

Implementation of rehabilitation sanctions for victims of narcotics abuse for the sake of legal certainty

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ABSTRACT

Drug abuse poses a serious global threat, including in Indonesia. To address this issue, the implementation of rehabilitation sanctions as an alternative to imprisonment has been introduced by law. However, despite aiming to protect and aid victims of drug abuse, the application of rehabilitation sanctions faces significant challenges regarding legal certainty. Research, using a normative legal approach and content analysis of narcotics and rehabilitation regulations, along with a study of court decisions related to rehabilitation sanctions, reveals fundamental issues. One key finding is the inconsistency in defining drug abuse victims, impacting the understanding and implementation of rehabilitation sanctions. Moreover, the term "may" in the law creates ambiguity concerning judges' obligations to impose rehabilitation sanctions. Practical constraints, like limited rehabilitation facilities and inadequate understanding of rehabilitation approaches among law enforcement, also affect effectiveness. Addressing these issues requires clarifying definitions, enhancing law enforcement's understanding through training, and improving rehabilitation facilities. The goal is to provide comprehensive protection and optimal recovery for those affected by drug abuse, ultimately benefiting Indonesia's criminal justice and rehabilitation systems.

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1. Introduction

The misuse of narcotics is a serious issue affecting many countries worldwide. In Indonesia, the problem of narcotic abuse has reached alarming levels. According to the National Narcotics Agency (BNN) report, the number of narcotics users in Indonesia continues to rise each year. Narcotic abuse is not merely a public health concern but also generates significant social, economic, and security impacts (Chandra, 2021). Narcotic abuse in Indonesia is a pressing issue. Based on data from the 2019 BNN and PMB-LIPI survey, it was found that the prevalence of narcotic abuse at the national level over the past year reached 1.80% of the entire population

aged 15 to 64 years, which translates to approximately 3,419,188 individuals involved in narcotic abuse (Firmansyah, 2020). Narcotic abuse not only poses negative consequences on the physical and mental health of those involved but also results in substantial social and economic losses, along with an increase in narcotic-related crimes. Furthermore, cases of narcotic trafficking in Indonesia consistently show an increase each year, escalating by approximately 90.13%, with evidence seized by law enforcement agencies comprising 13.8 tons of marijuana, 2.6 tons of crystal methamphetamine (shabu), and 1.6 million ecstasy pills. Based on this data, the President declared Indonesia to be in a state of narcotic emergency. Narcotic abuse is a serious threat to human life, leading to addiction and potential fatalities (Alrosid, 2020) (Saputra & Chalim, 2018).

Narcotic and psychotropic substance crimes are serious issues with tremendous consequences, especially for the younger generation. The distribution and trade of narcotics cross national borders, making them transnational crimes. As a nation governed by the rule of law, Indonesia has a commitment to uphold the rule of law, truth, and justice. Nonetheless, many individuals in Indonesia continue to violate the law. Law enforcement against narcotic offenses has been actively pursued by law enforcement agencies and has received numerous judicial verdicts. Legislative provisions governing narcotic issues have been drafted and enforced, but narcotic crimes have not been fully eradicated. Currently, law enforcement receives primary attention in addressing narcotic crimes, especially in terms of the state's participation and responsibility in combating this problem. In the effort to combat narcotic crimes, law enforcement plays a central role in providing protection, preventing abuse, and taking legal actions against narcotic-related violations. Through the application of fair and effective law, the state demonstrates its commitment to uphold existing regulations in the interest of society (Senjaya et al., 2022) (Sudanto, 2017).

Law enforcement is not limited to the process of penalizing offenders but also encompasses broader social aspects, including prevention, rehabilitation, and social reintegration. However, challenges in applying the principles of the rule of law in Indonesia persist. The high rate of legal violations, including cases of narcotic abuse, suggests that there is an ongoing struggle to ensure the fair and effective enforcement of the law. More intensive efforts are needed in prevention, law enforcement, and rehabilitation to address the issue of narcotic and psychotropic substance crimes. Rehabilitation, as stipulated in legislation, can be classified into two types. First, according to Law No. 35 of 2009 on Narcotics, Article 1, number 16, medical rehabilitation is defined as an integrated treatment process aimed at freeing addicts from narcotics dependence. Second, as per Law No. 35 of 2009 on Narcotics, Article 1, number 17, social rehabilitation is described as an integrated recovery process, encompassing physical, mental, and social aspects, to enable former narcotics addicts to reintegrate into society (Rizki, 2018).

The government and the judicial system have adopted various approaches to address narcotic abuse, one of which is the application of rehabilitation sanctions for narcotic abuse victims. Rehabilitation sanctions emphasize the recovery and social reintegration of narcotic abuse victims through various rehabilitation programs, including medical treatment, counseling, and social support. Article 54 of Law No. 35 of 2009 mandates that narcotics addicts are required to undergo both medical and social rehabilitation at narcotics dependency rehabilitation centers (Syarifudin, 2023). With the provision that judges handling narcotics addicts' cases can render rehabilitation verdicts, as implied by Article 103, Law No. 35 of 2009, Indonesia's Narcotics Law has implicitly shifted the paradigm that narcotics addicts are not always perpetrators of crimes but rather victims of their own narcotics abuse. The Supreme Court Circular (SEMA) No. 4 of 2010 regarding the Placement of Narcotic Abuse, Victims of Narcotic Abuse, and Narcotics Addicts in Medical and Social Rehabilitation Institutions further emphasizes the considerations and guidelines for judges in imposing rehabilitation sanctions (Widijowati & Daniel, 2022).

The understanding and agreement of the government and law enforcement agencies regarding the handling of narcotics addicts and victims of narcotics abuse are manifested through Joint Regulations issued by various related institutions, including the Supreme Court of the Republic of Indonesia, the Ministry of Law and Human Rights of the Republic of Indonesia, the Ministry of Health of the Republic of Indonesia, the Ministry of Social Affairs of the Republic of Indonesia, the Attorney General of the Republic of Indonesia, the Chief of the National Police of the Republic of Indonesia, and the Head of the National Narcotics Agency of the Republic of Indonesia. These Joint Regulations, officially designated as No. 01/PB/MA/III/2014, No. 03 of 2014, No. 11 of 2014, No. 03 of 2014, No. PER-005/A/JA/03/2014, No. 1 of 2014, No. PERBER/01/III/2014/BNN, establish the handling of narcotics addicts and victims of narcotics abuse through rehabilitation institutions. As a result, narcotics addicts are no longer subject to criminal imprisonment but are provided with the opportunity for rehabilitation (Erisky & Widayati, 2021). Challenges in narcotic rehabilitation in Indonesia have become a pressing issue that requires serious attention. Several previous studies have identified various obstacles, including social stigma, lack of family support, societal awareness, and post-rehabilitation employment difficulties. (Erisky & Widayati, 2021) found that the lack of family support and societal awareness were the primary factors influencing the success of narcotic rehabilitation programs. (Kasim, 2021) emphasized that social stigma and environmental pressures hinder the recovery of former narcotic addicts. Additionally, (Arisanti, 2023) highlighted the importance of family support and post-rehabilitation employment challenges in social rehabilitation.

Numerous global studies highlight persistent challenges in the implementation of rehabilitation sanctions, with one prominent obstacle being the social stigma attached to narcotic abuse. This stigma not only leads to discrimination and social isolation but also hampers the garnering of community support. Additionally, the limited access and availability of rehabilitation services present significant hurdles in providing adequate care for narcotics addicts. The dearth of rehabilitation facilities, trained personnel, and comprehensive programs further impedes the delivery of necessary services. Moreover, sustaining recovery post-rehabilitation program completion poses a notable challenge, exacerbated by mental health issues and a lack of motivation for change among narcotic addicts. To comprehensively address these challenges, integrated efforts are imperative to ensure the success of narcotic rehabilitation sanctions. Consequently, legal research examining the implementation of rehabilitation sanctions for narcotic abuse victims is crucial for evaluating effectiveness and fostering policy improvements. Thus, this research aims to contribute to legal certainty in the realm of narcotics abuse by investigating and evaluating the "Implementation of Rehabilitation Sanctions for Narcotic Abuse Victims."

2. Method

The chosen research methodology is Juridical Normative, and it adopts a statutory approach to comprehensively explore legal phenomena. This research type predominantly focuses on positive legal norms and principles and relies on both primary and secondary legal materials, including legislative acts, government regulations, and court judgments. The research is of a descriptive nature, aiming to provide a detailed portrayal of the existing legal landscape without engaging in the interpretation of legal norms. The primary legal source materials encompass a range of legislative documents, such as Law No. 5 of 1997 on Psychotropic Substances, Law No. 35 of 2009 on Narcotics, Law No. 18 of 2009 on Mental Health, and Government Regulation No. 21 of 2021 on Rehabilitation for Victims of Narcotic Abuse, among others. This approach allows for an in-depth analysis of the legal aspects associated with narcotic abuse and rehabilitation, ensuring a comprehensive understanding of the legal framework governing this particular area of law. In this research, the author employs a library research approach to gather secondary legal materials from sources such as internet articles, utilizing document analysis as the primary method. Data processing in this Juridical Normative study involves several phases, including the categorization and classification of collected data,

the analysis of relevant legal sources, the determination of the meaning and significance of legal norms, the compilation of descriptions and interpretations, as well as data verification and validation. The technique for legal material analysis includes understanding legal sources, interpreting legal norms, evaluating their application in practice, and forming conclusions and recommendations regarding the legal system. The research locations comprise the Master of Law Library at Bung Karno University, the University Library of Master of Law, the Doctoral Program in Legal Science at Jayabaya University, and the institution of the Supreme Court, all of which contribute valuable data for this study.

3. Analysis and Results

3.1. Implementation of Rehabilitation Policies for Drug Abuse Victims

The policy of rehabilitating drug abuse victims is a complex and controversial issue in its implementation. On one hand, the purpose of rehabilitation is to assist addicts or drug users in their recovery and overcoming addiction. However, on the other hand, rehabilitation policies are also executed as part of the criminalization process for drug-related offenses (Arditasari, 2022). In the law, drug addicts and victims of drug abuse are mandated to undergo medical and social rehabilitation. Article 54 defines "victims of drug abuse" as individuals who unintentionally use drugs due to pressure, negative influences, or threats from others. Therefore, they are also required to receive both medical and social rehabilitation. Rules regarding the rehabilitation of drug addicts also fall under the realm of legal enforcement in courts, as mentioned in Article 103 of the Narcotics Law, which states, "A judge examining a drug addict's case may: a) Decide to order the person to undergo treatment and/or rehabilitation if the drug addict is found guilty of a narcotics offense; or b) Determine to order the person to undergo treatment and/or rehabilitation if the drug addict is not found guilty of a narcotics offense."

This means that the court can sentence someone found guilty or not guilty as a drug abuse victim or addict to rehabilitation. The regulations regarding drug penalties are stipulated in various articles within the 2009 Narcotics Law. However, the interpretation of the term "may" in Article 103 of the Narcotics Law is often subject to multiple interpretations, creating uncertainty about the correct approach to dealing with drug abusers. On the other hand, the majority of inmates and detainees in narcotics cases are users or even victims of this issue. From a health perspective, they are individuals suffering from illnesses due to drug dependency (Parisman & Gorda, 2022). In this context, imprisoning them is not the appropriate step, as it can overlook the care and treatment necessary for recovery. The defendant, when apprehended by the Indonesian National Police (Polri) and the National Narcotics Agency (BNN) investigators, was caught red-handed, and during the apprehension, the following pieces of evidence of one day's drug use were found: "Methamphetamine (meth): 1 gram, MDMA (ecstasy): 2.4 grams = 8 tablets, Heroin: 1.8 grams Cocaine: 1.8 grams, Cannabis (marijuana): 5 grams Coca leaves: 5 grams, Mescaline: 5 grams Psilocybin: 3 grams, LSD (d-lysergic acid diethylamide): 2 grams, PCP (phencyclidine): 3 grams, Fentanyl: 1 gram, Methadone: 0.5 grams, Morphine: 1.8 grams, Pethidine: 0.96 grams, Codeine: 72 grams, Buprenorphine: 32 mg."

The laboratory test confirmed the presence of narcotics based on the investigators' request. To complete the picture, a certificate from a government-appointed psychiatrist or mental health doctor is required. No evidence implicates the individual in drug trafficking. The Narcotics Law prescribes a double-track system of sanctions, encompassing both criminal penalties and punitive measures, with rehabilitation being one form of action. Under Article 103 of the Narcotics Law, it is stipulated that a judge may decide or designate a drug addict to undergo treatment and/or care. The period of treatment and/or care is counted as time served for the criminal penalty (Renyaan, 2023). This aligns with one of the objectives of the Narcotics Law: to ensure the regulation of medical and social rehabilitation efforts for drug addicts. However, available data indicates that judges tend to impose prison sentences on drug addicts. As a result, drug addicts serving sentences are not given the opportunity to undergo rehabilitation,

resulting in less-than-optimal rehabilitation program implementation in correctional facilities. Until now, drug rehabilitation programs in correctional facilities have not been maximally effective (Arisanti, 2023) (Iskandar, 2019). The legal basis for conducting assessments in the rehabilitation of drug abuse victims is outlined in Article 4 paragraph d, Article 54-58, and Article 103 of Law No. 35 of 2009 on Narcotics, Supreme Court Circular (SEMA) No. 4 of 2010 concerning the Placement of Drug Abusers and Addicts into Medical and Social Rehabilitation Institutions, as well as Joint Regulations of the Chief Justice of the Supreme Court of the Republic of Indonesia, the Minister of Law and Human Rights of the Republic of Indonesia, the Minister of Health of the Republic of Indonesia, the Minister of Social Affairs of the Republic of Indonesia, the Attorney General of the Republic of Indonesia, the Chief of the National Police of the Republic of Indonesia, and the Head of the National Narcotics Agency of the Republic of Indonesia Number: 01/PB/MA/III/2014, Number: 03 of 2014, Number: 11 of 2014, Number: 03 of 2014, Number: PER-005/A/JA/03/2014, Number: 1 of 2014, Number: PERBER/01/III/2014/BNN Concerning the Handling of Drug Addicts and Victims of Drug Abuse into Rehabilitation Institutions. The obligation of rehabilitation for drug abuse victims is mandatory because they are positioned as victims. Rehabilitation is mandatory for drug addicts and victims of drug abuse because, as victims of narcotics, a negative stigma is attached to them, and imposing a prison sentence on them would only further enhance this negative stigma, labeling them as criminals. Rehabilitation can prevent the application of criminal law to a drug addict or a victim of drug abuse, providing a chance to prevent them from returning to a life of crime.

3.2. Implementation of Sanctions and Assessment of Drug Abuse Victims

The implementation of sanctions against drug abuse victims has become a crucial issue in the effort to address the drug problem in Indonesia. Law Number 35 of 2009 concerning Narcotics serves as the legal basis for applying sanctions to drug abusers and addicts. The assessment of drug abuse victims by the Indonesian National Police and the National Narcotics Agency (BNN) follows established procedures. If a drug abuse victim or addict reports their situation without an arrest process, the police will directly refer or recommend them to the Mandatory Reporting Institution (IPWL). However, if a drug abuse victim or addict is apprehended by the police, the assessment process begins with the acceptance of the assessment request by the investigator, which must be completed within a maximum of 24 hours. After receiving the request, the integrated assessment team will conduct the assessment according to the established procedures. Subsequently, the integrated assessment team will carry out their duties and provide assessment results recommendations within a maximum of 6 (six) days to be reported in writing to the local district court.

The integrated assessment mechanism for drug abusers represents the government's implementation of addressing the issue of drug abuse in Indonesia. Under Law Number 35 of 2009 concerning Narcotics, drug abusers are approached from two dimensions: health and legal. The integrated assessment approach is expected to merge these two dimensions, enabling a holistic and comprehensive approach to addressing drug abuse victims. This integrated assessment process also indicates an effort to integrate health and legal policies in handling drug-related issues. By involving an integrated assessment team comprising various experts and professionals, it is expected to provide a more comprehensive perspective on the conditions of drug abuse victims, both from a health and legal standpoint. Moreover, the implementation of the integrated assessment mechanism also provides legal certainty to drug abuse victims because the process is carried out with clear rules and in accordance with applicable regulations. In the legal dimension, drug abusers are considered criminals and must be punished for violating the existing laws, specifically Law Number 35 of 2009 concerning Narcotics (Daeng & Yusuf, 2021); (Paruki et al., 2023). Therefore, for drug abuse cases, the Narcotics Law provides a solution by integrating these two approaches through criminal rehabilitation. The integration of two approaches, namely medical rehabilitation and social rehabilitation, is carried out through an integrated assessment mechanism aimed at providing

recommendations regarding the suitability of the suspect for rehabilitation (Yanto, 2019) (CERISTANTHY DAMANIK, 2022). This integrated assessment mechanism is based on various regulations that govern the placement of drug addicts and drug abuse victims in rehabilitation institutions. Some of the regulations serving as the basis for implementing the integrated assessment mechanism include: a) Joint Regulations between the National Narcotics Agency (BNN) and the Supreme Court of the Republic of Indonesia's Police Judiciary (Mahkumjakpol), Ministry of Health (Kemenkes), and Ministry of Social Affairs (Kemensos) regarding the handling of narcotics addicts and drug abuse victims in Rehabilitation Institutions. b) Circular Letter of the Supreme Court Number 04 of 2010 concerning the placement of drug abusers, drug abuse victims, and narcotics addicts in Medical and Social Rehabilitation Institutions. c) Regulation of the Head of the National Narcotics Agency Number 11 of 2014 concerning the procedures for handling suspects and/or defendants of narcotics addicts and drug abuse victims in Rehabilitation Institutions. d) Regulation of the Attorney General Number 29 of 2015 concerning technical guidelines for handling narcotics addicts and drug abuse victims in Rehabilitation Institutions. e) Regulation of the Ministry of Health Number 50 of 2015 concerning technical guidelines for mandatory reporting and medical rehabilitation for addicts, abusers, and victims of narcotics.

Through the implementation of the integrated assessment mechanism based on these regulations, relevant experts and professionals will conduct a comprehensive evaluation of the physical and psychological condition of drug abuse victims. The assessment results will serve as the basis for judges and relevant parties to determine whether the suspect qualifies for medical rehabilitation and/or social rehabilitation. The integrated assessment team is divided into two teams: a medical team (doctors and psychologists) and a legal team (representatives from the Indonesian National Police, the National Narcotics Agency, the Public Prosecutor's Office, and the Ministry of Law and Human Rights). The purpose of forming these assessment teams is to assess drug abusers and narcotics addicts at various stages, from the investigative process to the court proceedings. The procedure for the Integrated Assessment is as follows: a) The request as stipulated in Article 8 paragraph (3) shall be submitted by the Investigator within a maximum of 1x24 (one times twenty-four) hours after the arrest. b) The Integrated Assessment Team conducts an assessment after receiving the request as stipulated in paragraph (1). c) The Integrated Assessment Team as stipulated in paragraph (2) carries out its tasks and provides assessment results recommendations within a maximum of 6 (six) days to be reported in writing to the local District Court.

The assessment, in its implementation, includes: a) Interviews regarding the health history, drug use history, treatment and care history, psychiatric history, as well as the family and social history of the Suspect and/or Defendant. b) Observation of the Suspect's behavior. c) Physical and psychological examinations.

The assessment is conducted and signed by a minimum of 2 (two) members of the Medical Team. In the future, the prospect of regulating integrated assessments for drug abusers will involve examining to what extent existing criminal provisions need to be modified and updated. Criminal law reform is also part of penal policy. The essence of criminal law reform is essentially an effort to reorient and reform criminal law in line with the central socio-political, socio-philosophical, and socio-cultural values of Indonesian society that underpin social policies (Johardi et al., 2022) (Novianti, 2019).

3.3. Scheme for Implementing Rehabilitation Sanctions for Drug Abuse Victims

The implementation of rehabilitation, in practice, faces several confusions and differences of opinion arising from the definitions found in the Narcotics Law. Article 4 of the Narcotics Law states that the main purpose of this law is to ensure the regulation of medical and social rehabilitation efforts for drug abusers and narcotics addicts. However, Article 54, which follows, mentions that only narcotics addicts and drug abuse victims are required to undergo medical and social rehabilitation. This raises issues because drug abusers are not recognized as

individuals eligible for rehabilitation according to this article. Those who previously had the assurance of rehabilitation in Article 127 also become susceptible to being subject to criminal charges and losing their right to rehabilitation unless they can be proven or established as narcotics victims (Badu & Kaluku, 2022); (Mahruf & Hamrin, 2022).

Furthermore, there is a difference in the interpretation of the term "may" in Article 103 of the Narcotics Law. Some opinions suggest that "may" indicates an obligation for judges to impose rehabilitation penalties, whether the guilt is proven or not. However, the results of a survey on judges' perceptions show that the majority of them believe that "may" is facultative and depends on considerations of various factors such as witnesses, evidence, and facts that arise during the trial.

The confusion in definitions and differences in interpretation reflect the need for clarification and consistency in the implementation of rehabilitation for drug offenders. Clear and consistent steps are required to ensure the rights of drug abusers to receive rehabilitation in line with principles of justice and humanity. Additionally, education and training for judges and parties involved in the judicial process related to rehabilitation are necessary to better understand the principles and importance of rehabilitation in handling drug abuse cases. Thus, the implementation of rehabilitation can proceed more effectively and in line with the spirit of the law to ensure protection and recovery for drug abuse victims.

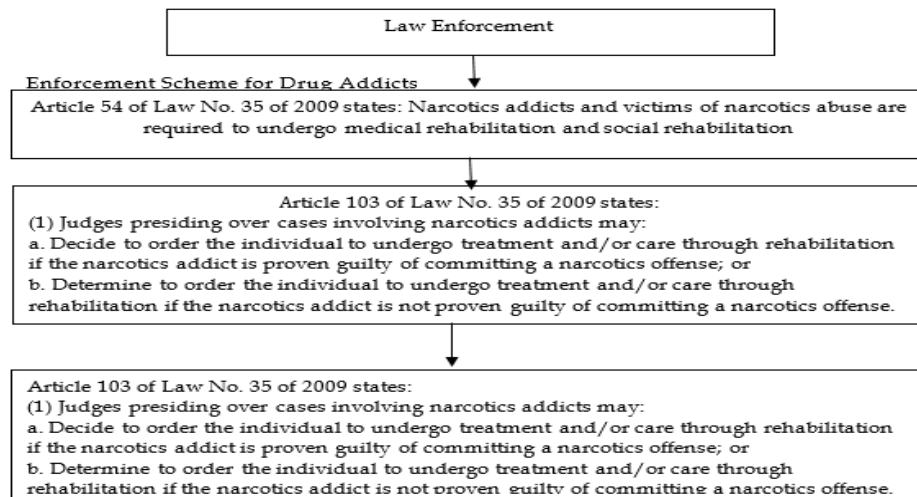


Figure 1. Implementing Rehabilitation Sanctions for Drug Abuse Victims

Judges, as the linchpin of the judicial system, are often in the spotlight in cases of drug abuse due to differences in opinions regarding rehabilitation sentences. Various issues arise, such as the low number of rehabilitation sentences and the high number of drug abusers being incarcerated. However, it's important to remember that judges, as enforcers of the law, and the judiciary as an institution, are only one part of the criminal justice system, which involves law enforcement agencies like the police and the prosecution (Rizki, 2018). Several factors influence a judge's decision, including the assessments and recommendations from the Integrated Assessment Team (TAT), which serve as the primary basis for determining whether a defendant is a narcotics addict. Judges do not have the competence to directly determine a defendant's status as an addict or a drug abuse victim. It's important to note that judges are not always responsible for the scarcity of rehabilitation sentences. The application of existing laws and policies can influence a judge's decision. The lack of sentencing guidelines for drug abusers in the Narcotics Law makes Supreme Court Circular Letter (SEMA) No. 4 of 2010 the primary reference for judges in deciding rehabilitation sentences.

The implementation of criminal rehabilitation requires support from adequate facilities and infrastructure. Data from the National Narcotics Agency (BNN) indicates that there are 176

rehabilitation facilities, but this number is still insufficient, given the importance of having rehabilitation facilities that meet minimum service standards. This aligns with the provisions in SEMA No. 4 of 2010, which state that judges who impose rehabilitation sentences must clearly and explicitly designate the nearest rehabilitation center in their verdicts. One of the goals of the Narcotics Law is to ensure the regulation of medical and social rehabilitation efforts for drug abusers and narcotics addicts (Widijowati & Daniel, 2022), (Busnarma, 2019). However, in practice, cooperation and understanding among law enforcement agencies are crucial. Despite the Joint Regulation established in 2014, which governs the treatment of narcotics addicts and drug abuse victims in rehabilitation institutions, differences in interpretation regarding criminal rehabilitation still exist in the field. Judges play a special role in the implementation of the Narcotics Law. Still, it's important to remember that a judge's decision must be supported by the recommendations of the Integrated Assessment Team (TAT), expert witness testimonies, and the availability of rehabilitation facilities and clear legal frameworks.

The low number of rehabilitation sentences is not solely the responsibility of judges and the judicial system but also involves relevant law enforcement agencies from the investigation stage to assessment and prosecution. To enhance the effectiveness of criminal rehabilitation, a comprehensive evaluation of the implementation and provision of rehabilitation facilities is necessary. Closer cooperation among various stakeholders and a deep understanding of the objectives of the Narcotics Law are key to addressing the challenges of drug abuse and providing better protection and rehabilitation for drug abuse victims and addicts.

4. Conclusion

The regulation of rehabilitation sanctions for drug abuse victims in Indonesia faces challenges affecting understanding and implementation. Analyzing existing regulations reveals inconsistencies in defining drug abuse victims, creating diverse interpretations and uncertainty in applying rehabilitation sanctions. Additionally, the term "may" in the law allows flexibility in the judge's decisions, reducing clarity in the judicial process. Practical issues, such as limited rehabilitation facilities and insufficient understanding of the rehabilitation approach among law enforcement, affect the effectiveness of implementing rehabilitation sanctions. Consequently, the rights of drug abuse victims become uncertain, raising questions about the criminal justice system's objectives regarding drug abuse. Concrete actions, including clarifying definitions, training for law enforcement, and improving rehabilitation facilities, are required to enhance understanding and consistent implementation within Indonesia's legal framework for rehabilitation sanctions. The regulation of rehabilitation sanctions for drug abuse victims in Indonesia encounters significant challenges, evident in the ambiguities and inconsistencies in defining this vulnerable demographic. These uncertainties contribute to varied interpretations and a lack of clarity in the implementation of rehabilitation sanctions. The discretionary use of the term "may" in the law grants judges flexibility, introducing further ambiguity into the judicial process. Practical issues, including limited rehabilitation facilities and insufficient comprehension of rehabilitation approaches among law enforcement, hinder the effective execution of rehabilitation sanctions. Consequently, the rights of drug abuse victims become uncertain, prompting broader questions about the criminal justice system's objectives regarding drug abuse. To address these issues, concrete actions are imperative, including the clarification of definitions, comprehensive training for law enforcement, and substantial improvements to rehabilitation facilities. These initiatives collectively contribute to fostering a clearer, more consistent, and effective legal framework for rehabilitation sanctions in Indonesia, aligning with the broader objectives of the criminal justice system.

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