

THE DILEMMA OF ENFORCEMENT OF JUSTICE REHABILITATION FOR DRUG ABUSERS: A STUDY OF PRACTICES AND REGULATIONS

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ABSTRACT

Law enforcement against drug abusers in Indonesia has tended to be oriented towards a repressive and punitive approach. This approach prioritizes imprisonment as the primary solution, without clearly distinguishing between pure criminals and drug abuse victims who actually need rehabilitation. As a result, correctional institutions are filled with drug users with high recidivism rates, while the goals of social recovery and public health are often neglected. This research is a normative juridical study with a statute approach. The results of the discussion indicate that although the rehabilitation justice approach aims to rehabilitate users and restore social relationships, its implementation is often hampered by a legal paradigm that still prioritizes the deterrent effect, limited understanding among law enforcement officials, a lack of rehabilitation facilities, public stigma, and weak coordination between relevant agencies. To strengthen the implementation of rehabilitation justice for drug abusers in Indonesia, it is necessary to improve understanding and training for law enforcement officials, strengthen coordination between relevant agencies, and expand rehabilitation facilities equitably, including the development of community-based programs.

Keywords: *Enforcement, Justice Rehabilitation, Drug Abuse, Practice, Regulation.*

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INTRODUCTION

Drug abuse in Indonesia continues to be a serious problem. This is evidenced by data from the National Narcotics Agency (BNN), which recorded 9,348 drug cases handled in 2024, an increase from 7,319 students involved in 2023, and evidence worth

Rp1,127,254,197,376.00.¹ Data from the National Crime Information Center (Pusiknas) of the Indonesian National Police Criminal Investigation Agency also shows that in January 2025, the Indonesian National Police handled 3,936 drug cases, with the North Sumatra Regional Police recording the highest number of cases (447 cases, 11.35% of the total) and the NTT Regional Police recording the lowest number of cases (5 cases), while 821 school and university students were involved, up 90.93% from December 2024, or equivalent to 11.21% of the total cases involving school and university students throughout 2024 (7,319 cases).²

Similar findings were also found in the Tangerang area, where drug abuse is also a serious concern. Data from the Tangerang Police Department shows the dynamics of drug case handling from year to year. This can be seen in the following table:

Table 1.1
Police Report Data and Justice Rehabilitation
Satresnaroba and Polsek Jajaran 2020 to April 28, 2025

Unit	2020		2021		2022		2023		2024		2025	
	LP	LP <i>rehabilitation justice</i>	LP	LP <i>rehabilitation justice</i>	LP	LP <i>rehabilitation justice</i>	LP	LP <i>rehabilitation justice</i>	LP	LP <i>rehabilitation justice</i>	LP	LP <i>rehabilitation justice</i>
Tangerang Police Narcotics Unit & Jajaran Police Sector	218	-	168	-	200	-	167	12	231	27	74	8

Source: Tangerang Police, 2025.

Based on the table, it is known that the data recorded by the Tangerang Police Narcotics Unit and the Jajaran Police show fluctuations in cases with 231 police reports (LP) in 2024, but only 27 cases were resolved with *rehabilitation justice*, and in 2025 it decreased to 74 LP with 8 LP *rehabilitation justice*, which reflects the low adoption of *rehabilitation justice* even though it is supported by Law No. 35 of 2009 concerning Narcotics.

Law enforcement against drug abuse in Indonesia has tended to be oriented toward a repressive and punitive approach. This approach prioritizes imprisonment as the primary solution, without clearly distinguishing between genuine criminals and drug abuse victims who actually need rehabilitation. As a result, correctional facilities are

¹ Badan Narkotika Nasional (BNN). (2025). Statistik Kasus Narkotika 2024. <https://puslitdatin.bnn.go.id/portfolio/data-statistik-kasus-narkoba/> diakses pada tanggal 19 Mei 2025.

² Poerwanti, P. (2025). Pengendalian Penyalahgunaan Narkotika di Kalangan Generasi Muda. *Isu Sepekan Bidang Polhukam, Komisi III*.

overcrowded with drug users with high recidivism rates, while the goals of social recovery and public health are often neglected.

Along with the shift in the paradigm of modern criminal law, which places greater emphasis on corrective and restorative justice, the concept of rehabilitative *justice* has begun to be applied as an alternative method of resolving cases, including in drug cases. This approach emphasizes reparation for victims' losses, accountability for perpetrators, and active community participation. In the context of drug abuse, rehabilitative justice has the potential to be a more humane and effective approach, particularly in promoting rehabilitation compared to imprisonment.

The low adoption of *rehabilitation justice* in handling drug abuse cases at the Tangerang Police Department exacerbates the impact of drug abuse. This is because a purely retributive or punitive approach tends to overlook the root causes, such as dependency, socioeconomic background, and the perpetrator's rehabilitation needs. As a result, perpetrators are vulnerable to *recidivism* due to a lack of comprehensive and sustainable intervention.³ This problem can also have a highly detrimental impact on individuals, families, and communities. For individuals, drug abuse causes physical health problems such as organ damage and overdoses, as well as mental health problems such as anxiety and depression; families face social conflict due to stigma and the economic burden of treatment costs; and communities experience an increase in juvenile delinquency and crime, such as theft to finance addiction.⁴

Social issues such as the stigmatization of drug users complicate social reintegration efforts, where society views users as dangerous or immoral individuals, leading them to experience rejection in social and occupational settings.⁵ This rejection manifests itself in social isolation, difficulty finding employment, and even discrimination in accessing social services, leaving users feeling isolated and deprived of social support. Consequently, the recovery process is hampered, their self-confidence decreases, and the risk of relapse into drug abuse increases.⁶

On the other hand, several countries have implemented a *rehabilitation justice approach* to drug cases with mixed results, such as decriminalization in Portugal since 2001 which diverted drug users from the criminal justice system to health services, successfully reducing overdose and HIV infection rates, although challenges such as recent funding cuts have reduced access to rehabilitation; while in Nordic countries such

³ Gunawan, R., et., al., *Mendorong Kebijakan NonPemidanaan bagi Penggunaan Narkotika: Perbaikan Tata Kelola Narkotika Indonesia*. Jakarta: Institute for Criminal Justice Reform, (2021).

⁴ Rifky, D. A., et., al., *Perlindungan Hukum Bagi Anak Korban Penyalahgunaan Narkotika dalam Perspektif Hukum Perlindungan Anak*. *Jurnal Supremasi*, Volume 15 Nomor 1 Tahun 2025.

⁵ Ayrton, K., B.Z., et., al. *Analisis Teori Labelling Terhadap Mantan Narapidana Pengguna Narkotika*. *Ikraith-Humaniora*, Vol. 8 No. 2 Juli 2024.

⁶ Apriliani, S. A., *The Problem with Stigma: Identifying Its Impact on Drug Users and Recommendation for Interventions*. *Psikologia: Jurnal Pemikiran dan Penelitian Psikologi*, Volume 18, Nomor 2, (2023).

as Norway, the 2018 decriminalization proposal emphasized the role of health services in rehabilitation, and in Sweden, prison-based rehabilitation programs focused on the social reintegration of prisoners through the improvement of life skills.⁷

This global trend provides a relevant comparison for Indonesia, where a *rehabilitation justice approach* can be a solution to reduce stigma and improve social reintegration of drug users. However, its adaptation faces challenges, such as differences in legal culture that are still oriented towards a punitive approach, limited budgets for rehabilitation programs, and a lack of adequate health service infrastructure to support decriminalization or similar programs.⁸ Alqayubi in their journal also stated similarly that this policy has not been able to address this problem.⁹

RJ is defined as an approach that focuses on restoring relationships between perpetrators, victims, and the community through dialogue and peaceful resolution, rather than just punishment. Therefore, it is relevant to drug abuse cases, especially for users (not dealers), with the goal of rehabilitation and social reintegration.¹⁰ This approach also emphasizes ethical and human rights aspects, such as the right to health and justice, which supports mental health care and recovery for users compared to punitive approaches that worsen their condition.¹¹

The advantage of implementing *rehabilitation justice* for drug users lies in its ability to provide alternative solutions oriented toward recovery (Kusnadi, 2024). *Rehabilitation justice* can encourage users to participate in rehabilitation programs that include counseling, psychological support, and skills training, so they can be re-accepted in society without stigma.¹² *The rehabilitation justice* approach also involves the community in the reintegration process, such as through family mediation or group support, which has been proven effective in reducing recidivism and helping users build new lives.¹³

An emphasis on ethical and human rights aspects is a crucial foundation for implementing a *rehabilitation justice approach*, particularly in addressing drug abuse

⁷ Kammersgaard, T. From Punishment to Help? Continuity and Change in the Norwegian Decriminalization Reform Proposal. *International Journal of Drug Policy* 113 (2023) 103963.

⁸ Prayuda, R., et., al, *ASEAN dan Kejahatan Transnasional Narkotika (Problematika, Dinamika dan Tantangan)*. (Yogyakarta: Penerbit Ombak, 2020).

⁹ Alqayubi, M. D. (2022). Kebijakan ASEAN Senior Officials on Drugs Matters (ASOD) Dalam Menanggulangi Peredaran Narkotika Jenis Opium di Golden Triangle Area, 2018-2021. *Glocal Jurnal Penelitian Mahasiswa*.

¹⁰ Ihsan, M., et., al., Rehabilitasi justice for Users of Narcotics Through Implementation of Depenalization. *Fiat Justisia*. Volume 16 Number 2, April-June (2022): pp. 141-152.

¹¹ Sari, Y., et., al, Rehabilitasi justice in Drug Abuse Cases: An Effort to Effective Social Rehabilitation. *Jurnal Hukum Sasana*, Volume 9, No. 2 (2023), pp. 413-424.

¹² Permata, A., D., et., al. (2021). Relasi Sosial pada Mantan Pengguna Narkotika yang Diasingkan. *Jurnal Psikologi Forensik Indonesia*. Volume 1, Nomor 1, November 2021, p. 32.-45

¹³ Ronaldi, et., al, *Rehabilitasi justice dalam Hukum Pidana*. (Medan: PT Media Penerbit Indonesia, 2024).

cases. This approach respects the rights to health, justice, and human dignity, which are neglected in punitive systems. Imprisonment for drug users not only fails to address the root causes but also worsens their psychological and social well-being. In contrast, *rehabilitation justice* prioritizes recovery, including access to holistic mental health and social rehabilitation services. This aligns with international human rights principles that emphasize the need for humane and non-discriminatory treatment of drug users.¹⁴ Furthermore, this approach reflects a shift toward more inclusive and sustainable policies, as advocated by national and global human rights institutions in efforts to decriminalize and reform drug policies.¹⁵

The application of *rehabilitation justice* in handling drug abuse cases in Indonesia is legally based on Law No. 35 of 2009 concerning Narcotics, specifically Articles 54 and 128, which mandate rehabilitation for drug users using a holistic approach encompassing medical, psychological, and social aspects. Furthermore, Police Regulation No. 8 of 2021 strengthens the implementation of *rehabilitation justice* by regulating case resolution procedures through a non-punitive approach, particularly for underage users. Specific policies, such as the 2014 Joint Regulation between the Police, the Prosecutor's Office, and the Ministry of Law and Human Rights, encourage an integrated assessment program by a team of doctors, psychologists, and legal personnel to refer users to rehabilitation, an alternative to detention. However, potential discrepancies between regulation and implementation arise due to a lack of uniform understanding among law enforcement agencies regarding *rehabilitation justice*, which will lead to the detention of users.¹⁶

The implementation of *rehabilitation justice* in drug abuse cases in Indonesia faces several major challenges, one of which is the lack of understanding and training of law enforcement officers regarding the concept of *rehabilitation justice*, which continues to dominate the punitive approach. Limited rehabilitation facilities also pose a barrier, with the need for rehabilitation facilities far exceeding the availability of facilities, compounded by uneven access in remote areas. The societal stigma against drug users also hinders social reintegration, reinforcing the perception that users are criminals, not individuals in need of recovery. Early evidence suggests that despite Law No. 35 of 2009 mandating rehabilitation, many users remain incarcerated, with a 2023 National Narcotics

¹⁴ UNODC. (2023). International Standards on Drug Use Prevention and Treatment. United Nations Office on Drugs and Crime

¹⁵ Komnas HAM RI. (2021). *Laporan Tahunan Komnas HAM 2021: Reformasi Kebijakan Narkotika Berbasis HAM*. Komisi Nasional Hak Asasi Manusia Republik Indonesia.

¹⁶ Akrom, C. N., et., al. (2024). Legal Analysis of the Implementation of Criminal Sanctions for Narcotics Abuse by Judges Reviewed from Sema Number 4 of 2010 in Palembang City. *Lexstricta: Journal of Legal Studies*, 2(3), p 149–162.

Agency (BNN) report noting a low rate of referrals for rehabilitation compared to detention rates.¹⁷

for the implementation of *rehabilitation justice* include increased awareness of the importance of rehabilitation as a long-term solution, supported by government policies such as the 2014 Joint Regulation that encourages inter-agency collaboration. However, inhibiting factors such as limited budgets for rehabilitation facilities, cultural resistance that still views drug users as a threat, and a lack of coordination between institutions such as the police, prosecutors, and rehabilitation institutions hinder effective implementation. The role of stakeholders is crucial, but conflicts of perception occur, for example between law enforcement officers who tend to be punitive and rehabilitation institutions that are oriented towards recovery, which can complicate the reintegration process.¹⁸

The gap in the implementation of *rehabilitation justice* results in high recidivism rates for drug users, with National Narcotics Agency (BNN) data showing that many users return to drug use after serving prison sentences, rather than rehabilitation. This also burdens the criminal justice system with high costs of mass incarceration and incurs socio-economic costs such as lost productivity due to users' failed reintegration. Long-term impacts include difficulties in social reintegration, where stigma and lack of community support lead to user isolation, as well as economic losses due to unproductive labor, which can exacerbate poverty in the community.¹⁹

Previous studies in Indonesia, such as that conducted by Iswara et. al. (2024), have shown that *rehabilitation justice* can reduce prison overcrowding by diverting drug users to rehabilitation, although its implementation remains limited. Globally, a meta-analysis by Fulham et al. (2023) found that *rehabilitation justice* significantly reduces general recidivism, but not violent recidivism, suggesting the need for a more specific approach to drug cases. Existing research gaps include the lack of studies on the implementation of *rehabilitation justice* at the local level in Indonesia, particularly from the perspective of users themselves, as well as evaluations of the long-term effectiveness of rehabilitation justice-based rehabilitation programs.²⁰

In the jurisdiction of the Tangerang Police, which can still be identified as a high category for drug trafficking, accompanied by the implementation of *rehabilitation justice* and the availability of rehabilitation facilities is still very limited, as can be

¹⁷ Rizka, V.R. (2025). Social Impact and Challenges of Rehabilitation in Combating Drug Abuse in Indonesia. *JLPH: Journal Law Politic and Humanities*, Vol. 5, No. 3, January (2025).

¹⁸ Iswara, D. R., et., al. (2024). The Effect of Rehabilitasi justice for Drug Users on The Overcapacity of Correctional Facility in Solo City. *Ajudikasi: Jurnal Ilmu Hukum*, Vol.8 No.1,(2024)

¹⁹ Firmansyah, P. E., et., al. Penerapan Rehabilitasi Bagi Penyalahguna Narkotika Di Kota Mojokerto Menurut Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika. *Pagaruyuang Law Journal*, Vol. 7 No.1 (2023).

²⁰ Fulham, L., et al. The Effectiveness of Rehabilitasi justice Programs: A Meta-Analysis of Recidivism and Other Relevant Outcomes. *Journal of Criminology* (2023).

observed in the Police Report (LP) and *rehabilitation justice data* from the Tangerang Police Narcotics Unit and Polsek ranks between 2020 and April 28, 2025, the number of LP increased from 218 in 2020 to 231 in 2024, with only 27 cases transferred to *rehabilitation justice* in 2024, this indicates low adoption of this approach. Rehabilitation facilities are difficult to access by the Tangerang community due to reluctance, or distance to high transportation costs. The local culture that still views drug users as criminals, not victims, is an obstacle to social reintegration. Socio-economic factors, such as high poverty rates, also exacerbate the situation, pushing users back to drugs due to the lack of adequate economic opportunities.²¹

Gaps in the implementation of *rehabilitation justice* require further investigation because they impact the effectiveness of drug case handling, justice for users, and the fulfillment of human rights, such as the right to health and humane treatment. This research can provide better policy recommendations, such as improving law enforcement training, strengthening inter-agency coordination, and improving community-based rehabilitation practices.²²

However, the application of rehabilitation justice to drug abusers still faces various legal, ethical, and practical dilemmas. On the one hand, the Narcotics Law No. 35 of 2009 tends to be repressive and contains severe criminal sanctions. On the other hand, the Supreme Court, the Attorney General's Office, and the Indonesian National Police have issued internal regulations and guidelines encouraging the application of restorative justice in certain cases, including drug abuse cases that meet rehabilitation criteria.

This dilemma reflects the disconnect between regulations and practice. In some regions, rehabilitative justice has been successfully implemented in drug abuse cases, but in others, the approach remains controversial and inconsistent. There are differing perceptions among law enforcement officials, legal uncertainty, and concerns that restorative approaches could be misused or undermine drug eradication efforts.

METHOD

The type of research used is normative juridical legal research.²³ Data collection techniques used include document and library studies of secondary data in the form of primary, secondary, and tertiary legal materials. The analysis used is descriptive. The

²¹ Tando, C. E., et., al. (2024). The Impact of Social Rehabilitation on Prisoners in Narcotics Prison Class IIA Pematang Siantar. *ANAYASA: Journal of Legal Studies*, Vol. 2 No.1, p, 10–16.

²² Hasibuan, L. R., et., al. Konsep Rehabilitasi justice Pada Kasus Narkotika yang Dilakukan Anak. *Jurnal Hukum*, 3, (2023), p5616–5625.

²³ Eka NAM Sihombing, Cynthia Hadita, *Penelitian Hukum* (Malang: Setara Press, 2022).

approach employed in this research is a statute approach. This statute approach examines all laws and regulations related to the legal issue being addressed.²⁴

DISCUSSION

Forms of Dilemmas or Obstacles in the Implementation of Justice Rehabilitation for Drug Abusers

The implementation of rehabilitation justice in handling drug abuse cases, particularly for users (not dealers), in Indonesia faces a number of complex dilemmas and obstacles. This approach aims to prioritize rehabilitation, mediation, and social restoration over criminal punishment, but its implementation is hampered by legal, social, cultural, and operational factors. These obstacles encompass regulatory, operational, social, and cultural aspects, all of which contribute to the low adoption of *rehabilitation justice* despite support from legal frameworks such as Law No. 35 of 2009 concerning Narcotics and Indonesian National Police Regulation No. 8 of 2021.

The rehabilitation justice approach is considered contrary to the principle of deterrence, one of the goals of drug law enforcement. Law enforcement and the public worry that without criminal sanctions, drug abusers will not feel deterred and may return to drug use. This dilemma is exacerbated by the perception that rehabilitation justice can be misused by perpetrators who are not actually users, but rather small-time dealers posing as users to avoid severe penalties. The assessment process to differentiate between users and dealers is also not comprehensive due to limited resources or expertise.

One obstacle to implementing *rehabilitation justice* is the lack of understanding and adequate training among law enforcement officials, such as the police and prosecutors, regarding the concept and procedures of *rehabilitation justice*. Although regulations such as Law No. 35 of 2009 and the Joint Regulation of 2014 promote rehabilitation as an alternative to detention, many law enforcement officials still prioritize a punitive approach. Data from the National Narcotics Agency (BNN) in 2023 showed that the number of referrals for rehabilitation was much lower than that for detention, reflecting a tendency to treat drug users as criminals rather than individuals in need of rehabilitation.²⁵ This lack of understanding leads to immediate detention of drug users without undergoing an integrated assessment, which should involve a team of doctors, psychologists, and legal experts to determine rehabilitation needs.²⁶ The lack of training also complicates the mediation and dialogue that are at the heart of *rehabilitation justice*, leading officials to opt for simpler and more familiar detention procedures.

Another obstacle is the limited availability of adequate rehabilitation facilities, both in terms of quantity and geographic distribution. In Indonesia, the need for rehabilitation facilities far exceeds the availability of facilities, particularly in remote

²⁴ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta Timur: Prenadamedia Group, 2019).

²⁵ Rizka, V.R, *Op.Cit*

²⁶ Akrom, C. N, *Op.Cit*, p 149-162

areas. In the jurisdiction of the Tangerang City Police, for example, access to rehabilitation facilities is hampered by distance, transportation costs, and public reluctance to seek services due to stigma.²⁷ Data from the Tangerang City Police shows that in 2024, out of 231 police reports, only 27 cases were transferred to *rehabilitation justice*, indicating that the rehabilitation infrastructure is unable to accommodate the number of users in need.²⁸ This limitation is exacerbated by minimal funding for rehabilitation programs, which results in users not receiving the mental health services, counseling, or skills training necessary for social reintegration.²⁹ Consequently, many users return to drugs after serving their sentences due to the lack of comprehensive intervention.

The societal stigma against drug users is a major obstacle to the implementation of *rehabilitation justice*. Users are viewed as dangerous or immoral criminals, rather than as individuals in need of recovery. This stigma leads to social isolation, discrimination in accessing social services, and difficulties in obtaining employment, all of which hinder social reintegration.³⁰ In Tangerang, a societal culture that still views users as a threat complicates community mediation efforts, a key element of *rehabilitation justice*. As a result, users feel isolated, lose social support, and are at high risk of relapse, as demonstrated by the high recidivism rate reported by the National Narcotics Agency (BNN).³¹ This stigma also impacts users' families, who face social conflict and economic burdens due to treatment costs or societal stigma.

A legal culture that still focuses on a punitive approach is an obstacle to the widespread adoption of *rehabilitation justice*. In Indonesia, drug law enforcement is viewed as an effort to maintain social order through harsh punishment, rather than through rehabilitation. This is evident in the low adoption of *rehabilitation justice* at the Tangerang Police Department, where only 8 of 74 cases in 2025 (as of April 28) were resolved through *rehabilitation justice*.³² This resistance is exacerbated by the perception that *rehabilitation justice* is considered "too lenient" for drug offenders, even though non-distributors are victims of addiction who require rehabilitation.³³ Conflicting perceptions between law enforcement, which tends to be punitive, and rehabilitation institutions, which focus on recovery, also hinder inter-agency coordination, as stipulated in the 2014 Joint Regulation.³⁴ As a result, many users who should be referred to rehabilitation are

²⁷ Tando & Damanik, *Op.Cit.*p 10-16

²⁸ Polresta Tangerang. (2025). *Laporan Statistik Kasus Narkoba dan Implementasi Rehabilitasi justice 2020–2025*. Tangerang: Polresta Tangerang.

²⁹ Prayuda, R. *Op.Cit.*

³⁰ Ayton, *Op.Cit*

³¹ Firmansyah et al, *Op.Cit*

³² Polresta Tangerang, *Op.Cit*

³³ Alqayubi, M. D, *Op.Cit*

³⁴ Iswara, D. R, *Op.Cit*

instead processed through the criminal justice system, which not only fails to address the root causes but also burdens the justice system with the costs of mass incarceration.

The implementation of *rehabilitation justice* requires collaboration between institutions, such as the police, prosecutors, the Ministry of Health, and rehabilitation institutions. However, a lack of inter-agency coordination poses a challenge. For example, the integrated assessment process stipulated in the 2014 Joint Regulation has not been optimal due to differing priorities and a lack of resources.³⁵ Furthermore, limited budgets for rehabilitation facilities and law enforcement training hinder the effective implementation of *rehabilitation justice*. In Portugal, the success of decriminalization was supported by strong funding for health services, but in Indonesia, the declining budget for rehabilitation poses a serious challenge. These limitations prevent many users from gaining access to rehabilitation programs that include counseling, psychological support, and skills training, all of which are necessary to reduce recidivism and support social reintegration.³⁶

Socioeconomic factors, such as poverty and limited economic opportunities, also hinder the implementation of *rehabilitation justice*. In Tangerang, high poverty rates drive users back to drugs due to a lack of adequate economic alternatives.³⁷ A *rehabilitation justice approach* that is not supported by robust reintegration programs, such as skills training or community support, fails to prevent recidivism. National Narcotics Agency (BNN) data shows that many users return to drug use after serving prison sentences, rather than rehabilitation, due to the lack of ongoing intervention.³⁸ This gap also burdens society with economic losses due to unproductive labor and social costs due to increased crime, such as theft to finance addiction.³⁹

The implementation of rehabilitation justice for drug abusers faces systemic challenges, such as unclear regulations, limited resources, and weak inter-agency coordination, as well as social challenges such as public stigma. To overcome these obstacles, steps are needed, such as regulatory harmonization, capacity building of law enforcement officers, provision of adequate rehabilitation facilities, and public education to reduce stigma. With a more coordinated approach and holistic support, rehabilitation justice has the potential to be an effective solution to help drug users return to productive lives without resorting to criminal prosecution, which fails to address the root causes.

³⁵ Ibid

³⁶ Permata, A.D, *Op.Cit*, p 32-45

³⁷ Tando, C.E, *Op.Cit*, p 10-16

³⁸ Firmansyah, P. E, *Op.Cit*

³⁹ Rifky, D.A, *Op.Cit*

Justice Rehabilitation Practices for Drug Abusers that Have Been Implemented in the Field, and Factors Influencing Their Success or Failure.

The practice of restorative justice for drug abusers (users, not dealers) in Indonesia has begun to be implemented in the field, especially since the issuance of regulations supporting rehabilitation, such as Law No. 35 of 2009 concerning Narcotics and various technical regulations from the National Narcotics Agency (BNN), the police, and the prosecutor's office. This approach aims to divert drug abusers from the criminal process to rehabilitation and social reintegration, with a focus on individual recovery and community relationships. However, the success or failure of this practice is influenced by various factors, ranging from the law enforcement system to social and individual conditions.

Rehabilitative justice begins with an assessment process by an integrated team, consisting of the National Narcotics Agency (BNN), police, and medical personnel, to determine whether an individual is a user or dealer. If determined to be a user, the perpetrator can be referred to a rehabilitation program, either outpatient or inpatient, as an alternative to criminal proceedings. For example, the BNN has Outpatient Rehabilitation (RRJ) and Inpatient Rehabilitation (RRI) programs in collaboration with hospitals or private rehabilitation institutions. Furthermore, several regional police forces, such as those in Jakarta and Yogyakarta, have implemented a rehabilitation justice approach through mediation or case diversion, where users are given the opportunity to undergo rehabilitation without being prosecuted. In some cases, communities or families are also involved to support the social reintegration process, such as through family counseling or community support programs. However, this implementation is uneven across Indonesia, with many regions still prioritizing the prison sentence approach due to limited resources or understanding.

In practice, *rehabilitation justice* is implemented through mechanisms such as mediation, counseling, and diversion of cases from criminal proceedings to rehabilitation programs. For example, at the Tangerang City Police Department, data shows that in 2024, out of 231 police reports (LP), 27 cases were resolved through *rehabilitation justice*, and in 2025 (as of April 28), out of 74 LP cases, only 8 cases used *rehabilitation justice*.⁴⁰ This process typically involves an integrated assessment team consisting of doctors, psychologists, and legal experts to evaluate the user's condition and recommend rehabilitation.

Rehabilitative justice practices involve collaboration with rehabilitation institutions, both public and private, to provide services such as psychological counseling, addiction therapy, and life skills training. Some programs also involve family or community mediation to support the social reintegration of users, as advocated by the *rehabilitation justice approach*, which emphasizes the restoration of relationships

⁴⁰ Polresta Tangerang, *Op.Cit*

between perpetrators, victims, and the community. For example, community-based rehabilitation programs in some regions attempt to involve families and community groups in the recovery process to reduce stigma and build social support. However, data shows that the adoption of *rehabilitation justice* remains low, with many user cases still processed through detention due to limited infrastructure and lack of understanding from authorities.⁴¹

Factors that influence the success of implementing *rehabilitation justice* include:

1. Government Policy Awareness and Support

Growing awareness of the importance of rehabilitation as a long-term solution, supported by regulations such as the 2014 Joint Regulation, has successfully encouraged inter-agency collaboration to ensure users have access to rehabilitation. When law enforcement and rehabilitation institutions work well together, the chances of successful *rehabilitation justice* are increased, as seen in several cases where users have successfully undergone counseling and skills training programs, enabling them to reintegrate into society without stigma. Furthermore, a *rehabilitation justice approach* that emphasizes ethical and human rights aspects, such as the right to health and justice, helps create an environment that supports users' recovery.⁴²

2. Availability of Rehabilitation Facilities and Resources

The success of *rehabilitation justice* depends heavily on the availability of adequate rehabilitation facilities. In areas with access to rehabilitation centers with counseling, therapy, and skills training services, *rehabilitation justice* tends to be more effective. For example, community-based rehabilitation programs involving family and community support have been shown to reduce recidivism. However, limited facilities, especially in areas like Tangerang, are a major barrier. Data shows that access to rehabilitation is hampered by distance, transportation costs, and community reluctance, leading many users to miss out on necessary services.⁴³ Adequate funding, as seen in the success of decriminalization in Portugal, is also a crucial factor that is absent in Indonesia.

3. Understanding and Training of Law Enforcement Officers

Law enforcement officials' understanding of the concept of *rehabilitative justice* significantly impacts its success. In areas where officers are trained to understand the importance of rehabilitation and *rehabilitative justice procedures*, such as through integrated assessments, cases of drug users are more likely to be diverted to rehabilitation rather than detention. However, the lack of training in many areas, including the Tangerang Police, has led to a predominance of punitive approaches. National Narcotics Agency (BNN) data from 2023 recorded a low rate of referrals for

⁴¹ Rizka, V.R, *Op.Cit*

⁴² Sari, Y., et., al. (2023). Rehabilitasi justice in Drug Abuse Cases: An Effort to Effective Social Rehabilitation. *Jurnal Hukum Sasana*, Volume 9, No. 2 (2023), pp. 413-424.

⁴³ Tando, C. E, *Op.Cit*, p 10-16

rehabilitation compared to detention, indicating that many officers still choose detention due to a lack of understanding or skills in implementing *rehabilitative justice*.⁴⁴

The factors that influence the failure of implementing *rehabilitation justice* include:

1. Societal Stigma and Cultural Resistance

Community stigma against drug users is one factor contributing to the failure of *rehabilitation justice*. Users are viewed as criminals, not individuals in need of recovery, thus hindering social reintegration. In Tangerang, a community culture that still views users as a threat complicates community mediation, a crucial element of *rehabilitation justice*. This stigma leads to social isolation, discrimination in employment, and difficulty accessing social services, which increases the risk of recidivism.⁴⁵ Without community support, *rehabilitation justice programs* struggle to achieve their reintegration goals.

2. Limitations of Inter-Agency Coordination

Lack of coordination between institutions, such as the police, prosecutors, and rehabilitation institutions, hampers the implementation of *rehabilitation justice*. Although the 2014 Joint Regulation stipulates integrated assessments, differing priorities between institutions and a lack of communication result in many users being prosecuted criminally (Iswara et al., 2024). Conflicting perceptions between punitive law enforcement and recovery-oriented rehabilitation institutions also complicate the implementation of *rehabilitation justice*, particularly in resource-constrained areas like Tangerang.

3. Socio-Economic Factors and Recidivism

Socioeconomic factors, such as poverty and limited economic opportunities, contribute to the failure of *rehabilitation justice*. In Tangerang, high poverty rates drive users back to drugs due to a lack of economic alternatives. Without robust reintegration programs, such as skills training or economic support, users are vulnerable to relapse. National Narcotics Agency (BNN) data shows high recidivism rates among users serving prison sentences without rehabilitation, confirming that punitive approaches fail to address the root causes.⁴⁶

4. Dominance of Punitive Approach

A legal culture that still focuses on a punitive approach is a major obstacle. At the Tangerang Police Department, the low adoption of *rehabilitative justice* (only 27 out of 231 cases in 2024) reflects a tendency for officers to choose detention over rehabilitation, as it is considered simpler or more in line with community expectations. The perception that *rehabilitative justice* is too "soft" also hinders its implementation,

⁴⁴ Akrom, *Op.Cit*, p149-162

⁴⁵ Ayton, *Op.Cit*

⁴⁶ Firmansyah, *Op.Cit*

despite global evidence showing that rehabilitation is more effective in reducing recidivism.

It's important to note that other challenges exist, such as a lack of funding for rehabilitation programs and low public awareness of the benefits of rehabilitation justice. For example, in some areas, such as Bali, community-based rehabilitation programs have shown positive results, with higher recovery rates due to local community involvement. However, in remote areas, such as some parts of Eastern Indonesia, access to rehabilitation services is virtually non-existent, resulting in many users ultimately entering the criminal justice system. Furthermore, the perception that rehabilitation justice is "too lenient" among some law enforcement officials and the public also hinders its implementation. For example, reports from several civil society organizations indicate that only a small percentage of drug abuse cases are successfully diverted to rehabilitation, while the majority remain in criminal proceedings due to social or administrative pressure.

Rehabilitation justice practices for drug abusers in Indonesia have shown potential to reduce the criminalization of users and support recovery, but their implementation remains limited by systemic and social factors. Success depends on inter-agency coordination, the quality of rehabilitation facilities, and community support, while failures are caused by inconsistent law enforcement, social stigma, and limited resources. To improve its effectiveness, measures such as training law enforcement officers, increasing access to rehabilitation facilities, and educational campaigns to reduce public stigma are needed. With a more integrated approach, rehabilitation justice can be a more humane and effective solution for dealing with drug abuse.

CONCLUSION

The implementation of rehabilitation justice (RJ) for drug abusers in Indonesia faces various dilemmas and obstacles, including regulatory, operational, social, and cultural barriers. Although this approach aims to rehabilitate users and restore social relationships, its implementation is often hampered by a legal paradigm that prioritizes deterrence, limited understanding among law enforcement officials, a lack of rehabilitation facilities, community stigma, and weak coordination between relevant agencies. Furthermore, socioeconomic factors such as poverty and the lack of reintegration programs exacerbate recidivism rates. Therefore, for *rehabilitation justice* to be implemented effectively, systemic reforms are needed, including regulatory harmonization, officer training, expanded access to rehabilitation, and public education to reduce stigma against drug users.

Rehabilitation justice (RJ) practices for drug abusers in Indonesia have been implemented to divert users from criminal proceedings to rehabilitation and social reintegration. However, its effectiveness is highly dependent on several factors. The success of *rehabilitation justice* is supported by government policy support, inter-agency

coordination, the availability of rehabilitation facilities, and law enforcement officers' understanding of the concept of *rehabilitation justice*. On the other hand, failures often occur due to the dominance of punitive approaches, lack of officer training, public stigma against users, weak institutional coordination, limited rehabilitation infrastructure, and socio-economic factors that encourage recidivism. Although some regions such as Jakarta and Bali have demonstrated success through community involvement and family-based rehabilitation, *rehabilitation justice practices* in Indonesia are generally uneven and often hampered by the perception that this approach is too "soft," resulting in the majority of users being processed criminally.

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