

THE EFFECTIVENESS OF CRIMINAL SANCTIONS FOR DRUGS USERS IN REALIZING REHABILITATION GOALS

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Abstract

Drug abuse is a serious problem with broad impacts on health, social aspects, and the criminal justice system in Indonesia. Law Number 35 of 2009 concerning Narcotics regulates criminal sanctions for drug users by placing medical and social rehabilitation as an important part of the drug abuse prevention policy. However, in law enforcement practice, the application of criminal sanctions against drug users is still dominated by imprisonment, thus raising questions about its effectiveness in achieving rehabilitation goals. This study aims to analyze the effectiveness of the application of criminal sanctions against drug users in achieving rehabilitation goals under the Indonesian criminal law system, and to identify factors that influence its effectiveness. The research method used is normative legal research with a statutory, conceptual, and case approach. The analysis was conducted qualitatively through a review of laws and regulations, legal doctrine, and court decisions related to the punishment and rehabilitation of drug users. The results of the study indicate that the application of criminal sanctions against drug users is not fully effective in achieving rehabilitation goals. This is influenced by the persistently repressive paradigm of criminal justice, limited rehabilitation facilities and infrastructure, and suboptimal official understanding and coordination among law enforcement. Furthermore, legal culture and public perception of drug users also influence the direction of criminal punishment. Therefore, strengthening rehabilitative-oriented criminal justice policies, integrating the criminal justice system, and shifting the law enforcement paradigm are necessary so that criminal sanctions truly function as an instrument of recovery and community protection.

Keywords: Criminal Sanctions, Drug Users, Legal Effectiveness, Rehabilitation

INTRODUCTION

Drug abuse remains a serious problem facing Indonesia. Drug abuse not only impacts the personal health of users but also has far-reaching social, economic, and legal consequences. Drug abuse has the potential to degrade the quality of human resources, increase crime rates, and place a continuous burden on the criminal justice and correctional systems (Soekanto, 2008). According to the 2023 National Narcotics Agency (BNN) Annual Report, the number of drug abusers in Indonesia is estimated to reach around 3.3 million people, equivalent to 1.73% of the working-age population (15–64 years old). This figure indicates that drug distribution and abuse remain at alarming levels, despite the government's extensive and sustained law enforcement efforts.

In the context of law enforcement, the Indonesian government regulates narcotics control through Law Number 35 of 2009 concerning Narcotics. This law is comprehensively formulated to prevent, eradicate, and impose criminal sanctions on perpetrators of narcotics crimes, including users, distributors, and producers. However, in practice, criminalization policies for narcotics users still tend to focus on imprisonment, which in turn creates new problems in the correctional system (Muladi, 2019).

Data from the Directorate General of Corrections at the Ministry of Law and Human Rights of the Republic of Indonesia shows that over 50% of correctional inmates are drug convicts, and the majority of them are users (Ditjenpas, 2024). This situation has led to overcrowding in correctional institutions, declining quality of guidance, and increasing the burden on the state budget. These facts indicate that imprisoning drug users has not been an effective tool in reducing drug abuse rates.

Furthermore, the effectiveness of imprisonment for drug users is also questionable when linked to recidivism rates. Various studies show that drug users who serve prison sentences without adequate rehabilitation are highly likely to return to abuse after release (Fahmi, 2022). This is because imprisonment fails to address the physical and psychological roots of drug addiction. Therefore, imprisonment alone not only fails to rehabilitate users but also potentially increases the risk of reoffending.

From a modern criminal law perspective, drug users cannot be viewed solely as criminals, but also as victims of substance dependence. The orientation of punishment is no longer solely retributive, but must instead focus on a rehabilitative and humanistic approach. The goals of punishment are directed at reforming the perpetrator (special prevention), protecting the community, and preventing recurrence of criminal acts (Arief, 2011).

This paradigm has actually been accommodated in Indonesia's positive legal policy. Article 4 letter d of Law Number 35 of 2009 concerning Narcotics emphasizes that narcotics prevention efforts are carried out to ensure medical and social rehabilitation efforts for addicts. Furthermore, Article 54 of the Narcotics Law states that drug addicts and victims of drug abuse are required to undergo medical and social rehabilitation, while Article 127 paragraph (2) gives judges the authority to order rehabilitation against users who are proven to use it for themselves.

This rehabilitation policy is reinforced by Attorney General of the Republic of Indonesia Regulation Number 18 of 2021 concerning the resolution of drug abuse cases through rehabilitation, which emphasizes that the rehabilitation approach is part of law enforcement policy. Furthermore, in the latest developments in criminal procedure law, Law Number 20 of 2025 concerning the Criminal Procedure Code, specifically Article 82 letter i, provides scope for the implementation of non-imprisonment measures consistent with the rehabilitation approach for certain perpetrators.

However, the reality of law enforcement shows that rehabilitation has not yet fully become the primary focus of punishment for drug users. Rehabilitation is often positioned as a secondary alternative, dependent on the discretion of law enforcement officials, the

availability of facilities, and public perception. As a result, a gap exists between legal norms (law on the books) and criminal practice (law in action).

In this study, the effectiveness of criminal sanctions against drug users is not measured by the severity of the prison sentence, but rather by the extent to which the sanctions are able to direct drug users to undergo medical and social rehabilitation and prevent recidivism. Therefore, effectiveness is defined as the achievement of the goals of rehabilitative punishment as mandated by the Narcotics Law and modern criminal theory.

Based on this description, research on the Effectiveness of Criminal Sanctions for Narcotics Users in Realizing Rehabilitation Goals is relevant and urgent to be carried out, in order to evaluate the harmony between legal norms, judicial practices, and recovery goals in the Indonesian criminal law system. Based on the background of the problem, the formulation of the problem in this study is: How effective is the application of criminal sanctions to narcotics users in realizing the goals of rehabilitation based on the Indonesian criminal law system and what factors influence the effectiveness of the application of criminal sanctions to narcotics users in realizing the goals of rehabilitation?

RESEARCH METHODS

The type of research in a scientific work is determined by the research objective, the nature of the problem being studied, and the object of the analysis. In the context of legal research, the choice of research type is crucial because it determines the basis of the approach, the sources of legal material used, and the analytical methods used to answer the problem formulation. Research on the effectiveness of criminal sanctions for drug users in achieving rehabilitation goals is research that examines legal norms, legal concepts, legal principles, and the application of law in legislation. Therefore, the type of research used is normative legal research.

A research approach is a methodological step used by researchers to view and analyze legal problems from a specific perspective. In normative legal research, the approach serves as a tool for understanding legal norms, legal principles, legal concepts, and the application of laws and regulations relevant to the problem being studied. Research on the effectiveness of criminal sanctions for drug users in achieving rehabilitation goals requires several approaches to ensure a comprehensive and systematic analysis.

Data collection techniques in normative legal research are conducted through library research. Library research is the primary method for obtaining secondary data, consisting of primary, secondary, and tertiary legal materials.

RESULT AND DISCUSSION

The Effectiveness of the Implementation of Criminal Sanctions against Narcotics Users in Realizing Rehabilitation Goals Based on the Indonesian Criminal Law System.

The effectiveness of criminal sanctions against drug users in achieving rehabilitation goals is at the heart of modern criminal law policy, which prioritizes rehabilitation as the primary focus of sentencing. In the Indonesian criminal law system, drug users are no longer positioned solely as criminals, but also as individuals experiencing dependence and requiring medical and social treatment. Therefore, the effectiveness of criminal sanctions against drug users cannot be measured by the severity of the prison sentence imposed, but rather by the extent to which they can guide the perpetrator toward rehabilitation and prevent recurrence of drug abuse.

"In the context of narcotics crimes as regulated in Law Number 35 of 2009, drug users are legal subjects with special characteristics, so the application of criminal sanctions against them cannot be equated with those against drug traffickers. Therefore, the effectiveness of criminal sanctions against users must be assessed within the framework of rehabilitative

policies that are an integral part of the narcotics crime system itself."

Normatively, the Indonesian legal framework has provided a fairly clear foundation for a rehabilitative orientation in the treatment of drug users. Law Number 35 of 2009 concerning Narcotics expressly recognizes medical and social rehabilitation as the primary instruments in the treatment of drug addicts and victims of drug abuse. This provision is reinforced by the authority of judges to order rehabilitation for drug users proven to be using drugs for personal gain. Furthermore, the development of national criminal law through Law Number 1 of 2023 concerning the Criminal Code also emphasizes a more humane and proportional direction for sentencing, emphasizing a balance between community protection and perpetrator rehabilitation.

However, when this effectiveness is analyzed in the context of the application of criminal sanctions, a discrepancy between normative objectives and the reality of implementation is apparent. Based on a normative legal research approach, legal effectiveness must be assessed based on the alignment between the objectives set by lawmakers and the results achieved through the implementation of those norms. In this context, although legal norms have directed drug users toward rehabilitation, the application of criminal sanctions in practice still shows a dominance of imprisonment over rehabilitation as the primary form of sanction.

Prison sentences imposed on drug users are inherently repressive and fail to address the root causes of addiction. Drug addiction is a medical and psychological condition that cannot be resolved through imprisonment alone. Without adequate rehabilitative intervention, imprisonment only restricts freedom without producing lasting behavioral change. In the context of rehabilitation goals, this demonstrates the ineffectiveness of imprisonment as a means of rehabilitation for drug users.

The effectiveness of criminal sanctions must also be assessed in terms of their impact on the perpetrator's behavior after serving the sentence. The goal of rehabilitation requires changes in the attitudes, mindsets, and behaviors of drug users so they can return to social functioning and prevent repeat abuse. If, after serving a prison sentence, a drug user still has a tendency to return to drug use, then the criminal sanctions cannot be considered effective. In this regard, medical and social rehabilitation play a far more significant role than imprisonment because they directly target the biological, psychological, and social aspects of addiction.

From the perspective of modern criminal justice theory, the effectiveness of punishment is measured by its ability to achieve the goals of community protection and offender rehabilitation in a balanced manner. Punishment that focuses solely on retribution is no longer relevant for drug users, as it fails to address addiction. Rehabilitation is a more appropriate instrument for rehabilitative punishment, as it reduces the risk of recidivism and increases the likelihood of social reintegration. Therefore, the effectiveness of criminal sanctions for drug users depends largely on the extent to which punishment is directed toward rehabilitation, rather than mere imprisonment.

When linked to the Indonesian criminal justice system as a whole, the application of criminal sanctions to drug users has not been fully effective in achieving the goal of rehabilitation. This is evident in the persistence of a repressive paradigm in criminal justice practices, despite the legal normative recognition of a rehabilitative approach. Rehabilitation is often positioned as an alternative or exception, rather than the primary focus in imposing criminal sanctions. This situation results in the rehabilitation goals mandated by law not being optimally achieved.

Thus, answering the first research question, it can be concluded that the effectiveness of applying criminal sanctions to drug users in achieving rehabilitation goals under the Indonesian criminal justice system is still limited. Normatively, the legal framework supports

a rehabilitative approach, but in practice, the criminal sanctions applied have not fully led to the recovery of drug users. The effectiveness of criminal sanctions can only be truly realized if rehabilitation is placed as the primary focus of punishment and implemented consistently within the criminal justice system.

Based on this description, it can be concluded that the application of criminal sanctions against drug users in the Indonesian criminal law system has normatively accommodated the goals of rehabilitation, but in practice, it has been ineffective or limited. This ineffectiveness or limitation indicates that the problem does not stop at the legal regulatory aspect alone, but is influenced by various other factors within the criminal law system. Therefore, to gain a comprehensive understanding of the causes of the less than optimal achievement of rehabilitation goals, it is necessary to analyze the factors that influence the effectiveness of the application of criminal sanctions for drug users, particularly those related to drug rehabilitation techniques, law enforcement structures, and the developing legal culture. This analysis will be elaborated further.

Factors Influencing the Effectiveness of the Implementation of Criminal Sanctions for Narcotics Users in Realizing Rehabilitation Goals.

The effectiveness of applying criminal sanctions to drug users in achieving rehabilitation goals is not only determined by the existence of legal norms governing them, but is also greatly influenced by various interrelated factors within the criminal law system. In the context of drug crimes, the success of rehabilitation as a goal of punishment depends on the extent to which the legal system is able to integrate the criminal law approach with the health and social approaches that form the basis of drug rehabilitation techniques. Therefore, to answer the second research question, it is necessary to analyze the factors that influence the effectiveness of applying criminal sanctions, starting from the framework of the criminal law system and drug rehabilitation practices.

The first factor influencing the effectiveness of criminal sanctions is legal substance. Normatively, Law Number 35 of 2009 concerning Narcotics stipulates rehabilitation as part of the criminalization policy for drug users, specifically through Articles 54, 127, and 103. These provisions are conceptually aligned with drug rehabilitation techniques, which view addiction as a health problem requiring medical and social intervention. However, these legal norms have not been fully followed by clear and operational technical regulations. As a result, there is wide room for interpretation in determining whether drug users should be rehabilitated or imprisoned. This ambiguity results in inconsistent application of rehabilitation techniques, as rehabilitation is often positioned not as the primary response to addiction, but rather as an alternative that relies on the discretion of law enforcement officials.

The second factor is the law enforcement structure, which includes the police, prosecutors, courts, and correctional institutions. This structure plays a strategic role in determining the direction of punishment for drug users. In practice, law enforcement officers still tend to view drug users solely as criminals, rather than as individuals in need of rehabilitation. This repressive paradigm directly impacts the choice of criminal sanctions imposed, with imprisonment still the dominant sanction. However, drug rehabilitation techniques emphasize that recovery from dependence can only be achieved through structured, sustainable, and medically and psychosocially based interventions. If law enforcement officers do not understand the basic principles of rehabilitation, the criminal sanctions imposed will be ineffective in achieving recovery goals.

The third factor is the availability and quality of drug rehabilitation facilities. Drug rehabilitation technically consists of medical and social rehabilitation, which must be implemented in an integrated manner. Medical rehabilitation includes detoxification, pharmacological therapy, and treatment of physical and psychological disorders resulting

from addiction. Meanwhile, social rehabilitation includes counseling, behavioral therapy, mental health development, and social reintegration. The limited number of rehabilitation institutions, the lack of addiction professionals, and the uneven distribution of rehabilitation facilities across regions often mean that the rehabilitation process cannot be implemented optimally. In such circumstances, imprisonment is often chosen as a practical solution, even though it is not compatible with drug rehabilitation techniques, which require a therapeutic environment.

The fourth factor is an integrated assessment mechanism. Assessment is a crucial step in determining appropriate rehabilitation techniques for drug users. A professionally conducted assessment should be able to assess the user's level of dependence, health condition, and social background. However, in practice, assessments are often conducted in a formalistic manner or late in the criminal justice process. As a result, assessment results are not always the primary basis for imposing criminal sanctions. Without an accurate assessment, rehabilitation cannot be tailored to the user's individual needs, making recovery goals difficult to achieve.

The fifth factor is legal culture and public perception. The stigma against drug users remains very strong, both among the public and law enforcement officials. Users are often perceived as criminals deserving of severe punishment, rather than as individuals suffering from addiction. This perception impacts the social legitimacy of rehabilitation and encourages a preference for repressive punishment. In the context of drug rehabilitation techniques, social stigma can hinder the recovery process, as rehabilitation requires the support of a conducive social environment for users to return to normal functioning in society.

The final factor is the integration of sentencing policies with the health and correctional systems. Effective rehabilitation requires continuity between court decisions, rehabilitation implementation, and post-rehabilitation support. However, in practice, coordination between institutions is often weak, resulting in inadequate rehabilitation. Drug users who have undergone rehabilitation often return to their former communities without adequate support, ultimately increasing the risk of relapse.

This condition is in line with the findings of Indah Sari, Niru Anita Sinaga, and Selamat Lumban Gaol, who stated that the lack of clarity in the Narcotics Law is one of the inhibiting factors that influences the effectiveness of the application of criminal sanctions for drug users in realizing rehabilitation goals. Based on this description, it can be concluded that the effectiveness of the application of criminal sanctions for drug users in realizing rehabilitation goals is influenced by interrelated normative, structural, technical, and cultural factors. As long as criminal sanctions are not consistently integrated with medical and social-based drug rehabilitation techniques, rehabilitation goals will be difficult to achieve optimally. Thus, answering the second problem formulation, these factors are the main determinants of the success or failure of rehabilitative punishment in the Indonesian criminal law system.

CONCLUSIONS

Based on the research results and discussion in Chapter IV, it can be concluded that the application of criminal sanctions against drug users in the Indonesian criminal law system has not been fully effective in achieving the goal of rehabilitation. Normatively, the Indonesian criminal law system, particularly through Law Number 35 of 2009 concerning Narcotics, which must now be read in accordance with Law Number 1 of 2023 concerning the Criminal Code, has recognized rehabilitation as the primary approach for drug users. This regulation reflects a paradigm shift from repressive punishment to rehabilitative and humane punishment.

Based on the discussion in Chapter IV, Subchapter B, it can be concluded that the ineffectiveness of implementing criminal sanctions for drug users in achieving rehabilitation goals is influenced by various interrelated factors within the criminal justice system. These factors stem not only from normative aspects but also from structural and cultural aspects. The legal substance still shows weaknesses, particularly regarding the formulation of rehabilitation norms, which are not yet fully equipped with clear and uniform technical mechanisms. This opens up room for differing interpretations among law enforcement officials, resulting in inconsistent implementation of rehabilitation.

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