

## Law Enforcement Against Drug Abusers Through Medical Rehabilitation and Social Rehabilitation

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### Abstract

*Drug abuse is a global threat that damages society. Although various efforts have been made, there is still a lot of confusion and misunderstanding in the community about the dangers of narcotics. Patterns of drug use have pathological features, causing physical and psychological dependence. Law enforcement against drug abuse involves medical and social rehabilitation to help individuals recover and return to functioning in society. A holistic and collaborative approach from various parties as well as the use of new disciplines and technologies are needed to effectively address this problem. This research uses a normative legal analysis approach that focuses on law enforcement against drug abuse. The normative approach is used by analysing the synchronisation of vertical and horizontal legal norms and related legal systematics. The implementation of medical and social rehabilitation emphasises the importance of a holistic approach in helping individuals affected by drug abuse. This approach includes medical, social, and spiritual dimensions, such as Ruqyah, Dhikr, and spiritual contemplation methods, to design a more comprehensive and effective rehabilitation strategy. Recommendations for enforcement for people who misuse drugs should promote a holistic approach that includes medical, social, and spiritual aspects, such as Ruqyah and Dhikr, to support comprehensive recovery. Law enforcement should focus on treatment and recovery rather than punishment, and be supported by communities and based on social and humanitarian understanding.*

**Keywords:** Law Enforcement, Drug Abusers, Medical Rehabilitation, Social Rehabilitation

### INTRODUCTION

Narcotics are a global threat that damages society and the future of young generations, causing dependency as well as physical and psychological disorders. Its influence is widespread from urban to rural, undermining the hopes and prospects of the younger generation who should be the backbone of future development. The Indonesian government, through the National Narcotics Agency (BNN), is handling this problem with a legal approach that still prioritizes prison sentences, even though the overcrowded conditions of correctional institutions show the need for an alternative approach. Law Number 35 of 2009 on Narcotics regulates criminal punishment and rehabilitation for addicts, with an emphasis on medical and social rehabilitation aimed at restoring the physical and mental condition of addicts and helping them reintegrate into society. Restorative justice is an alternative approach to reducing drug use, emphasizing rehabilitation rather than imprisonment. Countries such as Portugal have shown success by prioritizing rehabilitation programs, which are considered more effective than prison sentences in helping addicts recover and reduce levels of drug use. Indonesia also participates in international cooperation by ratifying the Convention for the Control of Narcotics Trafficking, which strengthens efforts to eradicate illicit narcotics trafficking and ensures its use only for the purposes of medicine and scientific research. In this context, rehabilitation is not only an important step to overcome the problem of dependence, but also provides an opportunity for addicts to improve their behavior and return to contribute positively to society. Medical and social rehabilitation provides the support addicts need to recover, while international cooperation ensures strict surveillance and joint efforts in the fight against drug trafficking.

The circulation and abuse of narcotics is a serious threat to society and the government. To overcome this problem, the Indonesian government established the National Narcotics Agency (BNN) which is tasked with

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preventing and tackling the circulation and abuse of narcotics at all levels. Narcotics abuse in Indonesia is very complex, influenced by environmental and individual factors. National legal politics still emphasize prison sentences for suspects in narcotics cases, causing the condition of correctional institutions to be overcrowded with more than 50% of inmates related to narcotics cases. To overcome this problem, the 2020-2024 RPJMN encourages the improvement of the criminal law system through a restorative justice approach. Law enforcement must be consistent with the development of the law and pay attention to the sense of justice in society. Addicts and victims of narcotics abuse are not only seen as perpetrators, but also as victims who need to be rehabilitated. The handling of narcotics abuse is carried out by two methods: prevention without punishment through mandatory reporting of addicts and rehabilitation law enforcement with a restorative justice approach.

The handling of narcotics circulation and abuse in the Criminal Code includes hand-arrest operations, as stipulated in Article 19 paragraph (1) and Article 18 paragraph (2). Hand arrest can be carried out without a warrant if there is evidence at the time of arrest. The decrease in the rate of narcotics abuse can be seen from two approaches: law enforcement with criminal sanctions to provide a deterrent effect and rehabilitation to reduce the black market. Law No. 35 of 2009 adopts a double track system that includes criminal sanctions and actions, such as rehabilitation. Article 103 allows the judge to order the addict to undergo treatment or treatment that counts as a period of criminal service.

## **METHOD**

This study is a normative legal research aimed at analyzing the legal phenomena in the context of law enforcement against narcotics abuse. It employs a normative approach by analyzing the synchronization of legal norms both vertically and horizontally, as well as the legal system related to law enforcement against narcotics abuse. Through this method, the implementation of medical and social rehabilitation can be considered by law enforcers in addressing narcotics abuse in Indonesia more comprehensively. The study takes into account normative aspects in law and concrete results observed in the field. It integrates both theoretical aspects of legal norms related to narcotics abuse and direct observations from the implementation of policies and field practices. This holistic approach aims to provide a deeper understanding of the effectiveness of law enforcement against narcotics abuse and potential improvements in Indonesia's law enforcement system. By basing its findings on normative analysis and field observations, the study is expected to offer more evidence-based and relevant policy recommendations aligned with the actual situation in society. Practically, the study examines how the implementation of medical and social rehabilitation can contribute more significantly to law enforcement efforts against narcotics abuse. The results are anticipated to provide a more comprehensive and detailed view on how law enforcement against narcotics abuse can be enhanced through a more holistic and evidence-based rehabilitative approach. Additionally, the study aims to provide a solid foundation for creating more effective and sustainable policies to address the problem of narcotics abuse in Indonesia.

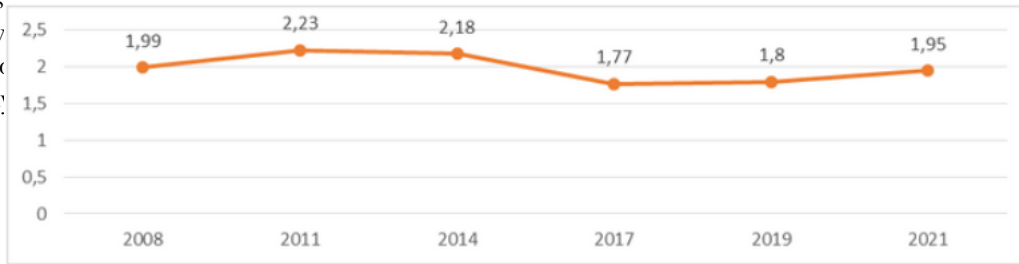
## **RESULT AND DISCUSSION**

### **The essence of law enforcement against narcotics abuse lies in creating a just system for individuals involved in narcotics abuse cases**

This involves respecting human rights, implementing preventive measures to reduce abuse cases, effective rehabilitation programs for recovery, reducing stigma, ensuring equitable access to healthcare and rehabilitation services, and imposing appropriate penalties based on individual circumstances. Narcotics abuse poses a significant threat akin to corruption, endangering national progress and security. Narcotics, though beneficial in medicine and science, can cause harm if misused for profit, affecting society across all ages and regions.

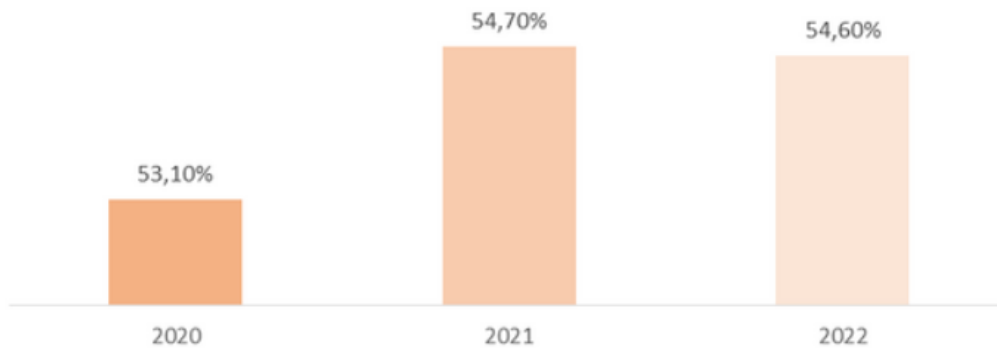
Law enforcement must balance punitive measures and rehabilitation. Despite the extensive legal framework, including Law No. 35 of 2009 on Narcotics, narcotics-related crimes remain difficult to manage. Enforcement often results in increased cases of abuse, highlighting the need for a more holistic approach. This includes recognizing narcotics users as victims needing rehabilitation rather than just perpetrators

deserving punishment. The complexity of enforcement is further compounded by inconsistencies in legal application and the increasing number of unrecorded cases. Rehabilitation, mandated by law, is essential for narcotics users. Legal and medical efforts are needed to address the issue. However, the focus should be on rehabilitation, not punishment. Ultimately, the goal is to reduce drug abuse.



(Source: Secondary Data, Indonesia Drug Report in 2023)

He explained that the prevalence rate of narcotics abuse from 2008 to 2021 fluctuated, where in 2014-2017 it tended to decrease by 2.18 percent to 1.77 percent. However, from 2017 to 2021, it shows an increasing trend of narcotics circulation in the community. This brings bad news for the eradication of narcotics in Indonesia that the target of the prevalence rate of narcotics abuse of 1.69 percent in 2024 is increasingly difficult to achieve.



**Figure 2:** Narcotics Users in Indonesia

(Source: Secondary Data, Indonesia Drug Report book in 2023)

In fact, the data that has been presented in the 2023 Indonesia Drug Report shows that the P4GN National Index in the last 3 years using a comprehensive approach system (inputs, processes, and services) has not changed much in the range of 53 percent to 55 percent.

Commission III of the House of Representatives of the Republic of Indonesia (DPR RI) needs to encourage BNN as its partner to conduct in-depth monitoring and improve the composition of the implementation of the budget of its main program, namely the P4GN program so that it is more systematic and accountable. Considering that Indonesia has become a "Narcotics Emergency" country, and the efforts of the P4GN program are to save future generations, the nation's children from the global invasion of illicit narcotics trafficking.



**Figure 3:**

(Source: Secondary Data, Indonesia Drug Report book in 2023)

According to data from the National Narcotics Agency (BNN), there has been a decrease in the number of cases of narcotics and drug abuse in Indonesia throughout 2021. In that year, 766 cases were documented, which showed a decrease of 8.04% compared to the previous year which recorded 833 cases. In addition, the number of suspects in narcotics cases also decreased by 9.41% to 1,184 people, compared to 2020 which recorded 1,307 suspects. The downward trend in the number of narcotics cases and suspects has been going on for three consecutive years. Previously, the number of narcotics cases and suspects has continued to increase since 2009, reaching a peak in 2018 with 1,039 cases and 1,545 suspects. Cumulatively, North Sumatra leads as the province with the highest number of cases of Narcotics Abuse from 2009 to 2021, recording 520 cases. Followed by East Java with 454 cases, and East Kalimantan with 441 cases over the past 12 years. Meanwhile, South Sumatra and West Java recorded 336 cases and 259 cases of Narcotics Abuse, respectively.

To address the problem of drug abuse and addicts, law enforcement officials need to focus on rehabilitation as a sanction of action, with the aim of saving the future of the perpetrators. To activate the role of judges in determining rehabilitation, support from other law enforcement officials is needed. This must be based on a common understanding that narcotics abuse is a serious problem and a common enemy of the nation. The government and law enforcement officials must unite in the vision and mission to deal with this problem, in order to achieve the nation's noble ideals of creating a healthy generation. Efforts to handle drug abuse and addicts not only rely on prison sanctions, but also lead to rehabilitation. For this reason, cooperation between various institutions and related institutions is needed, which is regulated through Joint Regulations issued by various institutions, such as the Supreme Court, the Minister of Law and Human Rights, the Minister of Health, the Minister of Social Affairs, the Attorney General, the Chief of Police, and the Head of BNN. This Joint Regulation regulates the formation of an integrated assessment team at various levels, consisting of a team of doctors and a legal team. This team is tasked with analyzing the role of suspects in narcotics cases, conducting legal, medical, and psychosocial analysis, and planning rehabilitation that suits individual needs. The results of this analysis help in distinguishing the role of the suspect as Abuse, Abuse who is also a dealer, or a pure dealer. In addition, the handling of narcotics cases must be carried out in an integrated manner, considering the special characteristics of narcotics crimes. Every case must be reported quickly and efficiently to the authorities, such as the Regional Police and the National Police Headquarters of the Republic of Indonesia, for better coordination in its handling.

Countermeasures against narcotics crimes are carried out in a preventive and repressive manner. Preventive efforts involve cooperation between the police, BNN, related agencies, and the community in counseling about the dangers of narcotics abuse.

The form of criminal sanctions formulation in the Narcotics Law can be grouped as follows: a. in a single form (imprisonment or fines only) b. in an alternative form (choice between fines or imprisonment) c. in cumulative form (imprisonment and fines) d. in the form of combinations/mixtures (imprisonment and/or fines).

**Table 1 Types of Sanctions and Forms of Witnesses for Narcotics Users Based on Law Number 35 of 2009**

Article	Types of Sanctions	Forms of Sanctions
116	Death penalty, life imprisonment, or imprisonment and fine	<ol style="list-style-type: none"> <li>1. The minimum prison sentence is 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least Rp.1,000,000,000.00 (one billion rupiah) and a maximum of Rp.10,000,000,000,000.00 (ten billion rupiah).</li> <li>2. Death penalty, or life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a maximum fine as intended in paragraph (1) plus 1/3 (one-third)</li> </ol>
121	Death penalty, life imprisonment, or imprisonment and fine	<ol style="list-style-type: none"> <li>1. The minimum prison sentence is 4 (four) years and a maximum of 12 (twelve) years and a fine of at least Rp.800,000,000.00 (eight hundred million rupiah) and a maximum of Rp.8,000,000,000,000.00 (eight billion rupiah).</li> <li>2. Death penalty, life imprisonment, or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a maximum fine as intended in paragraph (1) plus 1/3 (one-third)</li> </ol>
126	Imprisonment and fines	<ol style="list-style-type: none"> <li>1. The minimum prison sentence is 3 (three) years and the maximum is 10 (eleven) years and the minimum fine is Rp.600,000,000.00 (six hundred million rupiah)</li> <li>2. The minimum imprisonment is 5 (five) years and the maximum is 15 (fifteen) years and the penalty is a fine of at least Rp.1,000,000,000.00 (one billion rupiah) and the maximum fine as intended in paragraph (1) plus 1/3 (one-third)</li> </ol>
134	Imprisonment and fines	<ol style="list-style-type: none"> <li>1. The maximum penalty of imprisonment is 6 (six) months or a maximum fine of Rp. 2,000,000.00 (two million rupiah).</li> <li>2. Imprisonment for a maximum of 3 (three) months or a maximum fine of Rp. 1,000,000.00 (one million rupiah)</li> </ol>

Article 10 of the Criminal Code (KUHP) determines the types of crimes, namely; 1) Principal Crimes consisting of the Death Penalty, Prison Sentence, Confinement, and Fine; and 2) additional crimes consisting of revocation of certain rights, confiscation of certain goods, and announcement of judges' decisions. In line with the provisions of Article 10 of the Criminal Code, there are 4 (four) types of crimes in the Narcotics Law, namely the death penalty, imprisonment, fines, and imprisonment. For this reason, as long as it is not stipulated otherwise in the Narcotics Law, the criminal rules follow the provisions of the Criminal Code in accordance with the Criminal Code. On the other hand, if it is determined separately in the Narcotics Law, then criminal rules are applied in accordance with the Narcotics Law. For example, the provisions of Article 148 which read:

"If the criminal verdict of the fine as stipulated in this Law cannot be paid and the perpetrator of the crime of narcotics and the criminal act of narcotics precursors, the perpetrator shall be sentenced to a maximum of 2 (two) years in prison in lieu of a criminal fine that cannot be paid"

The criminal rules in Article 148 are different from the Criminal Code, where the substitute penalty for unpaid fines in the Criminal Code is imprisonment and not imprisonment. In my opinion, as long as it is regulated separately by the Narcotics Law, of course, criminal provisions such as the confiscation of certain goods (Article 101) apply. This is because the provisions regarding the revocation of certain rights or the announcement of judges' decisions are part of the criminal rules in the Narcotics Law. Even in the absence of additional criminal judgments, especially the revocation of certain rights against perpetrators of narcotics crimes and certain narcotic precursors, it can result in the verdict being canceled. This is in line with the Jurisprudence of the Supreme Court of the Republic of Indonesia in Decision Number Reg.15/mil/2000, dated January 27, 2001:

"That because the criminal act committed by the defendant is in the form of Narcotics Abuse, which is considered by the community and the government as a serious crime that can damage the family, as well as the young generation and the State, the penalty imposed on the defendant is not enough with imprisonment and fines, but must be sentenced to additional punishment, namely dismissal from the TNI Kopassus and therefore the decision of the Jakarta High Military Court II must be canceled."

Dalam Pasal 127 UU Narkotika yang menyatakan:

Each Abuser

Class I narcotics for oneself shall be sentenced to a maximum of 15 (fifteen) years in prison;

Class II narcotics for themselves shall be punished with imprisonment for a maximum of 12 (twelve) years; and

Class III narcotics for themselves are sentenced to a maximum of 10 (ten) years in prison.

In deciding the case as intended in paragraph (1), the judge is obliged to pay attention to the provisions as intended in Article 116.

In the event that the Abuser as referred to in paragraph (1) can be proven or proven to be a victim of Narcotics Abuse, the Abuser is obliged to undergo medical rehabilitation and social rehabilitation. Barda Nawawi said that it is still important to use penal means in order to overcome crime, namely:

Criminal sanctions are very necessary, we cannot live, now or in the future without a criminal penalty;

Criminal sanctions are the best tools or means available, which we have to deal with crimes, crimes or great dangers and to face threats from danger;

Criminal sanctions were once the main guarantor and once the main threat to human freedom. It is a guarantor when used sparingly, carefully and humanely, it is a threat when used carelessly and forcefully.

Criminologists say that crime prevention policies using criminal sanctions are referred to as repressive approaches. This approach focuses on the suppression or eradication of crime after it has occurred, by imposing criminal penalties. From this description, it is concluded that it is very difficult to distinguish between narcotics users as perpetrators of crimes and as victims. However, these differences cannot be ignored, and countermeasures must take this into account. Although narcotics users were initially guaranteed rehabilitation, under Article 127, they could still be subject to criminal penalties. The concept of "no crime without victims" in criminal law affirms that even if they commit a crime, they are also victims of their own actions.

Article 127 of the Narcotics Law regulates the crime of narcotics abuse, with the explanation that narcotics users are difficult to distinguish between perpetrators and victims. Although users are initially guaranteed rehabilitation, they can still be threatened with criminal penalties. However, it is important for all parties, including the BNN, the Police, the Prosecutor's Office, Judges, and the general public, to prevent and counter narcotics abuse. The prevention is carried out through three levels: Primary Prevention: Aimed at individuals, groups, or communities who have not been affected by a case of Narcotics Abuse. Through information and education, the purpose of this prevention is to provide knowledge about the dangers of Narcotics and strengthen their ability to resist Abuse. Secondary Prevention: Aimed at individuals, groups, or communities that are more susceptible to Narcotics Abuse or have shown signs of Abuse. This prevention involves education, counseling, and training so that they stop using narcotics, switch to positive activities, and take care of their health. Tertiary Prevention: Aimed at those who are already users or have become addicted. Prevention is carried out through medical services, rehabilitation, and other measures to prevent the recurrence of addiction. These prevention efforts are important to reduce the negative impact of narcotics abuse and minimize the number of individuals trapped in addiction.

The new paradigm in looking at drug users/addicts shifts the view that this behavior is a crime, and considers it as a person with a chronic disease that requires gradual treatment and recovery. This paradigm affects new

policies in dealing with victims of narcotics users by reducing legal handling and directly taking them to rehabilitation centers.

Thus, this effort leads to the decriminalization of narcotics use. The application of criminal law, such as imprisonment, has proven to be ineffective in dealing with victims of narcotics users. On the contrary, the number of victims of narcotics users sentenced to prison is actually increasing every year. Therefore, it is important to review the purpose and function of the application of criminal law to victims of narcotics users. A factor that is often overlooked in efforts to combat narcotics abuse, especially by law enforcement officials in Indonesia, is rehabilitation. The penal model that still considers victims of narcotics users as perpetrators of crimes causes rehabilitation efforts to be often ignored. In Indonesia, such an approach has not been implemented, and victims of narcotics use are still sent to prison. Although the rehabilitation process is allowed during the detention period, it has not been an effective solution. Therefore, the legal system in Indonesia needs to adopt policies that directly bring victims of narcotics users to rehabilitation facilities. If a victim of a drug user is arrested by the police or reported by a parent or guardian, they must be immediately placed in a rehabilitation center.

With these provisions, courts in Indonesia have recognized the rights of narcotics addicts in the context of legal science, especially victimology. During this time, it was difficult to legitimize their rights because as long as the government declared a "war on narcotics", drug addicts were always considered to be lawbreakers, so their rights to receive health services and rehabilitation were neglected. The next challenge is for judges to dare to impose rehabilitation sentences on addicts, as well as create legal breakthroughs that not only follow the law, but also social and humanitarian values that live in society. Thus, the model of criminalization of victims of narcotics abuse should aim for healing and recovery, both through medical institutions (hospitals and health centers) and social institutions. This will create a handling model that can be applied to victims of narcotics users. Handling for victims of narcotics users can be done through medical channels, where the government provides reporting stations at every level of administration throughout Indonesia to record and report victims of narcotics users or addicts, and then take them to rehabilitation centers. On the other hand, law enforcement such as the police and BNN can also immediately arrest and bring victims or narcotics addicts who have not reported to seek treatment at a rehabilitation center until they recover.

The role of the community has a very important role in efforts to eradicate narcotics, because effective cooperation between the government and the community is needed to create a good communication relationship in combating the problem of narcotics. The community can also be a partner for law enforcement members in cracking down on narcotics dealers. They can assist police officers by providing information about any suspicious activities that occur in their neighborhood. Increased supervision is also very important as a step in overcoming and eradicating abuse and illicit circulation of narcotics. This is because narcotics crimes are generally not committed by individuals individually, but are carried out jointly by a network of clandestine syndicates that are neatly organized, steady, and highly secretive. Narcotics crimes, which are often transnational, use modern modes and advanced technology, including in securing the proceeds of narcotics crimes. The development of the quality of narcotics crime has become a serious threat to human life. Through the active participation of the community in assisting the police in eradicating narcotics, the steps taken by the community in efforts to eradicate narcotics can include several things, namely promotive, preventive, curative, rehabilitative, and repressive.

### **Implementation of Rehabilitation in Alternative Efforts to Resolve Narcotics Abuser Cases**

Law No. 35 of 2009 is an important legal instrument in the Indonesian government's efforts to overcome the problem of narcotics abuse and trafficking, by paying attention to various aspects ranging from prevention to rehabilitation. Article 4 of Law Number 35 of 2009 reads:

Ensuring the availability of narcotics for the benefit of health, science and technology. Legal circulation for health purposes is strictly regulated and supervised so that it does not become a source of illicit narcotics trafficking.

Preventing, protecting, and saving the Indonesian nation from narcotics abuse. Prevent those who have not used narcotics and are prevented from using, protecting, especially victims of narcotics abuse, namely those who are forced, deceived to use narcotics, saving narcotics abusers, especially narcotics abusers who are in a state of dependence on narcotics, both physically and psychologically.

Eradicate illicit narcotics trafficking. Eradication in this case is against its circulation in which there are dealers, manufacturers, couriers, dealers, and those who trade narcotics.

Ensuring efforts to regulate medical rehabilitation and social rehabilitation for abusers and addicts. In principle, self-abusers must be rehabilitated. If they are not rehabilitated, they will have a career as narcotics addicts. Meanwhile, narcotics addicts who are not rehabilitated will harm their own future, the future of the nation and the State.

Decriminalization Narcotics abuse can be interpreted as an act in which abuse that brings, possesses, possesses, or consumes a certain amount of narcotics for personal use is still considered unlawful, but the punishment is in the form of rehabilitation.

Although Law Number 35 of 2009 on Narcotics does not explicitly mention the decriminalization of narcotics abuse, the nuances of decriminalization are very much felt in the construction of the country's legal and legal policies, as contained in a number of articles of the Law. Article 4 letters (b) and (d) of the Law, for example, emphasizes the prevention of narcotics abuse and guarantees medical and social rehabilitation arrangements for narcotics abuse and addicts. In addition, the nuances of decriminalization of narcotics abuse are also reflected in a number of articles of the Narcotics Law that apply positively. Article 127, for example, provides for the threat of criminal punishment for drug abuse, but the use of narcotics for oneself can be punished by rehabilitation. To find out the role of the suspect as an abuser or dealer and the level of dependence on narcotics, an assessment is needed. If the suspect is proven to be a narcotics user in a condition of dependence (or narcotics addict), then the detention is not carried out according to Article 21 of the Criminal Code. Judges are obliged to consider Articles 54, 55, and 103 of Law No. 35 of 2009 in deciding the case of narcotics addicts.

Article 54 of Law 35/2009 stipulates that narcotics addicts and victims of narcotics abuse must undergo medical and social rehabilitation. Meanwhile, Article 55 requires parents or guardians of underage drug addicts to report them for rehabilitation, while drug addicts who are of legal age are required to report themselves for rehabilitation. Narcotics addicts who have reported themselves are not criminally prosecuted (Article 128).

Decriminalization of drug abuse aims to bring them closer to access to rehabilitation, recover them from drug addiction, and reduce the social and economic impact they face. That way, it is hoped that the demand or need for narcotics can decrease, so that the narcotics business becomes less attractive and does not sell. It is hoped that people who have consumed narcotics will have the encouragement to heal themselves voluntarily and fulfill their obligations according to Law No. 35 of 2009 by reporting themselves to get treatment without being criminally prosecuted (Article 128).

This law threatens criminal penalties for narcotics users for themselves (Article 85) and regulates the obligation to undergo treatment or treatment (Article 46). To reduce the prevalence of narcotics abuse, Law No. 22 of 1997 also requires narcotics addicts to report themselves or their families to government-appointed parties for treatment or treatment (Article 45). In addition, in order to comply with the UN convention, this Law gives judges the authority to order drug abuse to undergo treatment or treatment, and the period of treatment or treatment is counted as a sentence period (Article 88). However, at the 2002 MPR General Session, through the Decree of the People's Consultative Assembly of the Republic of Indonesia Number VI/MPR/2002, it recommended amendments to Law No. 22 of 1997 to improve the prevention and eradication of narcotics abuse and illicit trafficking.

Narcotics abuse requires preventive and repressive efforts to prevent the sustainability of narcotics abuse including narcotics transactions. After the enactment of the Laws and Regulations governing the Prevention of the Eradication of Narcotics Abuse and Illicit Circulation (P4GN), a rehabilitation process is needed for



the perpetrators so that they do not repeat the act of Narcotics Abuse. This rehabilitation system is divided into two, namely medical rehabilitation and social rehabilitation. Medical rehabilitation is a process of treatment and healing in an effort to free addicts from dependence on illegal drugs. Therefore, in launching the process, it requires the role and function of medical experts such as doctors, consultants, and psychologists. Meanwhile, social rehabilitation is a recovery process not only physically and mentally but also socially. This is so that former inmates of Narcotics Abuse perpetrators can interact again in the midst of community life and carry out their social functions, so that they can again encourage the mentality of social life and actively stop bad deeds due to the use of narcotics.

Former inmates of Narcotics Abuse in this case refer to individuals who have recovered and are free from narcotics dependence both physically and mentally. The activities in the social rehabilitation process that can be carried out include: Preventing the emergence of social problems that come not only from the perpetrator but also from the perpetrator's environment. Carry out prevention with rehabilitation through social, psychological/mental, and skills guidance. Resocialize by trying to train actors so that they can integrate in the midst of community life. Resocialization is carried out so that the success rate of perpetrators in the rehabilitation process has been ensured to be channeled and more optimal. The determination of medical and social rehabilitation for Narcotics Abuse regulated in Law of the Republic of Indonesia Number 35 of 2009 concerning narcotics, is intended so that Narcotics Abuse no longer feels dependent on illegal drugs, so that they will not use it again. Therefore, both medical rehabilitation and social rehabilitation have equally important roles and functions in efforts to prevent Narcotics Abuse.

Narcotics abuse requires prevention and enforcement efforts to stop the continuation of the practice, including narcotics transactions. After the enactment of the law regulating the Prevention, Eradication, and Abuse of Narcotics (P4GN), a rehabilitation process is needed for the perpetrators so that they do not repeat the behavior of Narcotics Abuse. This rehabilitation is divided into two parts, namely medical rehabilitation and social rehabilitation. Medical rehabilitation is the process of treatment to cure addicts from drug dependence. For this reason, the role of medical experts such as doctors, consultants, and psychologists is needed in the process.

Meanwhile, social rehabilitation aims for recovery not only physically and mentally but also socially. The goal is for former inmates of narcotics addicts to be able to interact with the community again and carry out their social functions, thereby encouraging positive behavior change and stopping bad habits due to narcotics use. Former inmates of narcotics addiction in this context refer to individuals who have recovered and are free from narcotics dependence both physically and mentally. Activities in social rehabilitation include preventing social problems that may arise from the individual and his environment, providing rehabilitation through social, psychological/mental, and skills guidance, and resocializing by training them to reintegrate into society. Resocialization aims to ensure their success in the rehabilitation process. The stipulation of medical and social rehabilitation for Narcotics Abuse regulated in Law Number 35 of 2009 aims to end their dependence on illegal drugs, so that they do not return to use. Therefore, both medical and social rehabilitation have equally important roles and functions in efforts to prevent Narcotics Abuse.

Medical and social rehabilitation is carried out as part of efforts to coach inmates, where the correctional system aims to enable inmates to become good and useful members of society. This coaching includes a series of activities to improve the spiritual quality, attitude and behavior, professionalism, and physical and spiritual health of prisoners. In other words, the coaching of inmates aims to help them rise to become positive individuals.

The rehabilitation program consists of a series of integrated efforts, both medical and social, to improve self-adjustment skills, independence, and achieve optimal physical, mental, social, and economic potential. The program aims to help inmates get out of drug dependence, adjusted to their addiction levels, namely primary, secondary, and tertiary groups. The implementation of medical rehabilitation in correctional institutions aims to reduce the long-term negative impact of narcotics, including a decrease in deaths due to comorbidities and the transmission of narcotic-related diseases. The purpose of rehabilitation as a recovery stage for narcotics abuse is carried out through coaching, which aims to make inmates aware of their mistakes, not repeat

criminal acts, and can return to being responsible community members. This rehabilitation strategy aims to treat narcotics abuse through medical and social treatment, so that inmates who have been rehabilitated do not fall back into narcotics abuse. Medical rehabilitation is an integrated treatment process to free addicts from drug dependence.

Social rehabilitation is carried out by providing individual therapy to overcome disorders that are the cause of narcotics abuse. At this stage, various expertise such as supervisors, coaches, and psychologists are involved to help the rehabilitation process. Social work methods are used to find alternative solutions to problems faced by patients or inmates. Direct interaction between the supervisor and the inmates is carried out face-to-face. In addition, group therapy is also carried out by dividing inmates based on various factors such as age, length of sentence, problem background, and gender. The group aims to be a medium to develop productive pro-social values and encourage inmates to solve problems.

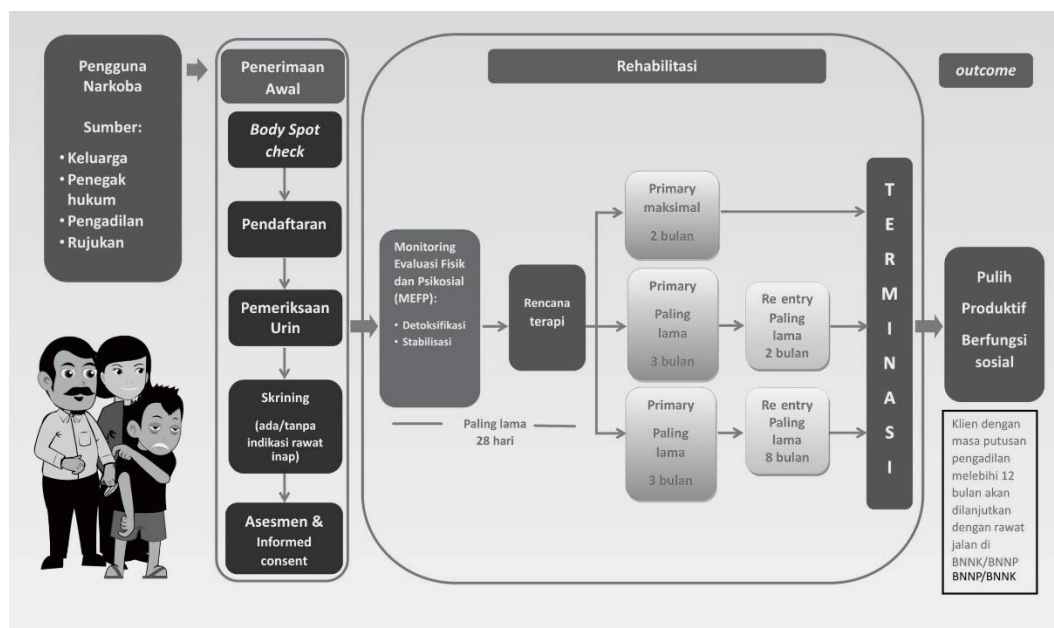


Figure 4: Rehabilitation Implementation Model

The physical, mental, and social recovery stages of patients or inmates are carried out through activities that involve direct interaction with the community. These activities include counseling, work visits, and participation in competitions between inmates. Social rehabilitation involves individualized therapy to address disorders that trigger drug abuse. This stage involves various experts such as guidance officers, coaches, and psychologists, who use social work methods to find alternative solutions to problems faced by inmates. Direct interaction between officers and inmates is carried out face-to-face, while group therapy is also carried out by dividing inmates based on certain factors such as age, length of sentence, and gender. The group aims to form productive pro-social values and encourage inmates to solve problems. In addition, the physical, mental, and social recovery stages of inmates are carried out through activities that involve direct interaction with the community, such as counseling, work visits, and participation in competitions between inmates.

Article 54 of Law Number 35 of 2009 concerning Narcotics explains that both narcotics addicts and victims of narcotics abuse are required to undergo a medical and social rehabilitation process. This indicates the importance of physical healing and social reintegration for individuals entangled in narcotics use and abuse. Furthermore, Article 103 of the Narcotics Law gives the authority to judges to order addicts and victims of

narcotics abuse as defendants to undergo a rehabilitation process through a court decision if proven guilty of narcotics abuse. This shows the existence of a holistic legal approach in handling cases of drug abuse, which not only considers punishment but also recovery efforts for the individuals involved.

This article regarding narcotics is also supported by the Supreme Court Circular Letter (SEMA) Number 4 of 2010 along with SEMA Number 3 of 2011 concerning the Placement of Abuse, Victims of Abuse, and Narcotics Addicts in Medical Rehabilitation and Social Rehabilitation Institutions. According to SEMA Number 4 of 2010, rehabilitation actions can be applied to defendants who are caught by investigators of the National Police and the National Narcotics Agency (BNN) with evidence of narcotics use for only one day, found positive results in laboratory tests at the request of investigators, receive a certificate from a government psychiatrist appointed by a judge, and are not proven to be involved in illicit narcotics trafficking. Defendants who will be rehabilitated, either through medical rehabilitation or social rehabilitation, must meet several conditions, such as being proven to use narcotics, receiving recommendations from the integrated assessment team, not being involved as a dealer, dealer, courier, or narcotic manufacturer, not having a previous record of narcotics crimes, and when caught, not possessing evidence or evidence whose amount does not exceed a certain limit.

Prison sentences for narcotics users have a negative impact because they result in loss of freedom, so the purpose of the punishment cannot be fully achieved. Rehabilitation is present to free narcotics addicts from dependence and provide guidance during the rehabilitation process. The condition of narcotics addicts actually worsened after receiving a judge's decision which ultimately did not provide benefits. Rehabilitation for narcotics abuse consists of two types, namely medical rehabilitation and social rehabilitation. Medical rehabilitation is carried out in hospitals appointed by the minister of health, while social rehabilitation is carried out in social rehabilitation facilities appointed by the minister of social affairs. One of the rehabilitation methods carried out by BNN is the use of substitutes, especially subutex, which are used to replace heroin. However, the dependency effect of subutex causes its use to be replaced with methadone in the medical rehabilitation process. This method is only intended for narcotics addicts who consume or inject heroin, not for other groups.

The main goal of rehabilitation is to restore the social and moral qualities of individuals as part of the expected sanctions. Social rehabilitation aims to return drug addicts to their social lives to prevent the return of Abuse behaviors. This is done by reintegrating them into society, restoring their thinking, emotions, and behavior processes, so that they can re-interact with their social environment normally.

The dilemma of drug rehabilitation often involves a consideration between punitive and rehabilitative approaches. On the one hand, the punitive approach emphasizes strict law enforcement against drug users, with a focus on detention and punishment. On the other hand, rehabilitative approaches offer treatment, support, and social reintegration for drug users, with the aim of restoring them into society. However, there are several dilemmas in the implementation of drug rehabilitation. First, is the availability and accessibility of adequate rehabilitation services. Many countries face obstacles in providing adequate rehabilitation facilities, both in terms of quantity and quality. These limitations can hinder efforts to help drug users recover and reduce the risk of relapse. Second, is the stigmatization approach to drug users. People often see drug users as marginalized or even dangerous people. This stigmatization can prevent individuals from seeking help or accessing existing rehabilitation services for fear of being labeled as an "addict" or shunned by society. Third, there is the challenge in determining the effectiveness of rehabilitation programs. Proper evaluation of drug rehabilitation programs is essential to ensure that they are truly assisting individuals in their recovery. However, evaluating the effectiveness of a rehabilitation program can be complicated because many factors affect the outcome, including the social, economic, and psychological conditions of each individual.

Medical rehabilitation is a series of treatment processes aimed at narcotics addicts with the main goal of freeing them from dependence. Within the scope of medical rehabilitation, these activities include physical examinations, diagnosis, blood tests, treatment, and prevention efforts. The ultimate goal of medical rehabilitation is for patients to be able to exit the rehabilitation program after feeling free from the influence

of narcotics and able to keep themselves from falling back into abuse. In addition, another goal is for patients to live and reintegrate into the community.

On the other hand, social rehabilitation has a wider scope, covering physical, mental, and social aspects. The main goal of social rehabilitation is for victims of drug abuse and addicts to be able to actively participate in community activities again, restoring their confidence, self-esteem, awareness, and responsibility for themselves, their families, the environment, and their future. Often, drug addicts are shunned by society because of the negative impact they bring, so social rehabilitation becomes essential to return them to their original position and allow them to be readmitted into the social environment. According to the Regulation of the Minister of Social Affairs Number 9 of 2017 concerning National Standards for Social Rehabilitation for Addicts and Victims of Abuse of Narcotics, Psychotropics, and Other Addictive Substances, social rehabilitation is defined as the process of restoring a person's social function so that they can play a normal role in community life.

## **CONCLUSION**

Law enforcement against narcotics users must prioritize a rehabilitative approach, focus on treatment and recovery with community support, and a deep understanding of narcotics problems in social and humanitarian contexts. Medical and social rehabilitation is a holistic effort to help individuals affected by narcotics abuse recover and function optimally in society, including spiritual approaches such as Ruqyah, Dhikr, and Spiritual Contemplation methods for more effective rehabilitation strategies. To increase the effectiveness of rehabilitation, programs should provide services as per individual needs, such as counseling, cognitive behavioral therapy, substance replacement programs, group support, and social reintegration. This holistic approach requires close partnerships between medical personnel, mental health experts, social workers, families, and communities, as well as positive moral and environmental support. Periodic monitoring and comprehensive life skills training are also important to help individuals rebuild their confidence, independence, and readiness to return to function in society.

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