane and effective step for helping individuals recover from addiction compared to prison sentences, which may worsen their conditions. Enhancing public awareness of the importance of supporting rehabilitation programs can also create a more positive environment for drug abusers to undergo the recovery process.

CONCLUSION

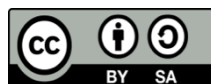
The obstacles faced by judges in imposing rehabilitation sentences for drug abusers and solutions to enhance the effectiveness of rehabilitation decisions indicate that, although rehabilitation efforts hold significant potential, there are various challenges that need to be addressed. Social stigma against drug abusers, a lack of knowledge and understanding about rehabilitation among judges, limited rehabilitation facilities, legal uncertainty, and pressure from the public and media all contribute to inconsistencies in the implementation of rehabilitation decisions. This creates the impression that the criminal justice system is more inclined to punish than to heal, which can ultimately harm individuals struggling with drug addiction as well as society as a whole.

Therefore, the implementation of comprehensive and sustainable solutions becomes crucial to enhance the effectiveness of rehabilitation decisions in the law in Indonesia. Education and training for judges, the development of better rehabilitation facilities, increased inter-agency coordination, public outreach to reduce stigma, and ongoing evaluation of rehabilitation programs are steps that can help shift the paradigm of addressing drug abuse from a retributive legal approach to a more rehabilitative one. By implementing these measures, it is hoped that drug abusers will gain better access to the care they need, assisting them in their recovery and reintegration into society, thereby creating a healthier and safer environment for all.

BIBLIOGRAPHY

- Anzani, A. (2022). The narcotics abuse rehabilitation for police members by the National Narcotics Agency (BNN). *Jurnal Daulat Hukum*, 5(2), 71–82.
- Chu, C. M., & Daffern, M. (2024). *Approaches to Offender Rehabilitation in Asian Jurisdictions*. Taylor & Francis.
- Dale, P. E. R., Knight, J. M., & Dwyer, P. G. (2014). Mangrove rehabilitation: a review focusing on ecological and institutional issues. *Wetlands Ecology and Management*, 22, 587–604.
- Dharmawan, A., Yudianto, O., & Mangesti, Y. A. (2022). Double Track System in Criminal Sanction Against Narcotics Abuse. *Ius Positum: Journal Of Law Theory And Law Enforcement*, 30–43.
- Gossop, M. (2017). *Living with drugs*. Routledge. <https://doi.org/10.4324/9781351153720>
- Hapsari, P. D., Putri, A. S., & Kerstan, H. (2022). Legal Policy for Drug Users in Indonesia and the Netherlands. *Journal of Creativity Student*, 7(1), 35–66.
- Kerker, J. T., & Adeyongo, I. A. (2024). Intervention Strategies for Mitigating Drug and Substance Abuse Among Youths in Selected Local Government Areas of Benue State, Nigeria. *African Journal of Humanities and Contemporary Education Research*, 14(1), 1–18.
- Lee, J., Yu, F., Auyong, H., & Chok, S. (2018). *Community-Based approaches to the prevention, rehabilitation and reintegration of drug offenders*.

- Riyadi, B. S. (2023). *Culture of abuse of power in indonesia from the perspectiv of criminology and low*. PT. RajaGrafindo Persada-Rajawali Pers.
- Robinson, P. H., & Darley, J. M. (2019). The role of deterrence in the formulation of criminal law rules: At its worst when doing its best. In *Deterrence* (pp. 3–56). Routledge.
- Setiyaningrum, E., Basuki, I., & Setyowati, S. (2022). Literature Review of Curriculum Management Model Development of Addiction Science Study Program. *Studies in Learning and Teaching*, 3(2), 120–131.
- Short Jr, J. F. (2018). *Poverty, ethnicity, and violent crime*. Routledge.
- Sloane, R. D. (2017). The expressive capacity of international punishment: The limits of the national law analogy and the potential of international criminal law. In *Globalization of criminal justice* (pp. 315–370). Routledge.
- Sumarno, S. (2024). Comprehensive Framework For Rehabilitation: Social, Legal, And Economic Perspectives In Indonesia: ISBN 978-630-95064-0-5. *Technium Books*.
- Suyatin, S., Budianto, A., & Sara, R. (2023). Law Enforcement Of The Criminal Action Of Drug Distribution According To Law No. 35 Of 2009 (Case Study Of Polres Semarang). *Journal Research of Social Science, Economics, and Management*, 2(10), 2420–2429. 10.59141/jrssem.v2i10.461
- Tepora, J. U. (2023). *Community Reintegration Strategies for Young Persons in Drug Rehabilitation: A Metasynthesis*. Philippine College of Health Sciences.
- Tyler, T. R., Goff, P. A., & MacCoun, R. J. (2015). The impact of psychological science on policing in the United States: Procedural justice, legitimacy, and effective law enforcement. *Psychological Science in the Public Interest*, 16(3), 75–109. 10.1177/1529100615617791
- Utami, G. A., & Jaya, A. E. N. (2024). Perspective of Punishment Goals for Narcotics Addicts in Health Aspect of Medical Rehabilitation. *Science Techno Health Journal*, 2(1), 12.
- Yang, M., Mamy, J., Gao, P., & Xiao, S. (2015). From abstinence to relapse: a preliminary qualitative study of drug users in a compulsory drug rehabilitation center in Changsha, China. *PLoS One*, 10(6), e0130711. 10.1371/journal.pone.0130711



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