

## **Problems of Handling Narcotics Addicts in Indonesia: An Analysis Between Normative Policy and Empirical Practice**

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### **Abstract**

*The problem of narcotics abuse in Indonesia shows that there is a gap between the normative provisions that require rehabilitation for addicts and the practice of prison punishment that is still dominant. This study aims to analyze the implementation of criminal law policies against narcotics addicts through a progressive legal perspective and assess the application of rehabilitative approaches by law enforcement officials. The types of research used are normative juridical legal research and empirical juridical law. The normative juridical approach is carried out by examining laws and regulations, court decisions, and legal literature related to narcotics policy and progressive legal theory, while the empirical juridical approach is carried out to see the implementation of legal norms in practice. The primary data sources in this study were obtained through interviews with law enforcement officials and correctional institution officers, while secondary data sources included primary legal materials in the form of laws and regulations and court decisions, as well as secondary legal materials in the form of books, scientific journals, and official reports of related institutions. The data collection technique was carried out through literature studies and interviews. The collected data was analyzed using qualitative analysis techniques by comparing normative provisions (das sollen) with their implementation practices (das sein). The results of the study show that the criminal law policy against narcotics addicts has not been effective. Addicts are more often sentenced to prison than directed to rehabilitation, so narcotics inmates are the main contributor to prison overcapacity. Law enforcement officials are still oriented towards punishment, coordination between institutions is not optimal, and rehabilitation facilities are still limited. A progressive legal perspective offers a more humanist approach by placing the addict as a victim of addiction in need of recovery through medical and social rehabilitation.*

*Keyword:* Criminal Law Policy, Drugs Addicts, Policy Implementation.

## **Abstrak**

Permasalahan penyalahgunaan narkotika di Indonesia menunjukkan adanya kesenjangan antara ketentuan normatif yang mewajibkan rehabilitasi bagi pecandu dan praktik pemidanaan penjara yang masih dominan. Penelitian ini bertujuan untuk menganalisis implementasi kebijakan hukum pidana terhadap pecandu narkotika melalui perspektif hukum progresif serta menilai penerapan pendekatan rehabilitatif oleh aparat penegak hukum. Jenis penelitian yang digunakan adalah penelitian hukum yuridis normatif dan yuridis empiris. Pendekatan yuridis normatif dilakukan dengan mengkaji peraturan perundang-undangan, putusan pengadilan, dan literatur hukum terkait kebijakan narkotika serta teori hukum progresif, sedangkan pendekatan yuridis empiris dilakukan untuk melihat implementasi norma hukum dalam praktik. Sumber data primer dalam penelitian ini diperoleh melalui wawancara dengan aparat penegak hukum dan petugas lembaga pemasyarakatan, sementara sumber data sekunder meliputi bahan hukum primer berupa peraturan perundang-undangan dan putusan pengadilan, serta bahan hukum sekunder berupa buku, jurnal ilmiah, dan laporan resmi lembaga terkait. Teknik pengumpulan data dilakukan melalui studi kepustakaan dan wawancara. Data yang terkumpul dianalisis menggunakan teknik analisis kualitatif dengan cara membandingkan ketentuan normatif (*das sollen*) dengan praktik implementasinya (*das sein*). Hasil penelitian menunjukkan bahwa kebijakan hukum pidana terhadap pecandu narkotika belum berjalan efektif. Pecandu lebih sering dipidana penjara daripada diarahkan ke rehabilitasi, sehingga narapidana narkotika menjadi penyumbang utama overkapasitas lapas. Aparat penegak hukum masih berorientasi pada penghukuman, koordinasi antar lembaga belum optimal, dan fasilitas rehabilitasi masih terbatas. Perspektif hukum progresif menawarkan pendekatan yang lebih humanis dengan menempatkan pecandu sebagai korban ketergantungan yang membutuhkan pemulihan melalui rehabilitasi medis dan sosial.

Kata Kunci: Kebijakan Hukum Pidana, Pecandu Narkotika, Implementasi Kebijakan.

### **A. Introduction**

The problem of narcotics abuse in Indonesia over the past few years has shown an alarming increase and has a wide impact on social, health, and law enforcement aspects. By 2025, according to the National Narcotics Agency (BNN), the prevalence of drug abuse has reached 3.3 million people<sup>1</sup>. This phenomenon not only reflects the high number of narcotics users and addicts, but also shows that the handling has not been carried out according to the

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<sup>1</sup> Badan Narkotika Nasional, 'Memutus Rantai Perdagangan Narkoba Terlarang Melalui Pencegahan, Rehabilitasi, dan Pemberantasan Menuju Indonesia Emas 2045', *National Narcotics Agency*, 2025 <[https://bnn.go.id/peringatan-hani-2025-memutus-rantai-peredaran-gelap-narkoba-melalui-pencegahan-rehabilitasi-dan-pemberantasan-menuju-indonesia-emas-2045/?utm\\_](https://bnn.go.id/peringatan-hani-2025-memutus-rantai-peredaran-gelap-narkoba-melalui-pencegahan-rehabilitasi-dan-pemberantasan-menuju-indonesia-emas-2045/?utm_)

policy direction that has been regulated in laws and regulations. In the midst of an increasing number of abusers, Indonesian correctional institutions face extreme overcapacity conditions, where most prison inmates are users or addicts who are actually not included in the category of criminal offenders but as victims.<sup>2</sup> This condition shows that there are structural problems in punishment, because addicts who are normatively obliged to be rehabilitated are sentenced to prison more often.<sup>3</sup> Overcapacity has become a problem in Indonesian prisons and prisons. Data from the Directorate General of Law and Human Rights as of September 2024 recorded 276,172 residents, far exceeding the ideal capacity of only 132,107 people, creating an excess of 109% or 144,065 people. This situation, which consumes the state budget of around Rp 2 trillion per year, is dominated by drug cases. Acting Director of Security and Intelligence of the Ministry of Law and Human Rights, Erwedi Supriyatno, revealed that more than half (52.97%) of the total 271,385 residents at that time were inmates or prisoners in cases of misuse of prohibited goods.

The drug problem in Indonesia is very complex, characterized by a high recidivism rate approaching 9,000 cases in 2022 according to data from the Directorate General of Police. The number of abusers accessing rehabilitation increased from 26,693 in 2023 to 31,868 in 2024 and exceeded the RPJMN target of 27,000, this effort has not met the President's directive to rehabilitate 100,000 people per year. BNN's contribution to rehabilitation is also still limited, with the number of services provided ranging from 11,000 to 13,500 people annually between 2022 and 2024.

Juridically, Law Number 35 of 2009 concerning Narcotics emphasizes that addicts are obliged to undergo medical and social rehabilitation.<sup>4</sup> This provision shows that the state views addicts as individuals in need of treatment, not as criminals who should be punished. However, the reality of law enforcement on the ground is much different. The placement of addicts in prisons is still more dominant than the provision of rehabilitation, so that humanitarian goals in narcotics policies are difficult to achieve. This condition shows that there is a fundamental gap between *das sollen* (normative

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<sup>2</sup> United Nations Office on Drugs and Crime, *Executive Summary, World Drug Report, New Directions for Youth Development*, 2023, MMXII.

<sup>3</sup> Joanne Csete and others, 'Public Health and International Drug Policy', *The Lancet*, 387.10026 (2016), pp. hlm. 1427.

<sup>4</sup> Undang-Undang Republik Indonesia Nomor 35 Tahun 2009.

provisions) and *das sein* (implementing practices), which are important issues in the Indonesian criminal law system.<sup>5</sup>

The gap then has various impacts, ranging from the deterioration of the condition of coaching in prisons, the failure to achieve recovery for addicts, to the failure of the state to implement rehabilitative policies effectively. This situation shows that there are serious problems in policy implementation, both from the aspect of the paradigm of law enforcement officials, coordination between institutions, and the limitations of rehabilitation facilities.<sup>6</sup> It is at this point that the need arises to further analyze how criminal law policies against addicts should be placed and how current practices contradict the normative purpose of the law.

Based on this context, the research gap arises from the incompatibility between the legal norms that require rehabilitation and field practices that are still oriented towards prison punishment. This gap is important to study because it is an indicator that criminal law policies do not reflect an effective and fair approach for narcotics addicts.<sup>7</sup>

Thus, this article is compiled to analyze the phenomenon of the high number of convicted addicts, examine the causes and implications of prison overcapacity, and examine the incompatibility between the norms and practices of the implementation of the Narcotics Law, in order to provide a complete understanding of the systemic weaknesses that occur. In addition, this article aims to provide a conceptual and argumentative foundation on the importance of implementing a rehabilitative approach according to the mandate of the law, as well as offering a more humane and effective policy direction in handling narcotics addicts in Indonesia.<sup>8</sup>

## **B. Research Methods**

This study uses normative juridical methods and empirical juridical methods because studies on the criminalization and rehabilitation of narcotics addicts cannot be analyzed only from written rules, but also need to be seen in the field. The normative juridical approach is used to examine how the law should apply (*das sollen*) through an analysis of Law No. 35 of 2009, SEMA No.

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<sup>5</sup> Dan Werb, 'The Effects of Drug Law Enforcement on Drug-Related Violence', *International Journal of Drug Policy*, 22.2 (2011), hlm. 94.

<sup>6</sup> Stuart A. Kinner and Jesse T. Young, 'Understanding and Improving the Health of People Who Experience Incarceration: An Overview and Synthesis', *Epidemiologic Reviews*, 40.1 (2018), hlm. 11.

<sup>7</sup> Alex Stevens and others, 'Depenalization, Diversion and Decriminalization: A Realist Review and Programme Theory of Alternatives to Criminalization for Simple Drug Possession', *European Journal of Criminology*, 19.1 (2022), hlm. 54.

<sup>8</sup> Louis Favril, John Strang, and Seena Fazel, 'Drug Use among People in Prison: A Global Review of Epidemiology, Harms and Interventions', *Addiction*, 2025, hlm. 16.

4 of 2010, the Criminal Code, court decisions, and legal literature related to penal policies and progressive law. Meanwhile, an empirical juridical approach was used to see how the provisions are applied in practice (*das sein*) through interviews with law enforcement officials and correctional officers who handle the rehabilitation of narcotics addicts. The combination of these two approaches was chosen so that researchers can compare legal norms with their implementation practices more objectively.

Data collection was carried out through literature studies and interviews. Literature studies are used to obtain theoretical bases and legal frameworks from laws and regulations, court decisions, scientific journals, and official reports of institutions such as BNN and the Directorate General of Corrections. Interviews were conducted to obtain empirical data on the obstacles to the implementation of rehabilitation, the condition of addicts in correctional institutions, and the reason why prison sentences are still the main choices. The collected data is then analyzed qualitatively by describing, interpreting, and comparing normative provisions with the reality in the field, so that the causes of the incompatibility between rehabilitation policies and criminal practices can be identified, and a proposal for policy reform based on a progressive legal perspective can be formulated.

### **C. Discussion and Research Results**

#### **Progressive Legal Theory (Satjipto Rahardjo), Public Policy Theory**

Progressive law initiated by Satjipto Rahardjo emphasizes that criminal law policy must be oriented towards human welfare and substantive justice, and should not be rigidly tied to the text of the law as the only normative reference but must be understood as a means to achieve humanity and human welfare (*law for human beings*).<sup>9</sup> In this context, the success of the law is not measured by formal compliance with the rules but by the extent to which the law is able to answer concrete humanitarian problems, including in the handling of narcotics addicts who are often faced with the threat of criminal prosecution even though involvement in illicit trafficking is not strongly proven.<sup>10</sup> The progressive approach rejects legalistic positivism that focuses solely on textual norms and places human beings as legal subjects to be served by the law itself.

Furthermore, Public Policy Theory, especially the policy implementation model, explains that the failure of a policy often lies not in the formulation of norms, but in the implementation stage due to weak coordination, limited

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<sup>9</sup> Raden Adya dan Untea Alkautsar, 'Pendekatan Hukum Progresif untuk Kebijakan Keadilan Restoratif dalam Sistem Peradilan Pidana', 2.2 (2025), hlm. 1001.

<sup>10</sup> Teori Hukum, Progresif Prof. Satjipto Rahardjo, 'Teori Hukum Progresif (Prof. Dr. Satjipto Rahardjo, S.H.)'.hlm. 231.

resources, and resistance of implementing actors in internalizing human values in law enforcement practices. In addition, the restorative justice approach emerged as an empirical response to the limitations of the rigid penal system because it focuses on recovery and social reintegration for perpetrators, victims, and society, rather than mere prison sentences. Based on this approach, efforts to counter narcotics crimes should ideally be carried out in an integrated manner between penal and non-penal pathways that complement each other, so that law enforcement officials are encouraged to use pro-rehabilitation discretion and prioritize rehabilitation for addicts as part of the realization of humanist legal goals and prioritize substantive justice.

*Penal Policy* or *Criminal Law Policy* is a rational policy of the state in choosing the best way to deal with crime. According to Barda Nawawi Arief, *penal policy* is part of *criminal policy*, namely criminal policy or crime management that uses penal legal means. The scope includes three stages:

1. Formulation Stage: Formulation of criminal law.
2. Application Stage: Enforcement of the law by law enforcement officials (police, prosecutors, judges).
3. Execution Stage: Implementation of criminal sanctions (in prisons or rehabilitation institutions).

### **Normative Legal Framework Regarding Drug Addicts**

The normative legal framework for narcotics addicts in Indonesia is based on constitutional principles and human rights, especially the right to health and legal certainty. Article 28H paragraph (1) of the 1945 Constitution guarantees the right of everyone to obtain health services, which implicitly includes narcotics addicts as individuals who experience dependency disorders and need medical treatment. In addition, Article 28I paragraph (1) of the 1945 Constitution affirms the right to fair legal protection and certainty for all citizens without discrimination. The constitutional basis is further described in Law Number 35 of 2009 concerning Narcotics as the main legal basis that expressly requires medical and social rehabilitation for addicts and victims of narcotics abuse as stipulated in Article 54. This policy direction is strengthened through the agenda of the revision of the Narcotics Law in 2025 which emphasizes a human rights-based approach by emphasizing that narcotics users are no longer prioritized to be sentenced to prison, but rehabilitated. However, normatively Law Number 35 of 2009 still leaves a fundamental weakness, namely the absence of a clear and operational formulation regarding the standard of proof of a person as a victim of narcotics

abuse, this provision does not provide clarity regarding the requirements for proving a person as a victim of narcotics abuse.<sup>11</sup>

### **The Reality of Empirical Practice**

Empirically, the application of progressive law faces several obstacles. First, there is a paradigm difference among law enforcement officials who still view addicts as criminals, not victims of addiction. This condition has an impact on the repressive and impartial legal process on access to rehabilitation as stipulated in the Joint Regulation of the BNN, the National Police, the Prosecutor's Office, and the Supreme Court.<sup>12</sup> Second, the limited rehabilitation facilities are a serious obstacle. Research shows that the ability of government rehabilitation institutions is not proportional to the number of narcotics users, so access to rehabilitation is highly dependent on the economic ability of individuals.<sup>13</sup> This makes it difficult to implement the concept of progressive law evenly. Third, the strong social stigma against narcotics addicts also influences legal decisions.<sup>14</sup> Society tends to place addicts as a moral threat so as to perpetuate the state's repressive approach.<sup>15</sup> In fact, countries such as Portugal have proven that the approach to decriminalization and rehabilitation is more effective in reducing the rate of narcotics abuse than the penal approach.<sup>16</sup> Coordinating Minister for Law, Human Rights, Immigration, and Corrections Yusril Ihza Mahendra emphasized that the new Criminal Code encourages narcotics users to be rehabilitated and no longer punished. He stated that criminalization in Indonesia has shifted towards substantive justice that is rehabilitative, corrective, and restorative.<sup>17</sup>

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<sup>11</sup> Syawal Amry Slregar Aswan Depari, Supri Helmi Lubis, 'Tinjauan Yudisi Penyalahgunaan Narkotika (Studi Putusan Pengadilan Negeri No. 207/Pid.Sus/2020/PN. Ya)', *Rektum*, 4.207 (2020), hlm. 191.

<sup>12</sup> Pemerintah Republik Indonesia, 'Peraturan Bersama Ketua Mahkamah Agung Republik Indonesia, Menteri Hukum dan Hak Asasi Manusia Republik Indonesia, Menteri Kesehatan Republik Indonesia, Menteri Sosial Republik Indonesia, Jaksa Agung Republik Indonesia, Kepala Kepolisian Negara Republik Indonesia', *Menteri Kesehatan Republik Indonesia Peraturan Menteri Kesehatan Republik Indonesia*, 69.555 (2014), hlm. 53.

<sup>13</sup> Ahmad Muslim, "Efektivitas Lembaga Rehabilitasi Pecandu Narkotika," *Jurnal Kesehatan Masyarakat* (2019). Hlm. 82.

<sup>14</sup> Agrippina Decila Putri, 'Pengaruh Stigmatisasi pada Penyalahguna Narkotika Berdasarkan Gender terhadap Kecenderungan Penggunaan Berulang di Pusat Rehabilitasi BNN', *Jurnal Studi Strategis Ketahanan Nasional*, 4.1 (2021). Hlm. 32.

<sup>15</sup> Zainab Ompu Jainah, 'Membangun Budaya Hukum Masyarakat Penegak Hukum dalam Pemberantasan Kejahatan Narkotika', *Keadilan Progresif*, Vol.2.2 (2011), hlm. 123.

<sup>16</sup> Caitlin Hughes and Alex Stevens, 'What Can We Learn from the Portuguese Decriminalization of Illicit Drugs?', *British Journal of Criminology*, 50.6 (2010), hlm. 1022.

<sup>17</sup> RRI, 'Yusril Ihza Mahendra, Pernyataan pada Konferensi Hukum Nasional, Jakarta, 2025.', 2025 <[https://rri.co.id/daerah/1902606/menko-yusril-harap-konferensi-hukum-lahirkan-gagasan-baru?utm\\_](https://rri.co.id/daerah/1902606/menko-yusril-harap-konferensi-hukum-lahirkan-gagasan-baru?utm_)

However, judicial practice shows that the retributive paradigm is still strong, as seen in the Masamba District Court Decision Number 54/Pid.Sus/2021/PN Msb which sentenced the defendant Emmangnge to prison even though the evidence was only 0.1807 grams of methamphetamine below the threshold of an addict according to SEMA 4 of 2010.<sup>18</sup> A similar verdict is also seen in the Medan District Court Decision Number 1521/Pid.Sus/2025/PN Mdn against Jan Ardian Sormin who was sentenced to 4 years and 6 months in prison even though the evidence was only 1.04 grams of methamphetamine.<sup>19</sup> So that from the two decisions above, it shows the reality that law enforcement officials are still oriented towards a punitive or retributive paradigm that should be oriented towards the substantive paradigm.

Based on the results of an interview with Mrs. Meirida Rumaharbo, S,KM as the Manager of the Prison Rehabilitation Program, in the statement she said that in Tanjung Gusta Medan Prison the total number of inmates is 2675 people with a total of 2100 narcotics cases that the number of inmates in narcotics cases dominates the number of prison inmates in Tanjung Gusta Medan. The rehabilitation program was only implemented in 2019, where currently there are 1700 narcotics abusers the rehabilitation method used is a *therapeutic community* where all of them are gathered in one room and form groups to share their form of healing, *treatment* What is done for narcotics addicts is socially or in groups and most appropriately religiously that emphasizes group and spiritual approaches.<sup>20</sup> He emphasized that prison is not appropriate for addicts because correctional institutions are full and unable to provide treatment that is in accordance with the health needs of narcotics addicts because basically those who are included in the correctional institution are dealers and dealers, it is said that it is not appropriate because there are too many to excess capacity and in terms of improving the perpetrators is very difficult to achieve.<sup>21</sup>

There are still many law enforcement officers, in this case judges who impose prison sentences on addicts, causing a high rate of recidivism. Many studies show that prisons do not provide a rehabilitative effect for addicts, even worsening their condition due to association with dealers and dealers.<sup>22</sup>

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<sup>18</sup> Putusan Pengadilan Negeri Masamba Nomor 54/Pid.Sus/2021/PN Msb.',2021.

<sup>19</sup> Putusan Pengadilan Negeri Medan Nomor 1521/Pid.Sus/2025/PN Mdn.', 2025.

<sup>20</sup> Wawancara dengan Meirida Rumaharbo, SKM, Manajer Program Rehabilitasi Pemasyarakatan, 2025.

<sup>21</sup> Wawancara dengan Meirida Rumaharbo, SKM, Manajer Program Rehabilitasi Pemasyarakatan, 2025.

<sup>22</sup> Indah Almira Jamaluddin, Andi Istiqlal Assaad, and Andi Cakra, 'Faculty of Law, Indonesian Muslim University, Indonesia', 1.1, hlm. 27.

This shows that the approach to criminalizing addicts is wrong and counterproductive.<sup>23</sup>

### **Gap Analysis between Norms and Practices**

Based on the normative framework that has been regulated in Law Number 35 of 2009, SEMA Number 4 of 2010, BNN Regulation Number 2 of 2025, and the strengthening of the humanist criminal direction in Law Number 1 of 2023, it can be seen that Indonesia's criminal law policy expressly places narcotics addicts as victims of dependency who must be prioritized to undergo medical and social rehabilitation. These legal norms have even been equipped with a technical mechanism in the form of an Integrated Assessment Team (TAT), the principle of *ultimum remedium*, and discretionary space for judges to make rehabilitation decisions as long as quantitative and qualitative conditions are met.

However, in law enforcement practice, the implementation of these norms has not been consistent and effective. Law enforcement officials still tend to be oriented towards a retributive paradigm by imposing prison sentences on addicts, even though there is a normatively strong legal basis for rehabilitation. As a result, narcotics addicts continue to dominate the inmate population and contribute significantly to the overcapacity of correctional institutions. Research shows that criminalization is still more dominant than the emphasis on rehabilitation in Indonesia's criminal justice system, thus weakening the goals of social and medical recovery regulated in the Narcotics Law.<sup>24</sup> This gap is exacerbated by weak coordination between law enforcement agencies, limited rehabilitation facilities, and a strong social stigma that views addicts as criminals, not as victims in need of rehabilitation. This condition causes the integrated assessment mechanism to not run optimally and the rehabilitative goals carried out by the criminal law policy are not achieved. Thus, there is a real gap between legal norms that are humanist and rehabilitative oriented and law enforcement practices that are still repressive, so it is necessary to change the paradigm of law enforcement officials so that the application of criminal law against narcotics addicts is truly in line with the principles of substantive justice and progressive law.<sup>25</sup>

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<sup>23</sup> Teguh Suratman dan Wika Yudha Shanty, 'Faktor Kriminogenik dan Upaya Mengatasi Penyalahgunaan Narkoba di Kalangan Masyarakat', *Jurnal Hukum Bhirawa*, 3.1 (2022), hlm. 92.

<sup>24</sup> Kejahatan Dalam, Perspektif Sistem, dan Peradilan Pidana, 'Kejahatan Narkotika: Antara Rehabilitasi dan Kriminalisasi dalam Perspektif Sistem Peradilan Pidana', 8 (2025), hlm. 52.

<sup>25</sup> Program Studi Ilmu Hukum Universitas Dharma Andalas dan Fitri Wahyuni, 'JUDAKUM (Jurnal Dedikasi Hukum)', *Jurnal Pengabdian Hukum Program Studi Hukum Universitas Dharma Andalas*, 3.3 (2024), hlm. 204.

### **Reform Direction (Policy Reformulation)**

The reformulation of the policy direction for reform for addicts, namely the reformulation of the definition of victims of narcotics abuse, needs to be carried out with the concept of depenalization. The concept is a criminal law policy by including narcotics abusers for themselves into victims who are obliged to undergo medical and social rehabilitation, not criminal law. The concept of depenalization in the form of rehabilitation is applied to Articles 54, 103, and 127 of Law Number 35 of 2009 concerning Narcotics by eliminating criminal sanctions for addicts, abusers, and victims who accidentally use narcotics.<sup>26</sup> Decriminalization positions the three groups of narcotics users equally, because the three groups are equally entitled to the right to rehabilitation.<sup>27</sup>

The results of the Integrated Assessment (Integrated Assessment Team/TAT) should be the main and binding reference for law enforcement officials, both investigators, prosecutors, and judges, in determining the handling of narcotics cases, especially for addicts and victims of narcotics abuse.<sup>28</sup> This is important to ensure consistency in the policy that addicts are directed to medical and social rehabilitation, not imprisonment, especially in the event that the evidence is found in relatively small quantities and there is no evidence of involvement in illicit narcotics trafficking networks.<sup>29</sup>

However, in practice, the results of integrated assessments are often ignored due to the legalistic-dogmatic approach of law enforcement, so that the rehabilitative goals as mandated by law have not been fully realized. Therefore, capacity building and training of law enforcement officials on health and human rights-based approaches is an urgent need so that legal discretion can be used progressively to prioritize rehabilitation as a form of protection for addicts as victims.

In line with that, a more decisive policy reformulation is needed through the revision of the Narcotics Law or the strengthening of implementing regulations that explicitly deprioritize prison sentences for addicts and place rehabilitation as the main sanction within the framework of decriminalizing

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<sup>26</sup> Mochammad Ali dan lainnya, 'Politik Hukum Dekriminalisasi untuk Pendahuluan', 6 (2025), hlm. 77.

<sup>27</sup> Yuliana Yuli W dan Atik Winanti, 'Upaya Rehabilitasi Pecandu Narkotika dalam Perspektif Hukum Pidana', *ADIL: Jurnal Hukum*, 10.1 (2019). hlm. 67.

<sup>28</sup> kasmiati Dkk 2023, 'Rehabilitasi Pecandu Narkotika Sebagai Fungsi', 32.3 (2021), hlm. 167.

<sup>29</sup> Hendri Apriliawan, Ali Johardi Wirogioto, dan Saefullah Saefullah, 'Implementasi Keadilan Restoratif dalam Rehabilitasi Pelanggar Narkoba: Studi Kasus Keputusan Nomor 7/Pid.Sus/2021/PN.Tmt', *Justice Voice*, 4.1 (2025), hlm. 37.

narcotics abuse for oneself. This approach is in line with the direction of progressive criminal law reform that encourages the widespread application of restorative justice in narcotics cases, with an emphasis on the recovery of addicts through the involvement of families, communities, and rehabilitation institutions so that the person concerned can return to function socially in society.

#### **D. Conclusion**

This study concludes that the implementation of criminal law policies against narcotics addicts in Indonesia is still ineffective and not in line with the normative goals of Law Number 35 of 2009 which places addicts as victims who must be rehabilitated. In practice, law enforcement officials are still oriented towards a retributive paradigm so that addicts are more often sentenced to prison than directed to rehabilitation. This condition contributes to the high number of narcotics inmates and causes overcapacity of correctional institutions. The main obstacles to the implementation of rehabilitation include weak coordination between law enforcement agencies, lack of rehabilitation facilities, and strong social stigma against addicts. As a result, the integrated assessment did not run optimally and the rehabilitative goals in the narcotics policy were not achieved. A progressive legal perspective offers a more humanist solution by positioning the addict as a victim of dependency in need of medical and social rehabilitation. For this reason, the implementation of mandatory rehabilitation, strengthening integrated assessments, and changing the paradigm of law enforcement officials need to be priorities so that criminal law policies can be more fair, effective, and oriented towards human recovery.

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