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Law Enforcement Against Psychotropic Narcotic Drug Abuse Through Medical Rehabilitation

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Abstract

This research employs a normative legal approach to critically analyze Indonesia's drug law enforcement, emphasizing the urgent need for rehabilitation over punitive measures for drug users. By examining existing legal frameworks and international conventions, the study highlights the misclassification of drug users as criminals rather than victims in need of support. The findings reveal that current policies disproportionately penalize users, often neglecting their human rights and the potential for rehabilitation. The research advocates for a paradigm shift in Indonesia's drug policy, proposing a balanced legal approach that prioritizes medical and social treatment for addicts. It underscores the importance of integrating rehabilitation into the legal framework, ensuring that drug users receive appropriate care rather than harsh penalties. This approach not only aligns with global standards but also addresses the growing prevalence of drug abuse in Indonesia. Ultimately, the study aims to influence policymakers to adopt more humane and effective strategies that protect the rights of drug users while combating drug-related crimes. By fostering a legal environment that supports rehabilitation, Indonesia can better address the complexities of drug abuse and promote public health.

Keywords

Drug Abuse, Human Rights, Rehabilitation, Rehabilitation Law Enforcement.

1. Introduction

Narcotics are a global problem that has given birth to various international conventions, including the 1961 Single Convention on Narcotic Drugs and the 1971 Protocol to Amendments, as well as the 1971 Convention on Psychotropic Substances and the 1988 UN Convention on the Suppression of Illicit Traffic in Narcotic Drugs and Psychotropic Substances. In line with global policies, the Indonesian Government has implemented legal policies in dealing with drug crimes. However, drug users are often positioned as perpetrators of serious crimes, when in fact they should be considered victims who are entitled to rehabilitation or lighter sentences. In practice, the human rights of drug users are often ignored, and they are subject to severe sanctions that should be applied to drug dealers or traffickers. As a result, many drug users lose their right to rehabilitation (Adrian, 2021; Gunarto, 2023; Syaifudin, 2023).

According to Article 1 paragraph 1 of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics (hereinafter referred to as the Narcotics Law), narcotics are defined as substances or drugs derived from plants, either synthetic or semi-synthetic, which can reduce consciousness, relieve pain, and cause dependence. Narcotics users are individuals who use the substance, while addicts are people who experience physical or psychological dependence. Drug abusers are people who use drugs without permission. According to Article 54 of the Narcotics Law, addicts are required to undergo rehabilitation as part of completing their sentence (Wibowo, 2017; Pradnyantari et al., 2021; Prastiyo, 2022).

Drug abuse remains a serious concern in Indonesia, as seen from media reports of arrests of drug abusers by law enforcement. Although data shows a decrease in the prevalence of drug use from 2.23% in 2011 to 1.80% in 2019, the public remains concerned about its impact. Users are often victims of social and health conditions, so they require special attention and rehabilitation support from all parties (Firmanto, 2019; Norlander, 2022). Pasinringi et al. (2020) emphasized that the issue of narcotics in Indonesia still requires high vigilance from all components of the nation.

The imposition of prison sentences for drug addicts will not solve the root of the problem if users do not receive treatment that allows them to escape from drug addiction. Addicts need special care, both medically and socially, so that they can return to normal functioning in society. The Narcotics Law requires judges to carefully consider the circumstances and interests of drug users. Punishment does not only serve as a form of retribution but must also be able to return drug users to community life. In rehabilitation, drug abusers are viewed as subjects, not objects, because the success of rehabilitation depends heavily on their own awareness and willingness. The role of other parties is to support and guide them through each stage of rehabilitation (Dewi & Arilia, 2021).

Based on the background that has been explained, there is a research gap that needs to be identified, namely the lack of understanding and application of the medical rehabilitation approach in law enforcement related to drug and psychotropic drug abuse in Indonesia. Although the Narcotics Law requires judges to consider the circumstances and interests of drug users, law enforcement practices often still focus on prison sentences without paying sufficient attention to rehabilitation. This has the potential to ignore the rights of drug users as regulated in Article 28D Paragraph (1) and Article 28G Paragraph (1) of the 1945 Constitution, which emphasizes protection and rights to medical care and rehabilitation (Ardika et al., 2020; Novitasari & Rochaeti, 2021).

The purpose of this study is to analyze and evaluate how the medical rehabilitation approach can be integrated into the existing legal framework, as well as to provide recommendations that support the achievement of justice and recovery

for drug abuse in Indonesia. This study is expected to provide a more comprehensive perspective on law enforcement that focuses on rehabilitation, so that it can improve the protection of drug users' rights in accessing medical assistance and rehabilitation.

2. Literature Review

Drug and psychotropic abuse are a serious problem in Indonesia, driven by various international conventions such as Single Convention on Narcotic Drugs in 1961. Law Number 35 of 2009 stipulates that drug addicts are required to undergo rehabilitation as part of their punishment (Pradnyantari et al., 2021). However, law enforcement often focuses more imprisonment, ignoring the rights of drug users as victims who are entitled to treatment (Adrian, 2021). Therefore, it is important to integrate a medical rehabilitation approach into the existing legal framework, to provide balanced protection between eradicating drug abuse and fulfilling the rights of users to receive treatment. Drug abuse is regulated in the Narcotics Law, which aims to prevent abuse and provide legal protection to victims. Articles 54 to 59 regulate rehabilitation, which consists of medical and social rehabilitation. Medical rehabilitation helps victims get out of drug addiction, while social rehabilitation aims to restore their social function (Jatau et al., 2021; Akmadi et al., 2022; Fajar et al., 2024). Drug abuse can be divided into four stages: trial, beginner, periodic, and dependence (Partodihardjo, 2006).

According to the Circular of the Supreme Court (*Surat Edaran Mahkamah Agung/SEMA*) Number 4 of 2010, it regulates rehabilitation places for drug users. Rehabilitation is considered an effective alternative to punishment, which needs to be supported by regulations that guarantee the rights of users (Budiarsih & Sushanty, 2024; Melia & Siregar, 2025). The rehabilitation process includes several stages, from pre-rehabilitation to post-rehabilitation monitoring, with the aim of restoring the physical, mental, and social abilities of users (Sutarto, 2021). In the context of law enforcement, there are two approaches: Retributive Justice, which focuses on punishment, and Restorative Justice, which emphasizes justice for all parties and offers alternatives such as rehabilitation (Panggalo, 2024). Despite the Narcotics Law mandating rehabilitation for addicts, its implementation faces significant challenges. Social stigma often labels drug users as criminals rather than victims, and law enforcement's limited understanding of rehabilitation leads to inconsistent enforcement (Firmanto, 2019). Although drug use prevalence is declining, public concern remains, highlighting the need for comprehensive approaches (Kolodny et al., 2015). Furthermore, users' constitutional rights are frequently disregarded, complicating rehabilitation efforts (Ardika et al., 2020; Novitasari & Rochaeti, 2021). Efforts to address drug abuse are crucial, especially for addicts facing legal proceedings, with the Narcotics Law obligating medical and social rehabilitation for reintegration (Angrayni, 2018). However, rehabilitation implementation is hindered by insufficient human resources, like psychologists and religious teachers, which could reduce relapse. Obstacles include public misconceptions, lack of inter-agency cooperation, and clients feeling coerced into rehabilitation. National Narcotics Agency (*Badan Narkotika Nasional/BNN*) also faces challenges in prevention, such as inter-agency harmonization, limited funding, low community participation, and inadequate facilities (Hermawan, 2023).

3. Methods

This study uses a normative legal approach to analyze the legal framework for law enforcement against drug and psychotropic abuse in Indonesia, with a focus on the integration of medical rehabilitation as an alternative to punishment. The normative approach was chosen because the aim is to evaluate the legal rules and principles contained in Law Number 35 of 2009 concerning Narcotics and SEMA

Number 4 of 2010. This approach allows for a systematic analysis of how regulations support rehabilitation for drug users, while identifying gaps between legal texts and law enforcement practices. The study also adopts a legislative and conceptual approach, by examining legal texts such as the Narcotics Law and international conventions, such as the 1961 Single Convention on Narcotics, and examining the doctrine of restorative justice to build normative arguments supporting the shift from retributive punishment to rehabilitation.

Data collection was conducted through a literature study covering primary and secondary legal sources. Primary sources include laws and regulations, such as the Narcotics Law and SEMA No. 4 of 2010, as well as court decisions related to narcotics cases to see the application of rehabilitation in practice. Secondary sources include academic journal articles and official reports from the National Narcotics Agency relevant to the topic of law enforcement and rehabilitation. The criteria for selecting sources were based on relevance, authority, and timeliness, with priority given to publications within the last ten years to ensure relevance to the current context. Data was collected and systematically organized to support further analysis.

Data analysis was conducted using a qualitative approach through content analysis methods. Legal texts were analyzed to identify clauses governing medical and social rehabilitation, as well as gaps in their implementation, while court decisions were examined to understand law enforcement practices. The doctrine of restorative justice was used as a theoretical framework to recommend more humane policy reforms. Although the normative approach allows for an in-depth evaluation of the legal framework, its limitation is the lack of empirical data on the effectiveness of rehabilitation in the field. Therefore, this study focuses on policy recommendations based on legal analysis to encourage a more recovery-oriented approach for drug users in Indonesia.

4. Results

4.1. Law Enforcement and Medical Rehabilitation in Indonesia

Drug abuse is regulated in the Narcotics Law which aims to prevent abuse and provide legal protection for victims. Articles 54 to 59 regulate medical and social rehabilitation, where medical rehabilitation helps victims get out of drug addiction, while social rehabilitation facilitates physical, mental, and social recovery (Jatau et al., 2021; Akmedi et al., 2022; Fajar et al., 2024). National Narcotics Agency has the authority to carry out rehabilitation in accordance with applicable legal provisions. Drug abuse is a deviant behavior that places a heavy burden on individuals and society (Partodihardjo, 2006; Adhar, 2021). The abuse process begins from the trial stage, where users try drugs out of curiosity, with physical changes that are not yet clear, only seen from behavioral changes such as fear or shame due to guilt. At the beginner stage, users begin to get used to drugs and consume them sporadically, for example when sad or attending a party, with symptoms such as more withdrawn, restless, and sensitive psychological behavior, as well as physical changes such as appearing happier or sleepy. The periodic stage is characterized by more frequent use due to comfort or pain (withdrawal) if not consumed, with symptoms such as difficulty socializing, irritability, and lying, even though they appear normal when using drugs. In the dependence stage, users are completely dependent on drugs with increasingly high and frequent doses, experience physical and psychological suffering if not consumed, and show behavioral changes such as selfishness, frequent lying, stealing, or robbing to get money for drugs, with worsening physical conditions such as thin body, weakness, drooping eyes, yellow teeth, and injection marks (Partodihardjo, 2006; Adhar, 2021).

Based on SEMA No. 4 of 2010, point 3(a), if a judge issues a rehabilitation order as part of a sentence, the judicial panel is required to explicitly designate the nearest authorized rehabilitation facility in the ruling. These facilities may include: (a)

medical and social rehabilitation institutions managed and supervised by BNN; (b) the Drug Dependency Hospital (*Rumah Sakit Ketergantungan Obat/RSKO*) in Cibubur, Jakarta; (c) mental hospitals managed by the Ministry of Health; (d) rehabilitation centers under the Ministry of Social Affairs and Regional Technical Implementation Unit (*Unit Pelaksana Teknis Daerah/UPTD*); and (e) community-run rehabilitation institutions accredited by the Ministry of Health or the Ministry of Social Affairs (at the offender's own expense). Rehabilitation for drug addicts, reflecting criminal law policies, aims to prevent abuse and offers an effective alternative to punishment, necessitating supportive regulations that safeguard addicts' rights (Budiarsih & Sushanty, 2024; Melia & Siregar, 2025). The process spans from pre-rehabilitation to outcome training, focusing on restoring self-esteem, awareness, and responsibility (Sutarto, 2021). Crucial to its success is the emotional involvement between counselors and patients, which strengthens family ties and helps patients acknowledge their mistakes, thereby supporting overall rehabilitation.

Indonesia's criminal case resolution currently balances legal certainty, expediency, and justice. Two main approaches to punishment are Retributive Justice and Restorative Justice. Retributive Justice focuses on punishing offenders through imprisonment, while Restorative Justice aims for justice for both victims and perpetrators, offering alternatives like social work or rehabilitation (Panggalo, 2024). Restorative Justice can apply to drug addicts, abusers, victims, and first-time users, under specific conditions like being caught in the act and undergoing an Integrated Assessment Team evaluation. This alternative resolution supports quick, simple, and low-cost justice, prioritizing the physical, mental, and social recovery of those involved through integrated programs (Sinaga, 2021).

4.2. Challenges in Implementing Medical Rehabilitation

Efforts to deal with drug abuse are very important considering that there are still many challenges in implementing rehabilitation, especially for addicts who are undergoing legal proceedings. Articles 54 and 56 of the Narcotics Law regulate the obligation for addicts to undergo rehabilitation, both medical and social, with the hope that they can recover, return to productivity, avoid criminal acts, and be free from dependence on narcotics. The rehabilitation period is also counted as part of the sentence. This rehabilitation is a form of social protection that aims to reintegrate addicts into a better social order, so that they no longer abuse drugs. However, in its implementation there are several obstacles, especially related to human resources that assist in the rehabilitation program, there is still a shortage of permanent psychologists. So far, rehabilitation still relies on psychologists who are taken from cooperation with local psychological institutions. In fact, psychological guidance is needed to reduce the possibility of relapsing in addicts. In addition, the lack of religious teachers is an obstacle in improving the effectiveness of rehabilitation. Strong religious guidance is needed by residents as part of their recovery. On the other hand, the frequency of religious guidance is also very limited. Although there is religious guidance at the rehabilitation center, it is only conducted once a week. This lack of religious guidance affects the effectiveness of rehabilitation, because religion has an important role as the main fortress so that individuals do not return to negative behavior. The lack of human resources for religious guidance is one of the inhibiting factors in improving the results of the rehabilitation program, because in addition to medical and social rehabilitation, residents also need strengthening of spiritual aspects (Angrayni, 2018).

According to Whyte et al. (2019), rehabilitation is ideally undertaken voluntarily by individuals who are aware of their condition and motivated to recover. However, in practice, many undergo rehabilitation due to court orders, treating it merely as a formality. Common challenges include clients wanting to leave before completion and uncooperative families. To address this, Klingemann et al. (2001) emphasized

the importance of drug prevention efforts through public awareness campaigns, hoping that addicts will voluntarily seek help and engage meaningfully in treatment. The research identified key obstacles in rehabilitation, such as misconceptions about recovery, limited inter-agency collaboration, and clients' reluctance when rehabilitation is imposed rather than chosen.

Challenges in implementing medical rehabilitation as an alternative to punishment include the public's mistaken view of drugs, especially the process of recovering addicts, which is not fully understood as a preventive measure to save users, so that many clients undergo rehabilitation only because of the judge's decision, while clients who come voluntarily are still reluctant (Hermawan, 2023). The lack of shared perception among the community and minimal cooperation between agencies hinder the socialization of rehabilitation programs, so that public understanding of their benefits is not optimal. In addition, clients who undergo rehabilitation due to legal obligations often feel forced and consider recovery as just a formality, not a necessity to return to normal life, which causes many clients to think about stopping before completing the rehabilitation program. The efforts of BNN in preventing drug abuse face several obstacles, including difficulties in harmonization between agencies working with BNN, limited funds available, low community participation in supporting prevention programs, and limited facilities and adequate infrastructure to support the implementation of rehabilitation programs and law enforcement.

Various obstacles in overcoming drug abuse include the lack of funding allocation for countermeasures, inadequate laboratory facilities, lack of public concern in providing information about drug trafficking and abuse, and limited facilities and infrastructure to investigate drug trafficking. Treatment for drug users is very complex and requires great patience from doctors, families, and patients. Rehabilitation can be done on an inpatient or outpatient basis. For those who are still in the dabbling stage, outpatient rehabilitation is carried out with a maximum duration of three months, complemented by counseling. If they have entered the dependency stage, hospitalization for three months is required. During rehabilitation, patients are given coaching and advice to realize that drug abuse harms themselves, their families, and the surrounding community. If the evidence exceeds 3.5 grams, then the death penalty can be imposed because it is considered a dealer (Akrom et al., 2024).

5. Discussion

The results of the study show that the rehabilitation approach reflects a shift in the paradigm of criminal law from retributive to restorative, based on the awareness that drug abusers are victims who need recovery, not merely objects of punishment, this is in line with the findings (Budiarsih & Sushanty, 2024). Law No. 35 of 2009 provides a legal basis for medical and social rehabilitation as a more humane form of protection, with the active role of the BNN and state institutions (Dewi & Arilia, 2021; Chainar et al., 2024). This approach is in line with the concept of restorative justice which emphasizes recovery, not revenge, and prevents the negative effects of criminalization for novice users (Sinaga, 2021; Panggalo, 2024). The involvement of the Integrated Assessment Team strengthens medical and legal collaboration, although it still faces obstacles such as inequality of access, budget, and understanding of the authorities (Fajar et al., 2024). Effective rehabilitation also requires a spiritual and socio-cultural approach (Melia & Siregar, 2025). Therefore, rehabilitation needs to be institutionalized as a primary policy through cross-sector integration, expansion of services, and reform of the legal system based on restorative justice. The implication is that law enforcement needs to prioritize rehabilitation as a primary policy, not just an alternative, by strengthening cross-

institutional coordination and expanding access to services. This reform is important to realize a just and sustainable recovery.

Rehabilitation for drug addicts is an important effort in overcoming drug abuse, as regulated in Articles 54 and 56 of the Narcotics Law. However, its implementation still faces various obstacles, such as a shortage of professional staff, especially psychologists and permanent spiritual guides. In fact, psychological and spiritual assistance is very important to prevent relapse. In addition, there are still many addicts who undergo rehabilitation because of court decisions, not personal awareness, so they tend to be uncooperative during the recovery process. The strong mistaken view in society that rehabilitation is a punishment, not a recovery, is also an obstacle (Khan et al., 2023). The BNN and the National Narcotics Agency Regency/City (*Badan Narkotika Nasional Kabupaten/Kota/BNNK*) experience limited coordination between agencies, minimal budget, low public participation, and inadequate facilities. This hinders the effectiveness of rehabilitation as a humane legal solution.

Therefore, policy reforms are needed that strengthen the restorative justice-based rehabilitation approach. This includes increasing public understanding, cross-sector synergy, and expanding access to services. With an integrative and awareness-based approach, rehabilitation can be a means of fair and sustainable social recovery for drug addicts. The implication is that law enforcement needs to shift its focus from punishment to recovery by strengthening the restorative justice approach. The government needs to formulate policies that expand access to community-based rehabilitation, strengthen cross-sectors (health, social, and religious), and improve public education. If implemented consistently, rehabilitation will not only be an alternative punishment, but also a long-term social recovery strategy that supports the reintegration of addicts into society in a healthy and productive manner.

6. Conclusion

The integration of medical and social rehabilitation in law enforcement against drug and psychotropic abuse in Indonesia, as regulated in the Narcotics Law, is an important step to overcome drug addiction with a more humanistic approach. Articles 54 and 56 of the Narcotics Law provide a legal basis for rehabilitation that aims to restore the physical, mental, and social conditions of victims, not just punish them as criminals. However, the implementation of rehabilitation still faces significant challenges, such as the lack of professional staff such as psychologists and spiritual guides, budget constraints, low community participation, and minimal awareness of clients undergoing rehabilitation due to court decisions. This approach reflects a shift towards restorative justice, which emphasizes recovery rather than retribution, but its success depends on cross-sector support and better public understanding of rehabilitation as a long-term solution.

The implication of these findings is the need for policy reforms that strengthen rehabilitation as a top priority in drug law enforcement, by improving inter-agency coordination, budget allocation, and public education to change the stigma that rehabilitation is punishment. However, this study has limitations because it uses a normative approach that does not evaluate the effectiveness of rehabilitation in the field empirically. For future research, it is recommended to explore integrated rehabilitation models that combine medical, psychological, and spiritual approaches, and evaluate the long-term effectiveness of voluntary versus court-mandated rehabilitation. In addition, research could examine the role of community-based support systems after rehabilitation to prevent relapses and support ongoing social reintegration, thereby strengthening more holistic and effective policies in dealing with drug abuse.

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Ethical approval was obtained for this study. The manuscript represents original work and has not been previously published, nor is it under consideration by another journal.

Data Disclosure Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.



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