

## The Role of Integrated Assessment Teams in Narcotic Abuse Rehabilitation

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### Abstract

Legal issues in terms of the development of criminal law on the role of assessment by the National Narcotics Agency in settling cases. The assessment process occupies an important position to determine whether narcotics abusers can carry out medical and social rehabilitation. This research delves into the pivotal role played by integrated assessment teams in determining the rehabilitation process for individuals struggling with narcotics abuse. Through the lens of normative legal research and qualitative analysis, this study underscores the equitable treatment that integrated assessments afford to suspected narcotics abusers, ultimately facilitating early rehabilitation placements. The research findings serve as a compass for law enforcement agencies in making informed decisions regarding whether an individual should undergo rehabilitation or be placed in detention, contingent upon their involvement in narcotics-related activities. To bolster this process, the study recommends the implementation of more stringent regulations, making it mandatory for all law enforcement officers to adhere to the integrated assessment procedure. This emphasis on procedural consistency aims to prioritize justice and legal equity for individuals impacted by narcotics abuse within the legal framework

### Keywords

Assessment, Rehabilitation, Narcotics, Law Enforcement, Legal Equity.

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## 1. Introduction

The abuse and distribution of narcotics in society continue to increase year by year, affecting a wide range of victims, including children, the younger generation, state civil servants, police, regional heads, legislative members, and within family environments (Clark et al., 2014). This rise in narcotics abuse is exacerbated by the use of internet technology for illicit drug trafficking. In response to this escalating threat, the government has issued a national action plan for prevention and eradication (Cockburn et al., 2005).

The narcotics problem is exceptionally complex and challenging to overcome. Despite increased government and law enforcement supervision each year, it has not reduced the determination of drug dealers to distribute illicit substances. This persistence is driven by the high demand for narcotics and the profits derived from selling them. In this context, narcotics have evolved over time. Criminal Law encompasses the entirety of regulations and rules that define prohibited acts, prescribe criminal acts, and determine the punishments that can be imposed on perpetrators. In everyday reality, there are citizens who lack awareness of the importance of these laws or misunderstand their rights and obligations, resulting in legal violations (Scharf, 1996).

An individual can be held accountable for a criminal act if they commit the act knowingly and accept its foreseeable consequences. The application of legal rules is a mandatory system aimed at achieving justice, utility, and legal certainty (Pfeiffer, 2016). While punishment may serve as retribution for perpetrators, the ultimate goal of criminal justice is reformation, restraint, and deterrence. It aims to transform criminals into individuals who contribute positively to society. Notably, in the context of narcotics or psychotropic abuse, individuals can simultaneously be victims and perpetrators, necessitating clear differentiation to break the cycle of abuse. Unfortunately, cases of addiction, especially when narcotics are used without strict supervision, are on the rise, posing a growing societal threat (Renborg, 1957). These substances were originally intended for medical purposes but have been increasingly abused due to technological advances.

Hawkins et al. (1992) argue that increased supervision and control efforts are essential strategies for preventing and eradicating narcotics abuse. Narcotics-related crimes have surged in terms of both quantity and severity, with individuals violating the law by consuming or distributing narcotics. To combat narcotics abuse effectively, a comprehensive approach involving preventive, repressive, and rehabilitative measures is imperative. This includes providing medical and social rehabilitation for individuals involved in drug abuse. The role of judges is pivotal in determining the fate of drug offenders, as Law Number 35 of 2009 concerning Narcotics and Psychotropic Substances contains provisions related to rehabilitation that judges must consider in their decisions.

Article 54 of this law mandates that narcotics addicts and victims of narcotics abuse must undergo medical and social rehabilitation. Additionally, Article 55 outlines the responsibilities of parents or guardians of underage narcotics addicts to report them to government-appointed medical and social rehabilitation institutions. Meanwhile, Article 103 grants judges the authority to order treatment and care through rehabilitation, depending on the proven or unproven guilt of the narcotics addict. In 2010, the Supreme Court issued Circular Letter Number 4 of 2010, which offers guidance to judges in identifying individuals in need of rehabilitation. The implementation

of SEMA 4 in 2010 takes into account criteria such as the quantity of narcotics found, immediate arrest, positive urine test results, and medical assessments from psychiatrists or psychologists.

Drug abuse among the younger generation constitutes a grave social issue with far-reaching consequences for society. This aligns with the objectives of Law Number 35 of 2009 concerning Narcotics, which encompasses health, prevention, the eradication of narcotics trafficking, and medical and social rehabilitation for victims of narcotics abuse. Addressing this complex problem in society necessitates broader and more coordinated efforts. Drug abuse is a significant problem, even among children aged 11 or younger, with data from the National Narcotics Agency (Badan Narkotika Nasional or BNN) indicating that millions of individuals in Indonesia are drug abusers, with approximately 59% of them aged between 10 and 19 years, 24% being workers, and 17% belonging to the general public.

While narcotics were originally intended for medical purposes, they are now frequently misused (Schneider et al., 2006). Narcotics have benefits in treating certain medical conditions, but when misused, they can cause significant harm to individuals and society, especially among the younger generation. Indonesia serves as a major destination for illicit narcotics trafficking, with the abuse and distribution of narcotics prevalent across various levels of society, including small towns and villages.

The government has enacted Law Number 35 of 2009 concerning Narcotics as an effort to address narcotics-related cases. However, there is often an overlap in law enforcement and the implementation of rehabilitation for individuals involved in criminal acts of narcotics abuse. This law includes severe penalties, such as the death penalty, as well as provisions for medical and social rehabilitation for narcotics abusers. Nevertheless, the problem of narcotics abuse continues to persist (Pardo & Reuter, 2018).

The assessment process plays a crucial role in determining whether individuals involved in narcotics abuse cases require rehabilitation. However, challenges arise in establishing someone as a victim of narcotics abuse and in gathering substantial evidence to support their victim status. As the understanding of rehabilitation for narcotics abusers evolves, it is essential to view the assessment process as the initial stage in handling narcotics-related cases. The effective implementation of appropriate laws and policies in this context is the key to addressing the issue of narcotics abuse in Indonesia (McCarthy & Zen, 2010).

The rehabilitation system for addicts and victims of narcotics abuse, as stipulated in Law Number 35 of 2009 concerning Narcotics, is closely tied to the objective of punishment. Narcotics abuse is a criminal offense and is subject to criminal penalties. Nevertheless, the law acknowledges the significance of the rehabilitation component as part of law enforcement efforts. Therefore, this research is driven by the necessity to examine the role of the Integrated Assessment Team in determining rehabilitation for narcotics abusers. The primary objective is to determine the appropriate form of criminal punishment for drug abusers, whether it be imprisonment or rehabilitation. This issue is particularly relevant in the context of safeguarding human rights and striving for equitable justice for narcotics abusers in Indonesia (Sonjaya, 2020).

This research encompasses two central questions: firstly, what is the role of the Integrated Assessment Team in determining rehabilitation for narcotics abusers, and secondly, how effective is the team in providing rehabilitation recommendations for all narcotics addicts? The research objectives then focus on analyzing and enhancing the role of the Integrated Assessment Team

and determining rehabilitation strategies for narcotics abusers. Furthermore, this research aims to assess the team's effectiveness in offering rehabilitation recommendations to all individuals struggling with narcotics addiction.

Beyond the theoretical contributions that can advance the field of legal studies, this research also holds practical significance. It aspires to stimulate constructive thinking regarding the resolution of issues related to narcotics abuse by proposing solutions grounded in research findings. Consequently, this research will elucidate the conceptual and theoretical framework that underpins the study, including concepts such as crime, narcotics, abuse, integrated assessment, Circular Letter Number 4 of the Supreme Court, and rehabilitation. This comprehensive framework will guide the research in addressing the posed problems and enriching the understanding of the rehabilitation system for narcotics abusers in Indonesia.

## **2. Research Methods**

This research adopts a normative juridical approach with the primary objective of describing the legal foundations pertaining to statutory regulations. The normative juridical approach seeks to uncover the truth by examining legal principles found in laws, regulations, theories, concepts, and relevant statutes related to the research problem. In operational terms, this study employs four distinct approaches: statutory, conceptual, comparative, and case analyses, with the goal of complementing each other to provide a comprehensive understanding of the issues under investigation.

The research relies on secondary legal source data, encompassing various library resources and existing references. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, the Criminal Code (*Wetboek Van Strafrecht*), Law Number 35 of 2009 concerning Narcotics, as well as the Joint Regulation issued by the Chairman of the Supreme Court of the Republic of Indonesia and related ministries and agencies. Secondary legal materials encompass books on legal science, legal theory, and print media related to narcotics abuse. Tertiary legal materials, such as instructions or explanations pertaining to primary and secondary legal materials, including legal articles in magazines, newspapers, dictionaries, encyclopedias, and other relevant sources, are also considered. The collection of legal materials is accomplished through a comprehensive literature review, involving the examination and study of literature pertinent to this research. The analysis technique employed is qualitative, resulting in descriptive data. Data analysis is conducted in-depth and comprehensively to gain a profound understanding of the issues discussed in this research.

## **3. Results and Discussion**

### **3.1 Law Enforcement and Rehabilitation of Narcotics Abuse in Indonesia**

Law Enforcement Theory encompasses both macro and micro aspects within society and the state. The macro aspect pertains to all facets of community and state life, while the micro aspect is concerned with the legal process, spanning from investigation to the implementation of criminal decisions. Law enforcement serves as a means to realize ideals of justice, truth, and social benefit. In Indonesia, various law enforcers, including the police, prosecutors, judges, and lawyers, are entrusted with ensuring compliance with the law. Their collective mission is to

uphold the law, promote effectiveness, and regulate society for the betterment of all. Indonesia, as a nation that prioritizes the rule of law, emphasizes the government's role in maintaining public order by enforcing the law (Shavell, 1993).

The essence of law enforcement lies in the pursuit of legal ideals such as justice, truth, and social benefit, encompassing both repressive and preventive dimensions. This endeavor seeks to translate these ideals into tangible realities within society. A critical prerequisite for effective law enforcement is the rule of law, which engenders a sense of security, fairness, and predictability in legal matters. The integrity and dedication of law enforcement officers play a pivotal role in the process. Additionally, the availability of necessary resources and equipment, education and training for officers, efficient organization, adequate financial support, and technological advancements significantly contribute to law enforcement effectiveness.

Furthermore, the level of legal awareness and compliance among the populace serves as an essential indicator of the legal system's functionality. The extent to which society respects and obeys the law reflects its legal culture. People's understanding of the law is influenced by their knowledge and comprehension of legal norms. Therefore, cultural factors also exert a substantial influence on law enforcement in a country. In Indonesia, law enforcement involves both preventive and repressive approaches to address various legal subjects in every legal relationship. These approaches must integrate legal values and regulations with human behavior to achieve justice, certainty, and legal benefits. Law enforcement plays a crucial role in upholding legal sovereignty, with the government ensuring the law's respect and adherence within society.

In addition to law enforcement, it is vital to consider rehabilitation efforts in combating narcotics abuse. Rehabilitation plays a central role in helping victims of drug abuse recover and reintegrate into society. This multifaceted approach encompasses medical treatment, counseling, and various rehabilitation strategies, including social, educational, and vocational components. It is essential to view narcotics abusers as individuals in need of assistance and support rather than mere criminals deserving severe punishment. A collaborative effort involving the government, families, and society is crucial in guiding affected individuals back to a productive life (Belenko & Dembo, 2003).

The urgency of narcotics rehabilitation becomes evident as the number of victims of narcotics abuse continues to rise. Therapy and rehabilitation are instrumental in aiding drug victims on their path to recovery and productive reintegration into society. The prison system's emphasis on punishment may not align with the values of Pancasila and the 1945 Constitution, which prioritize recovery and development. Rehabilitation holds a central role in understanding the functions of correctional institutions and detention centers in Indonesia's legal system. It focuses on helping drug abusers recover physically, mentally, and socially, encompassing medical, social, and spiritual aspects to treat them and prevent diseases like HIV/AIDS.

Furthermore, the involvement of families and communities is pivotal in aiding drug abusers' recovery. Parents require training to provide support to children facing drug disorders. Rehabilitation, which may entail financial support from the government and donors, encompasses various types such as medical, social, educational, and community-based rehabilitation, among others. Social rehabilitation aims to restore individuals' self-esteem, self-confidence, and social capabilities.

Understanding the history and adverse effects of narcotics is paramount in addressing the issue. Narcotics initially served medicinal purposes but evolved into a form of pleasure that can harm individuals and society. A rehabilitative approach should be favored over criminalization when dealing with narcotics abuse. Narcotics abusers should be seen as victims in need of help and support to return to a productive life. Active participation from all stakeholders, including the government, families, and society, is essential in guiding affected individuals toward recovery and a brighter future (Sheedy & Whitter, 2013).

Narcotics abuse poses a grave threat to individuals' physical and mental well-being and has far-reaching social consequences. It alters consciousness and triggers compulsions that influence behavior, making it a menace to society. While the term "narcotic" originally referred to the numbing or stupefying effect of these substances (from the Greek "narke"), it now signifies substances with profound impacts on cognition and conduct. Narcotics abuse not only jeopardizes the health of users but also poses societal problems that necessitate criminal law interventions. Despite efforts in medical and social rehabilitation, eradicating narcotics abuse remains an arduous task in Indonesia, where narcotics have become a lucrative and pervasive business (Rios & Sabet, 2008).

### **3.2 Complexities in Addressing Narcotics Abuse Within Legal Frameworks**

Narcotics crimes are meticulously regulated within Chapter XV, spanning from Article 111 to Article 130, in Law Number 35 of 2009 concerning Narcotics. While this law doesn't explicitly label the acts it covers as crimes, there's no dispute that all the actions it lists are indeed criminal in nature. This distinction is comprehensible because narcotics, apart from their sanctioned medical and scientific applications, inherently pose substantial risks to human health and life. It becomes crucial to distinguish between those individuals who, due to their actions, might ultimately become victims and those who actively harm society. To ascertain the most appropriate sanctions in addressing these offenses, it is imperative for legislators to fully grasp the underlying reasons behind the criminalization of these acts. Such understanding is vital to prevent any inadvertent mishandling of social issues, such as overcrowding correctional facilities due to an increasing number of narcotics abuse cases or the proliferation of narcotics abuse within society.

However, it is essential to recognize that criminalizing narcotics abuse for personal consumption might not always align with the core objectives of criminal law. While criminal law primarily seeks to safeguard individual and societal rights and avert the misuse of power, instances of personal narcotics consumption often do not involve infringements on the rights of others or pose threats to society or the state. This dilemma is further exacerbated by the lack of precision in Article 4, letter d, of the Narcotics Law, which states the objective of the law as "ensuring the regulation of medical and social rehabilitation efforts for...". Thus, there arises a dire need for more precise and lucid regulations to obviate misinterpretations and to ensure that criminal law is not inappropriately applied to narcotics abusers (Marlowe, 2003).

The complexities within the Narcotics Law become more apparent when it comes to addressing narcotics abusers, particularly in terms of rehabilitation. Article 54 of the Narcotics Law mandates that "Narcotics Addicts and Victims of Narcotics Abusers are required to undergo medical rehabilitation and social rehabilitation." This stipulation implies that drug abusers should

be regarded as individuals in need of medical assistance and rehabilitation due to their victimhood.

However, paradoxically, Article 127 of the Narcotics Law threatens narcotics abusers with criminal penalties, categorizing individuals who are essentially unwell and in need of treatment as criminals. This contradicts the fundamental purpose of criminal law, which should be geared toward the protection of both individuals and society, not merely punitive measures. Ideally, sanctions imposed on narcotics abusers should be oriented toward their recovery and rehabilitation, enabling them to overcome their dependence on drugs (Hogarth & Field, 2020).

### **3.3 The Role of Integrated Assessment Teams in Addressing Narcotics Abuse**

The concept of punishment, especially in the relative sense of deterrence, underscores that the ultimate goal of punishment is not merely punitive but also educative and rehabilitative. It aims to facilitate positive transformations in individuals, even those struggling with addiction. Consequently, resorting to prison sentences as the primary recourse for narcotics abusers, without considering alternative measures, appears to be an inadequate approach. Instead, a more compassionate and recovery-centric approach should be embraced to help these individuals regain control over their lives and eventually reintegrate into society. Regrettably, the current state of the Narcotics Law often fails to deliver justice to narcotics abusers, treating them as criminals without adequately recognizing their status as victims of narcotics abuse. The absence of clear distinctions in the law between Article 127 and other criminal offenses only adds to the complexities of its enforcement.

Furthermore, the existing framework leads to a situation in correctional institutions where drug abusers are grouped alongside other drug offenders. This inadvertently fosters an environment conducive to the trafficking of narcotics, as inmates can leverage their positions within these institutions. To address these issues effectively, revisions to narcotics regulations are imperative, with an emphasis on prioritizing the rehabilitation and recovery of victims of narcotics abuse over punitive measures.

The handling of narcotics-related crimes, particularly concerning narcotics abusers, necessitates integrated assessments. Assessment constitutes a comprehensive data collection process aimed at tracking the progress of individuals embroiled in narcotics abuse. An integrated assessment team, comprising both medical and legal professionals, is entrusted with this responsibility, appointed by the relevant authorities. This assessment assumes paramount importance as it determines an individual's suitability for rehabilitation.

Despite the legal guarantees for rehabilitation, its execution is not always straightforward for narcotics offenders. Discrepancies in the definition of rehabilitation between the Narcotics Law and the Criminal Procedure Code have created confusion in its implementation. While the Narcotics Law highlights rehabilitation as an obligation when imposing sanctions, the Criminal Procedure Code views it as a right of individuals involved in narcotics offenses. The presence of regulations governing integrated assessments for narcotics abusers and addicts is expected to offer clarity and more explicit guidance on their treatment.

The mechanism for implementing integrated assessments, as detailed in BNN regulations, represents a significant stride toward ensuring that individuals involved in narcotics abuse receive appropriate treatment. The Integrated Assessment Team, comprising both medical and legal

experts, is entrusted with conducting medical and psychosocial assessments of individuals arrested or apprehended for narcotics abuse. The outcomes of these assessments form the basis for recommending tailored therapy and rehabilitation plans to address the individual's specific circumstances. The crucial element here is the timely execution of the assessment process, with a maximum timeframe of 2 x 24 hours, ensuring that individuals requiring rehabilitation promptly access the necessary treatment.

Moreover, these regulations also delineate the responsibilities and authority of the Integrated Assessment Team, safeguarding the confidentiality of assessment results in accordance with statutory provisions. By establishing clear procedures and a robust assessment mechanism, it is hoped that individuals involved in narcotics abuse will promptly receive the assistance and rehabilitation they need to recover and reintegrate into society as productive members. This process represents a vital step toward preventing future drug abuse (Kelly & Myers, 2007).

### **3..4 Balancing Health and Legal Approaches for Narcotics Abuse Rehabilitation**

The role of the Integrated Assessment Team in determining rehabilitation for narcotics abuse is crucial in law enforcement and the protection of human rights. A drug addict or victim of narcotics abuse should be regarded as a person in need of medical treatment. Therefore, the assessment process is key in determining whether they are eligible for rehabilitation in medical or social institutions. This assessment aims to evaluate the level of addiction and the role of the addict in narcotics-related crimes.

Narcotics abuse exists at the intersection of health and legal dimensions, and the Narcotics Law integrates both approaches through rehabilitative penalties. The assessment process begins at the investigative stage, where the National Narcotics Agency (BNN) and the Indonesian National Police have the authority to conduct it. Assessment assists in determining whether someone requires rehabilitation based on medical, psychosocial analysis, and therapy recommendations. Evaluation of the assessment team is also important and should be conducted periodically to ensure the continuity of a fair and just process in handling narcotics abuse cases. Thus, assessment and rehabilitation are critical steps in addressing narcotics abuse cases by integrating health and legal approaches.

The judicial process may involve rehabilitation institutions as part of efforts to recover from narcotics dependence. Effective coordination in the assessment process is a collective effort by law enforcement to save individuals from the dangers of narcotics. This assessment requires a shared understanding among investigators, prosecutors, and the National Narcotics Agency regarding the importance of medical and social rehabilitation. Moreover, integrated assessment is essential for a thorough analysis of the suspect's role in narcotics abuse and categorizing their status as an abuser or a distributor. When assessing the position of a narcotics abuse suspect, this assessment classifies based on the level of addiction, which can range from severe to mild. Each level of addict requires different types of rehabilitation. However, in some cases, recommendations from the integrated assessment team are often ignored by law enforcement authorities. This can be a barrier to ensuring legal certainty and fair decision-making.

Internal and external obstacles can also affect the implementation of rehabilitation. Internal obstacles involve arbitrary actions by law enforcement, such as selective rehabilitation allocation. External obstacles involve a lack of motivation and support from former addicts and their



surroundings. Efforts needed include supervision, motivational support, and mentoring. Although integrated assessment provides rehabilitation recommendations, the decision on rehabilitation ultimately rests with the court. Therefore, it is essential to strengthen the role of the integrated assessment team and ensure that their recommendations are respected and implemented. This can create a more effective system for addressing narcotics abuse problems and ensuring better recovery for individuals involved.

#### **4. Conclusion**

The utilization of integrated assessments in managing narcotics abuse cases represents a positive stride in upholding the law and affording enhanced protection to individuals involved. This approach enables more impartial and equitable decisions regarding narcotics abusers while expediting the rehabilitation process for drug addicts. This, in turn, can lead to reduced addiction rates and increase their chances of successful reintegration into society.

Moreover, the effectiveness of the integrated assessment team in providing rehabilitation recommendations for all narcotics addicts underscores the significance of collaboration among various law enforcement agencies. In this assessment process, the involvement of a legal team comprising the police, prosecutors, and other relevant institutions is essential for ensuring that the recommendations are the result of fair cooperation grounded in solid evidence. This strengthens the integrity of the justice system and augments the efficiency of handling narcotics abuse cases.

Nonetheless, for the sake of improved legal certainty, it is imperative to conduct a thorough review of existing regulations. Certain legal changes that facilitate the provision of rehabilitation to drug addicts without awaiting a judge's decision may prove necessary. Such changes would provide greater legal assurance for individuals in need of rehabilitation and contribute to a more efficient resolution of the narcotics abuse issue.

#### **Suggestion**

There is a pressing need for the government to develop more comprehensive and stringent regulations pertaining to the assessment process for individuals affected by narcotics abuse. Furthermore, it is crucial for all law enforcement institutions, including the POLRI, Prosecutor's Office, and Judges, to implement an integrated assessment process for every individual proven to be afflicted by narcotics abuse. This ensures that legal decisions are made more equitably and are grounded in a deeper understanding of the circumstances surrounding these individuals. Additionally, the submission of assessments should be an obligatory duty for law enforcement officials, aligning with their commitment to uphold the principles of justice and provide the best possible legal benefits to those impacted by narcotics abuse.

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