

Reconstructing Indonesian Drug Abuse Law via Progressive Legal Theory for Substantive Justice

Iskandar Iskandar, Hamdani Nugraha, Ryan Fachryyan Lesmana Putra
Sarip Hidayat, Diah Nurafifah

Faculty of Education, Social and Technology, Universitas Muhammadiyah, Kuningan, Indonesia
iskandar@umkuningan.ac.id

Abstract

This study aims to reconstruct Indonesia's legal framework for drug abuse through Satjipto Rahardjo's progressive legal theory to strengthen recovery, human dignity, and substantive justice. The persistent dominance of punitive responses, despite the rehabilitation-oriented framework under Law Number 35 of 2009 concerning Narcotics, reveals a gap between normative provisions and their implementation, particularly in distinguishing drug abusers from illicit traffickers and integrating criminal justice with health-based interventions. This study employs a descriptive-analytical normative legal method using statutory and conceptual approaches. Primary, secondary, and tertiary legal materials were analyzed through systematic, teleological, and futuristic interpretation to identify normative inconsistencies and formulate a future-oriented legal reconstruction. The findings demonstrate that a progressive-integrative model should be built upon five interconnected dimensions: reorientation of the legal status of drug abusers, integration of criminal justice and health systems, strengthening of diversion and restorative justice, reformulation of rehabilitation institutions, and transformation of legal culture. The novelty of this study lies in integrating these five dimensions into a unified reconstruction model that positions the Integrated Assessment Team as a gatekeeper for determining penal or rehabilitative pathways through multidisciplinary legal, medical, psychological, and social assessment. The model provides a conceptual basis for reformulating narcotics provisions, establishing accountable rehabilitation standards, improving interinstitutional coordination, and advancing a recovery-oriented framework of substantive justice.

Keywords: Drug Abuse; Legal Reconstruction; Progressive Law; Rehabilitation; Substantive Justice

1. INTRODUCTION

Law is essentially understood not only as a collection of binding written norms, but also as a social instrument for realizing justice, benefit, certainty, and protection of human rights. Legal norms are not sufficient merely to be formally enacted in legislation; they must be able to work effectively to resolve societal problems.¹ The existence of law becomes crucial when dealing with issues concerning human safety, social order, and the protection of vulnerable groups. Good law should not only emphasize the aspect of punishment, but must also be able to provide solutions that are humane, just, and appropriate to social needs.

The issue of narcotics is a legal issue with broad and complex dimensions. Narcotics are not only related to criminal acts or violations of the law, but also relate to public health, social disruption, family resilience, and threats to human resource development. Drug abuse can have serious impacts on individuals, families, and society, especially when handled solely within the framework of criminalization. The status of drug abusers requires a more careful examination, as under certain circumstances, abusers can be positioned not merely

¹ Dion Ario et al., "Living Law, Kepastian Hukum, Dan Hak Asasi Manusia: Politik Hukum Dalam KUHP 2023 Di Indonesia," *Lentera: Indonesian Journal of Multidisciplinary Islamic Studies* 7, no. 1 (June 2025): 31–42, <https://doi.org/10.32505/lentera.v7i1.13426>.

as perpetrators of crime but also as victims of dependency, social environments, and weak prevention systems.²

Narcotics law should create a balanced mechanism for handling and rehabilitating drug abusers. Law enforcement against illicit drug trafficking networks must be carried out firmly, as it is linked to organized crime that endangers society. Handling drug abusers needs to be directed more proportionally to avoid injustice. The law should not only work by imposing criminal sanctions, but must also create space for rehabilitation, recovery, prevention, and social reintegration. The justice sought under narcotics law is not merely formal justice but must also address substantive justice that is truly felt by drug abusers, their families, social victims, and the wider community.

Progressive legal thinking, as developed by Satjipto Rahardjo, places humans at the center of the law. Law should not be understood solely as a formal instrument rigidly enforced based on statutory texts, but rather as a means to liberate humans from injustice. The idea that law was created for humans, not humans for the law, is relevant in the treatment of drug abusers.³ An overly positivistic approach often only views drug abusers from the perspective of legal violations, without considering their inherent social, psychological, health, and humanitarian conditions. Progressive legal thinking requires that drug abusers be treated not only as objects of punishment but also as subjects with the right to recovery.

Applied to the implementation of narcotics law, Satjipto Rahardjo's progressive legal theory requires the law to be evaluated through the concrete consequences it produces for drug abusers. The continued use of possession and abuse provisions to imprison individuals experiencing dependence, despite the rehabilitation mandate under Article 54 of Law Number 35 of 2009, reflects a mechanical application of legal texts that separates formal certainty from health conditions and social reality. Progressive law therefore functions in this study not merely as a conceptual framework, but as an analytical basis for examining whether legal substance, institutional practice, and law enforcement culture protect human dignity and achieve recovery. This connection directs the research toward reconstructing legal classification, assessment, adjudication, and rehabilitation so that they operate consistently with substantive justice.

The reality of drug management in Indonesia demonstrates a discrepancy between normative expectations and practice. Normatively, drug law recognizes rehabilitation mechanisms for drug abusers, but their implementation has not been fully effective. Law enforcement practices still tend to view drug abusers as criminals who must be punished, even though in many circumstances they also require a health and recovery approach. Drug abuse data also shows that this problem remains serious. In 2023, the prevalence of drug

² Vivi Ariyanti, "The Victims of Drugs Abuse and Their Legal Status in the Indonesian Narcotics Law," *International Journal of Business, Economics and Law* 13, no. 4 (August 2017): 119–23, <https://ijbel.com/wp-content/uploads/2017/10/LAW-66.pdf>.

³ Harkristuti Harkrisnowo, Hikmahanto Juwana, and Yu Oppusunggu, *Law and Justice in a Globalized World: Proceedings of the Asia-Pacific Research in Social Sciences and Humanities*, Depok, Indonesia, November 7-9, 2016: *Topics in Law and Justice*, 2017, <https://doi.org/10.9774/gleaf.9781315223292>.

abuse among those aged 15 to 64 was recorded at 1.73 percent, equivalent to approximately 3.33 million people. In 2021, the prevalence rate was reported at around 1.95 percent, equivalent to approximately 3.66 million people. Between 2022 and 2023, approximately 4.8 million people aged 15 to 64 had used drugs.⁴

These figures must also be understood in relation to the consequences of a rigid positivistic and repressive approach to narcotics law enforcement. When drug abusers are predominantly processed through criminal provisions and sentenced to imprisonment rather than directed toward rehabilitation, the number of narcotics detainees and prisoners increases and places additional pressure on correctional institutions. This condition contributes to overcrowding in correctional facilities and demonstrates that an imprisonment-oriented approach has not adequately distinguished drug abusers who require treatment and recovery from illicit traffickers who must be firmly prosecuted.

Law enforcement data show that drug trafficking in Indonesia continues on a large scale. From 2022 to March 19, 2023, hundreds of drug crime cases were recorded, with more than a thousand suspects, accompanied by evidence in the form of methamphetamine, marijuana, and significant quantities of ecstasy. This situation indicates that Indonesia faces not only drug abuse but also illicit drug trafficking involving national and international networks. The high rate of drug abuse and trafficking is also inextricably linked to Indonesia's geographical location as an archipelagic nation with vast territory, numerous waterways, and a strategic location. This situation emphasizes that the drug law system must be able to differentiate proportionally between drug abusers who need rehabilitation and illicit traffickers who must be firmly prosecuted.

Law Number 35 of 2009 concerning Narcotics actually accommodates a dual system or double track system, namely the criminal system and rehabilitation measures. The existence of this system shows that Indonesian narcotics law does not fully place abusers within the framework of punishment, because there is room for rehabilitative measures. The implementation of this system is still not optimal due to obstacles faced by law enforcement officials, limited rehabilitation facilities, weak coordination between institutions, and inconsistent consideration of the physical and psychological conditions of abusers.⁵ This situation gives rise to fundamental problems, namely the dominance of a repressive approach, limited access to rehabilitation, a weak recovery paradigm, and a gap between ideal legal norms and legal practices in the field. Based on these problems, the reconstruction of drug abuse law based on progressive legal thinking is crucial to realizing a narcotics legal system that is more humane, proportional, and oriented towards substantive justice .

⁴ Tuty Yanuarti et al., "Cross-Culture Adaptation and Validation of Indonesian Version of Crafft Substance Abuse Screening Test among Adolescents," *Jurnal Keperawatan Padjadjaran* 13, no. 2 (August 2025): 203–10, <https://doi.org/10.24198/jkp.v13i2.2551>.

⁵ Abdul Bari and Achmad Taufik, "The Urgency of Reforming Law Enforcement Institutions in Handling Children Who Commit Crimes in Indonesia," *International Journal of Social Welfare and Family Law* 2, no. 4 (October 2025): 7–17, <https://doi.org/10.62951/ijsw.v2i4.493>.

As explained by Fajrin (2022), the handling of narcotics abusers needs to be placed within a double-track system that balances criminal sanctions and rehabilitation; the strength of this study lies in its clear emphasis on rehabilitation as part of legal accountability, but its limitation is that it remains focused on the normative construction of the double-track system.⁶ As explained by Kania (2023), rehabilitation can function as a form of restorative justice through the prosecutor's role under the principle of *dominus litis*; the strength of this study is its focus on prosecutorial authority in directing abusers toward recovery, while its weakness is that the discussion remains limited to restorative justice and the role of the prosecutor.⁷ As explained by Jaya (2024), rehabilitation should be strengthened as an *ultimum remedium* effort so that imprisonment is not always used as the primary response; the strength of this study is its rehabilitative orientation, but its limitation is that it has not fully developed a broader reconstruction of narcotics law based on progressive legal theory.⁸

Viewed comparatively, the three studies demonstrate an evolution in narcotics-law scholarship from the normative construction of a double-track sanction system, to the use of prosecutorial authority for restorative rehabilitation, and then to the positioning of rehabilitation as an *ultimum remedium*. All three rely predominantly on normative legal research, but their objects and analytical scope remain separate. Fajrin develops an ideal sanction model without empirically testing its implementation; Kania examines legislation and criminal-law principles by concentrating on the prosecutor's *dominus litis* authority; while Jaya uses statutory and conceptual analysis to strengthen rehabilitation as an alternative to imprisonment. These approaches clarify important components of reform, but they do not examine rehabilitation outcomes, consistency in judicial practice, or coordination among legal and health institutions. More importantly, none constructs a unified explanation of how the legal status of users, the legal-health interface, diversion and restorative justice, rehabilitation institutions, and legal culture should be reconstructed simultaneously through Satjipto Rahardjo's progressive legal theory.

The research gap lies in the fact that previous studies still examine the double-track system, rehabilitation, restorative justice, *ultimum remedium*, and the role of certain law enforcement institutions separately. These studies have not developed a holistic reconstruction model that explains how Satjipto Rahardjo's progressive legal theory can integrate the reorientation of the legal status of drug abusers, the integration of the legal and health systems, the strengthening of diversion and restorative justice, the reformulation of rehabilitation institutions, and the transformation of legal culture. This study fills this gap by integrating these five dimensions through legal substance, legal structure, and legal

⁶ Yaris Adhial Fajrin et al., "Ideal Double-Track System Construction for Narcotics Abusers in Indonesia," *Jurnal Cita Hukum* 10, no. 3 (2022): 527–44, <https://doi.org/10.15408/jch.v10i3.22690>.

⁷ Dede Kania and Litya Anggraeniko, "Realizing Restorative Justice Through Rehabilitation For Narcotics Abuse As An Implementation Of The Principle Of Dominus Litis," *Jurnal Cita Hukum* 11 (2023), <https://doi.org/10.15408/jch.v11i3.34756>.

⁸ Candra Jaya and Faidatul Hikmah, "Legal Reform on Rehabilitation for Drug Users as an *Ultimum Remedium* Effort," *Jurnal USM Law Review* 7, no. 1 (2024): 364–75, <https://doi.org/10.26623/julr.v7i1.8803>.

culture within a comprehensive progressive legal framework. Its novelty lies in positioning human dignity, recovery, and substantive justice as the basis for reforming narcotics norms, institutions, and law enforcement practices, rather than merely strengthening rehabilitation within the existing punitive system.

The urgency of this reconstruction is reinforced by the limited reach of rehabilitation and the pressure of narcotics cases on correctional institutions. In 2024, the National Narcotics Agency rehabilitated 13,852 drug abusers, while 40,900 individuals accessed recovery services nationally; this coverage remained far below the approximately 3.3 million people recorded in the 2023 prevalence estimate.⁹ Correctional data also recorded 139,088 narcotics inmates out of 268,610 total inmates as of 26 July 2021, meaning narcotics cases accounted for 51.8 percent of the prison and detention population.¹⁰ The structural pressure persisted in June 2025, when 279,537 people occupied facilities designed for 147,414, producing overcrowding of 89.64 percent.¹¹ These conditions demonstrate that the gap between rehabilitation norms and punitive implementation has measurable consequences: access to recovery remains limited, while imprisonment continues to absorb a substantial number of narcotics cases and intensify correctional overcrowding.

The difference in this research lies in its broader focus. This study not only discusses rehabilitation, restorative justice, or the double-track system, but specifically examines the legal reconstruction of drug abusers based on progressive legal thinking as a step toward substantive justice. It positions drug abusers not merely as offenders, but as legal subjects who need humane, proportional, and recovery-oriented treatment. Thus, the novelty of this research lies in formulating a progressive legal reconstruction that goes beyond normative rehabilitation arrangements and places human dignity, recovery, and substantive justice as the foundation of narcotics law reform.

The main objective of this study is to analyze the normative and implementation gaps in the Indonesian narcotics legal system from the perspective of progressive legal thought. This study identifies conceptual, structural, and cultural weaknesses in the implementation of Law Number 35 of 2009 concerning Narcotics, particularly those related to rehabilitation, human rights protection, and the prevention of repeated drug abuse. It also aims to formulate an integrated legal reconstruction model that connects legal substance, institutional structure, and legal culture by placing humans at the center of justice and law as a means of recovery. The results are expected to contribute academically to the development of

⁹ Badan Narkotika Nasional Republik Indonesia, Press Release Akhir Tahun 2024 (Jakarta: BNN RI, December 23, 2024), 6, <https://bnn.go.id/konten/unggah/2024/12/23122024-FINAL-PRESS-RELEASE-AKHIR-TAHUN-2024-COMPILE-ALL.pdf>.

¹⁰ Direktorat Jenderal Pemasyarakatan, "Atasi Overcrowded, Ditjenpas Dukung Rehabilitasi Pengguna Narkotika," July 27, 2021, <https://www.ditjenpas.go.id/atasi-overcrowded-ditjenpas-dukung-rehabilitasi-pengguna-narkotika>.

¹¹ Direktorat Jenderal Pemasyarakatan, "Ditjenpas Gandeng Media Perkuat Edukasi Publik soal Program Prioritas," July 15, 2025, <https://www.ditjenpas.go.id/ditjenpas-gandeng-media-perkuat-edukasi-publik-soal-program-prioritas>.

substantive justice in Indonesian criminal law and practically to the formulation of more humane, proportional, and sustainable narcotics policies.

2. METHOD

The research method used in this study is a descriptive-analytical normative legal research method to examine the reconstruction of drug abuse law based on progressive legal thinking as a step towards realizing substantive justice.¹² This method was selected because the research problem concerns normative inconsistencies and implementation gaps in the regulation and treatment of drug abusers. The study employs legislative and conceptual approaches. The legislative approach was chosen because the issues examined arise from the relationship between punitive and rehabilitative norms and was operationalized by inventorying, classifying, and examining Law Number 35 of 2009 concerning Narcotics, Supreme Court Circular Letter Number 7 of 2009, Prosecutor's Office Regulation Number 15 of 2020, National Police Regulation Number 8 of 2021, and other relevant regulations according to their hierarchy and regulatory functions.

The conceptual approach was selected to use Satjipto Rahardjo's progressive legal thought as the framework for reconstruction and was operationalized by identifying and connecting the concepts of human dignity, substantive justice, proportionality, rehabilitation, restorative justice, and legal-health system integration with the legal treatment of drug abusers. The data used are secondary data consisting of primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations related to drug crimes, rehabilitation, the criminal justice system, and human rights protection.¹³ Secondary legal materials include books, scientific journals, legal articles, research results, and opinions of legal experts, while tertiary legal materials include legal dictionaries and legal encyclopedias. The collection of legal materials was carried out through library studies and digital searches. The legal materials were analyzed qualitatively using systematic, teleological, and futuristic interpretations. Systematic interpretation was used to examine the relationship between Articles 54 and 103 concerning rehabilitation and Articles 112 and 127 concerning criminal liability, while teleological interpretation was used to assess these provisions according to the purposes of recovery, public protection, and substantive justice. Futuristic interpretation was used to formulate the direction of future narcotics law reform. Vertical synchronization was conducted to examine the conformity of subordinate regulations with the 1945 Constitution and Law Number 35 of 2009, while horizontal synchronization was used to assess consistency among criminal, rehabilitation, and restorative justice policies. The reconstruction was evaluated using the parameters of human dignity, proportionality, legal certainty, rehabilitation accessibility, institutional accountability, legal-health system integration, and prevention of repeated drug abuse,

¹² Muhaemin, *Metode Penelitian Hukum* (Nusa Tenggara Barat: Mataram University Press, 2020).

¹³ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2021).

followed by deductive reasoning to formulate a more humane, proportional, and recovery-oriented legal model.

3. RESULTS AND DISCUSSION

3.1 A Progressive Law-Based Model for Narcotics Crime Reconstruction

The reconstruction of narcotics law based on progressive law should be understood as a comprehensive legal reform agenda with juridical, philosophical, and sociological implications. This approach is rooted in Satjipto Rahardjo's view that law must be oriented toward human beings and should not be maintained when it produces injustice.¹⁴ Progressive law criticizes legal positivism, which treats law as a closed and rigid system of norms detached from moral values and social reality. In the context of narcotics law in Indonesia, the dominance of a repressive approach focused on formal legal certainty through criminalization has shown its limitations, particularly in dealing with users and addicts who require rehabilitation rather than punishment. Therefore, narcotics law must move beyond normative formality toward a more contextual, adaptive, and recovery-oriented model that balances justice, utility, and legal certainty. This reconstruction must be built on integrated and mutually reinforcing pillars so that narcotics law enforcement no longer remains trapped in a punitive approach that fails to address the root causes of drug abuse.

The model for legal reconstruction of drug abusers based on progressive law begins with the reorientation of the legal status of drug users. The legal status of drug users in the Indonesian legal system remains ambiguous and dualistic. On the one hand, drug users are viewed as perpetrators of criminal acts because unauthorized possession, control, or use of narcotics may subject them to imprisonment under Law Number 35 of 2009 concerning Narcotics.¹⁵ Within this framework, users are positioned as offenders who fulfill the elements of a crime and may be held criminally liable as long as they are considered to have awareness and will in using narcotics. On the other hand, the same law also recognizes addicts and victims of drug abuse as individuals who require medical and social rehabilitation. This dualism shows that the legal construction of narcotics policy in Indonesia has not yet fully determined a consistent orientation toward drug users.

This ambiguity creates a fundamental problem in relation to criminal responsibility. If drug users are understood as victims of addiction, the legal focus should be directed toward protection and rehabilitation rather than punishment. However, in practice, drug users are often still processed through the criminal justice system and sentenced to imprisonment. This indicates that criminal accountability is still based on a classical approach that emphasizes unlawful conduct without adequately considering addiction as a condition that may reduce culpability. Law enforcement officials should not equate the criminal responsibility of drug users with perpetrators who have full control over their actions,

¹⁴ Vincentius Patria Setyawan, "The Relevance of Progressive Law in Legal Reasoning in Indonesia," *Noblesse Oblige Law Journal* 2, no. 1 (2025): 165–78, <https://journal.oso.ac.id/index.php/nolan>.

¹⁵ Mujito Mujito et al., "Problems of Law Enforcement in the Crime of Abuse of Dangerous Drugs (Narcotics)," *Legalis et Socialis Studiis* 1, no. 3 (December 2023).

because the concept of diminished responsibility requires the level of culpability to be assessed based on psychological and social conditions.

The punishment of drug users without considering their dependency may violate the principle of proportionality in criminal law. In relation to the principle of ultimum remedium, criminal law should serve as a last resort in addressing drug abuse, not as the primary instrument. Nevertheless, criminal law is often used as the main response, thereby blurring the distinction between users as victims and dealers as perpetrators of crime. As a result, the legal system loses sensitivity to social and humanitarian contexts and tends to produce substantive injustice. Therefore, reorienting the legal status of drug users is a crucial step in reconstructing narcotics law based on progressive law, because it directly affects how the state views and treats legal subjects.

The reorientation of legal status should not be understood merely as a terminological shift from “perpetrator” to “victim” or “patient,” but as a legal transformation with deeper implications. It determines the type of intervention provided by the state, the mechanism for handling cases, and the ultimate purpose of the legal process. Indonesian positive law actually provides a normative basis for this reorientation, particularly Article 54 of Law Number 35 of 2009, which requires addicts and victims of drug abuse to undergo medical and social rehabilitation, and Article 103, which authorizes judges to order rehabilitation.¹⁶ However, in practice, these rehabilitative provisions are often less dominant than the repressive approach of criminalization.

Modern criminal law thinking emphasizes the importance of differentiating between offenders and victims, including in the context of victimless crimes such as drug abuse. From a victimology perspective, drug users may be categorized as self-victimizing victims, namely individuals who are both perpetrators and victims of their own actions due to dependency. A purely retributive approach is no longer adequate because it fails to address the root cause of addiction, while a rehabilitative and utilitarian approach is more rational because it focuses on recovery and the prevention of recidivism.¹⁷ Drug abuse is fundamentally a health and social issue, so criminal sanctions must be limited and proportionate to the user’s condition. Failure to reorient the legal status of drug users not only harms individuals, but also contributes to prison overcrowding, further criminalization, and obstacles to social reintegration.

To transform this conceptual orientation into an operational legal construction, Law Number 35 of 2009 concerning Narcotics should be amended by clarifying the relationship among Articles 111, 112, and 127. The phrases “possesses, stores, controls, or provides” in Articles 111 and 112 should not automatically characterize a person as a trafficker when the

¹⁶ Muhammad Hairul and Desi Anisah, “Tinjauan Yuridis Pasal 54 UU Narkotika: Rehabilitasi Sebagai Solusi Bagi Pecandu Dan Korban Penyalahgunaan Narkotika,” *Amandemen: Jurnal Ilmu Pertahanan, Politik Dan Hukum Indonesia* 1, no. 4 (2024): 58–72, <https://doi.org/10.62383/amandemen.v1i4.519>.

¹⁷ Widowati, “The Future of Children in the Criminal Justice System: Restorative or Retributive Approach,” *West Science Law and Human Rights* 2, no. 4 (October 2024): 379–88, <https://wsj.westscience-press.com/index.php/wslhr>.

narcotics are controlled solely for personal use. The reconstructed provisions should require proof of an intention to distribute, a commercial purpose, participation in an illicit trafficking network, or other objective trafficking indicators before the aggravated possession provisions may be applied. A limiting clause should expressly state that possession for personal use, as established through an integrated legal, medical, psychological, and social assessment, is excluded from Articles 111 and 112 and must be handled under Article 127 in conjunction with Articles 54 and 103. This formulation would prevent Articles 111 and 112 from operating as catch-all provisions while preserving firm criminal liability for illicit traffickers.

The reconstruction should also introduce a specific classification norm, for example through a new Article 127A, which differentiates non-dependent personal users, addicts experiencing drug dependence, victims of drug abuse, users requiring intensive clinical intervention, and users who are simultaneously involved in illicit trafficking. The classification must be determined through cumulative indicators, including the purpose of possession, the type, purity, and quantity of narcotics, consumption history, toxicological test results, the level of dependence, packaging patterns, weighing devices, transaction records, communication evidence, financial benefits, and links to trafficking networks. The quantity threshold should function only as a rebuttable indicator and must not become the sole basis for determining legal status. The result of this classification should determine whether the subject receives a brief intervention, outpatient or inpatient rehabilitation, diversion accompanied by legal supervision, or prosecution for involvement in illicit trafficking.

Operational differentiation between a pure user or victim and a trafficker who claims to be a user must be based on cumulative indicators rather than a single factor. A proposed single-use narcotics evidence threshold (SNET) may serve as an initial screening benchmark by measuring whether the quantity and type of narcotics correspond to an objectively determined one-day personal-use limit. Possession within the SNET should not automatically result in rehabilitation, but must be combined with a positive toxicology result, a documented history of use or dependence, medical and psychological findings, and the absence of sales proceeds, scales, multiple packages, transaction records, distribution communications, or links to trafficking networks. Conversely, quantities exceeding the SNET, repeated packaging, unexplained cash, electronic transaction evidence, and network connections should trigger a deeper investigation into possible trafficking. The final classification must be made through multidisciplinary assessment and recorded in a reasoned decision, so that the quantity of evidence functions as a screening indicator rather than the sole determinant of legal status.

The reconstruction of narcotics law also requires the integration of the legal system with the health system. The 1945 Constitution of the Republic of Indonesia, particularly Article 28H paragraph (1), guarantees every person the right to obtain health services, which

implicitly includes the right of drug addicts to receive treatment and rehabilitation.¹⁸ Drug abusers should therefore not be positioned merely as perpetrators of legal violations, but also as victims of addictive conditions requiring medical and social intervention. This position is important because drug abuse is often linked to physical dependence, psychological disorders, social pressure, and the inability of individuals to break free from destructive consumption patterns. A criminal approach that only emphasizes punishment is inadequate because it fails to address the root causes of repeated abuse.

As victims, drug abusers experience direct harm to their physical health, mental condition, family relationships, social productivity, and personal dignity. The state's response should not stop at criminalization, but must be directed toward recovery through medical and social rehabilitation. Rehabilitation is not a form of exemption from legal responsibility, but a more rational form of accountability because it aims to restore the individual's ability to live a healthy and productive life and prevent relapse.¹⁹ In this context, the legal system is needed to ensure control, certainty, and accountability, while the health system is needed to provide diagnosis, therapy, rehabilitation, and post-rehabilitation support.

The integration of the legal system and the health system is a central element in reconstructing narcotics law for drug abusers. This reconstruction does not merely shift drug abusers from prison to rehabilitation, but restructures the criminal law paradigm so that it no longer operates solely through the logic of punishment. Instead, it must also operate through the logic of recovery, rights protection, risk reduction, and restoration of social function. Law should not stand as a repressive instrument, but as a normative mechanism that directs the state to provide a proportionate, scientific, and health-needs-based response. A purely penal approach cannot fully address the complexity of drug abuse, which lies at the intersection of law, public health, social welfare, and human rights.

Normatively, the basis for this integration already exists in Indonesian positive law. Law Number 35 of 2009 concerning Narcotics, particularly Article 54, requires addicts and victims of drug abuse to undergo medical and social rehabilitation. Supreme Court Circular Letter Number 7 of 2009 also strengthens the policy direction of placing drug users in rehabilitation institutions. This framework is in line with WHO and UNODC standards, which view drug use disorders as health issues requiring evidence-based, ethical, and organized treatment services.²⁰ These standards also encourage alternatives to criminal punishment for people with drug use disorders who come into contact with the criminal justice system, especially in minor drug cases.

¹⁸ Yemima Putri Karunianingsih, Jonathan Kushantoro, and Matthew Stanley Edward Lowing, "Legalisasi Ganja Untuk Kepentingan Medis: Urgensi Pembaruan Hukum Kesehatan Di Indonesia," *SENTRI: Jurnal Riset Ilmiah* 4, no. 8 (2025): 1622–43, <https://doi.org/10.55681/sentri.v4i8.4293>.

¹⁹ Muhammad Imran Khan, Saeedah Shah, and Sidra Kanwel, "Rehabilitation Reconsidered: A Comprehensive Legal Analysis," *Journal of Asian Development Studies* 12, no. 3 (2023): 1075–81, <https://doi.org/10.62345/>.

²⁰ Jaya and Hikmah, "Legal Reform on Rehabilitation for Drug Users as an Ultimum Remedium Effort."

Institutionally, integration requires a coordinated governance model involving the National Narcotics Agency, the police, prosecutors, courts, the Ministry of Health, local governments, hospitals, rehabilitation institutions, and social workers. The crucial point lies at the first contact between drug abusers and the legal system, because this stage determines whether they will be directed to a penal or rehabilitative pathway. The proposed reconstruction must include several principles: differentiation between drug abusers as subjects of recovery and traffickers as subjects of repression, interdisciplinary assessment based on medical, psychological, social, and legal considerations, therapeutic proportionality, continuity of services, and institutional accountability. Integrated assessment becomes the bridge between legal demands for certainty and proof, and health-based processes of diagnosis, therapy, and gradual recovery.

To operationalize this classification, a new Article 127B should formally establish the Integrated Assessment Team as the principal gatekeeper between the criminal justice process and medical-social diagnosis. The team should consist of legal, medical, psychological, and social professionals and must conduct an assessment at the earliest stage after a person is identified as a suspected drug user. Its legal component should examine evidence of distribution, commercial purpose, and network involvement, while its health and social components should assess dependence, mental condition, vulnerability, treatment needs, and family support. The assessment should be completed within a definite statutory period and produce a written recommendation concerning prosecution, diversion, and the appropriate form of rehabilitation. The recommendation should be presumptively binding on investigators, prosecutors, and judges, and any deviation should be supported by explicit legal and evidentiary reasons. Digital case records, external supervision, conflict-of-interest rules, and periodic audits are also required to prevent manipulation and ensure institutional accountability.

Within this integrated model, the Integrated Assessment Team (TAT) must be expressly positioned as the primary gatekeeper connecting the criminal justice process with medical, psychological, and social diagnosis. The TAT should intervene from the first contact between a suspected drug abuser and law enforcement, before the choice between prosecution and rehabilitation becomes fixed. Its legal component should examine the form of possession, the person's role, transactional evidence, and any connection to illicit trafficking, while its medical and social components should assess dependence, mental health, vulnerability, treatment needs, family support, and the prospects of social reintegration. The resulting recommendation must be written, verifiable, and included in the case file as the principal basis for determining whether the subject enters a penal or rehabilitative pathway. Investigators, prosecutors, and judges who depart from the TAT recommendation should be required to provide clear and reviewable legal reasons, thereby preventing integrated assessment from becoming a mere administrative formality.

Judges also play a strategic role as guardians of this integration. Judicial decisions should not merely apply the elements of a crime and impose punishment, but must ensure

that drug abusers receive appropriate intervention. Judges need to consider whether the defendant is involved in a trafficking network, whether the drug use is linked to dependency, whether rehabilitation is more effective than imprisonment, and whether a supervised recovery plan is available.²¹ At the policy level, this integration also challenges the assumption that imprisonment always creates deterrence, because addiction may reduce self-control and make punishment ineffective in changing behavior. Therefore, deterrence should be modified into preventive-therapeutic deterrence through legal supervision, therapy, social recovery, and risk reduction. Rehabilitation must also remain evidence-based and meet quality standards, including professional staff, treatment plans, monitoring, and outcome evaluation, so that it does not become merely an administrative substitute for imprisonment but produces real recovery.

The model of legal reconstruction further needs to strengthen diversion and restorative justice mechanisms in drug abuse cases. Strengthening diversion and restorative justice mechanisms in drug abuse cases is a crucial dimension of the legal reconstruction model for drug abusers. This idea is based on the understanding that drug abusers are not always appropriately placed within the framework of criminals who must be sentenced to prison. In many cases, they occupy a dual position: formally violating the law, but substantively experiencing dependence, vulnerability, and health dysfunction that require recovery-based intervention. Therefore, diversion and restorative justice should not be understood as a softening of the law, but as a paradigmatic correction to a law enforcement model that is overly oriented toward imprisonment. Conceptually, diversion refers to transferring case resolution from formal criminal justice channels to non-imprisonment mechanisms that better suit recovery needs, while restorative justice directs criminal case resolution toward restoring responsibility, social relations, individual recovery, and public order.

Indonesian positive law has provided a normative basis for a rehabilitative orientation. Law Number 35 of 2009 concerning Narcotics contains provisions on treatment and rehabilitation, while also distinguishing between the eradication of illicit trafficking and the recovery needs of addicts or drug abusers. Restorative justice has also gained institutional space through Prosecutor's Office Regulation Number 15 of 2020 concerning termination of prosecution based on restorative justice and National Police Regulation Number 8 of 2021 concerning the handling of criminal offenses based on restorative justice.²² However, these norms do not automatically create effective legal reconstruction without a shift in paradigm, institutional design, and clear implementation standards in narcotics cases. Within the diversion framework, punishment should no longer be understood solely as retribution or

²¹ Ade Irma Andiani and Ni Made Martini Puteri, "The Effect of Integrated Complexity in Judges' Decision Making on Sentencing for Drug Abusers: Between Rehabilitation and Punishment," *Lexovate: Jurnal Perkembangan Sistem Peradilan* 1, no. 2 (2024): 63–72, <https://journal-iaassf.com/index.php/Lexovate>.

²² Daffa Ladro Kusworo and Maghfira Nur Khaliza Fauzi, "Hybrid Restorative Justice: Optimizing Cessation of Prosecution The Case Theft Through Restorative Judicial House," *Ius Poenale* 3, no. 2 (October 2022): 115–28, <https://doi.org/10.25041/ip.v3i2.2714>.

deterrence, but as an intervention mechanism aimed at reducing risk, rehabilitating the subject, and preventing recurrence.

Legal accountability for drug abusers does not always have to take the form of imprisonment; it may take the form of rehabilitation, therapy programs, counseling, supervision, and proof of sustained behavioral change. Therefore, diversion must be designed as a legal mechanism with clear prerequisites, indicators, and procedures based on objective assessment, including dependency status, history of use, mental health condition, involvement or non-involvement in trafficking networks, risk of reoffending, family support, and readiness to participate in rehabilitation. Its implementation must be strengthened from investigation to prosecution and trial, so that investigators classify users accurately, prosecutors apply restorative approaches where rehabilitation is more appropriate, and judges consider addiction assessment, proportionality, and recovery potential. From the perspective of substantive justice, diversion-based restorative rehabilitation is more proportional because it addresses the root of the problem while still protecting society through integrated assessment, medical and social rehabilitation, family and community involvement, legal supervision, post-rehabilitation evaluation, and a clear separation between drug abusers and traffickers.

The application of diversion and restorative justice in narcotics cases must nevertheless address the risk of moral hazard, including selective access, manipulation of user status, informal payments, transactions in case handling, and the abuse of discretion by individual officials. These risks may allow traffickers to present themselves as users or enable rehabilitation pathways to be granted on the basis of influence rather than objective need. Preventive safeguards should therefore include uniform eligibility criteria, mandatory TAT assessment, collective decision-making rather than authorization by a single official, written and reasoned determinations, electronic recording of each procedural stage, declarations of conflicts of interest, supervisory review, periodic audits, and an accessible complaint mechanism. Administrative and criminal sanctions must apply to officials or other parties who manipulate assessments or trade legal outcomes. Restorative settlement must also be excluded when evidence demonstrates repeated distribution, commercial transactions, organized-network involvement, coercion of other persons, or possession intended for illicit trafficking. These controls are necessary so that restorative justice remains a recovery mechanism rather than a new space for unequal treatment and transactional law enforcement.

The reconstruction of drug abuse law must also be supported by the reformulation of institutional rehabilitation policies. Conceptually, the main problem in handling drug abuse lies not only in the repressive tendencies of the criminal justice system, but also in the weakness of rehabilitation institutions. When rehabilitation is positioned as a normative solution but the institutions are not ready, rehabilitation becomes merely policy rhetoric. Law enforcement officials may direct drug abusers to rehabilitation, but the recovery process will not be optimal if facilities are limited, human resources are inadequate, assessment

standards are inconsistent, cross-agency coordination is weak, and post-rehabilitation evaluation is not measurable. Therefore, the reconstruction of drug abuse law must move beyond normative reform toward institutional reform.

Rehabilitation institutions must be reformulated as an integral part of a health-oriented criminal justice system, not as additional institutions operating outside the legal system. If rehabilitation continues to be treated only as a health or social sector issue, the relationship between law enforcement and recovery will remain fragmented. Rehabilitation should be institutionalized as part of the criminal justice-health system interface, so every stage of the legal process, from investigation and prosecution to trial, sentencing, and post-rehabilitation, can be connected to diagnosis, therapy, counseling, and social reintegration. This is in line with Lawrence M. Friedman's legal system theory, which emphasizes that legal effectiveness is determined not only by legal substance, but also by legal structure and legal culture.²³

The reformulation of rehabilitation institutions must begin with reaffirming their mandate. Rehabilitation should not be understood merely as a place of treatment, but as a recovery institution with diagnostic, therapeutic, educational, social, and legal functions. The diagnostic function relates to assessing the abuser's condition, level of dependency, mental health, and social risks. The therapeutic function includes treatment, counseling, behavioral therapy, and medical intervention. The educational function concerns increasing legal and health awareness, while the social function relates to restoring family relationships, work capacity, and community reintegration. The legal function is connected to reporting rehabilitation progress to legal institutions as a basis for evaluating accountability.

Institutional reform must also strengthen integrated assessment mechanisms. Assessment should not be treated as an administrative formality merely to fulfill legal requirements, but as the basis for determining appropriate intervention. In drug abuse cases, legal decisions depend heavily on accurate subject classification. Experimental abusers, severe addicts, victims of abuse, couriers who are also users, and traffickers who disguise themselves as users cannot be treated equally. Therefore, rehabilitation institutions must be connected to multidisciplinary assessment teams with clear and verifiable standards. Service standardization is also necessary to ensure that rehabilitation is not carried out differently without clear quality measures.

From the perspective of substantive justice, institutional reform strengthens the principle that justice is not achieved through equal treatment alone, but through appropriate treatment. Providing the same response to all drug offenders may create injustice because it ignores differences in conditions, risks, and needs. Drug abusers with severe dependence require intensive clinical intervention, those with low social risk may need outpatient rehabilitation, while those involved in illicit trafficking require firm law enforcement. For

²³ Askari Razak, "Mewujudkan Pemilu Adil Dan Bermartabat: Suatu Tinjauan Sistem Hukum Lawrence M. Friedman," *Fundamental: Jurnal Ilmiah Hukum* 12, no. 2 (July 2023): 471–88, <https://doi.org/10.34304/jf.v12i2.185>.

this reason, rehabilitation institutions must be designed to support differentiated responses. Institutional reform must also include financing and accessibility, because rehabilitation will not be effective if access depends on the economic capacity of drug abusers or their families.

The reformulation of rehabilitation institutional policy can be built on several principles. First, integration, meaning rehabilitation institutions must become part of both the legal and health systems. Second, differentiation, meaning services must be adjusted to the level of dependency, risk, and individual needs of drug abusers. Third, evidence-based standardization, meaning all services must follow professional standards and scientifically accountable methods. Fourth, accessibility, meaning rehabilitation must be available equally and not depend on economic capacity. Fifth, accountability, meaning the entire rehabilitation process must be monitored and evaluated. Sixth, sustainability, meaning recovery must include post-rehabilitation support and social reintegration.

At the institutional level, the reconstructed Narcotics Law should establish a National Rehabilitation System that connects central and regional governments, health facilities, social rehabilitation institutions, correctional services, and community-based recovery providers within one legally coordinated network. The system should include nationally applicable accreditation, minimum service standards, differentiated inpatient and outpatient services, a unified referral mechanism, individual treatment plans, and mandatory post-rehabilitation case management. The state should guarantee financing through the national and regional budgets and other lawful public health financing schemes so that access to rehabilitation does not depend on the economic capacity or geographical location of drug abusers. Each province should be required to provide or formally designate accessible rehabilitation services, while national authorities should maintain a referral and transportation mechanism for regions that lack adequate facilities. This institutional design translates progressive law into enforceable duties of the state, measurable service standards, and continuous recovery support.

Institutional reform must also respond to disparities in rehabilitation facilities between regions. The availability of accredited institutions, addiction specialists, psychologists, social workers, assessment teams, and post-rehabilitation services remains concentrated in areas with stronger health infrastructure, while remote, archipelagic, and economically disadvantaged regions may have limited access. A national rehabilitation policy should therefore establish uniform minimum service standards, map regional service gaps, develop interregional referral networks, and provide outpatient, mobile, or community-based services where inpatient facilities are unavailable. State financing must guarantee access for persons who cannot afford treatment through a combination of central government funding, regional co-financing, and special equalization support for underserved areas. Such financing should cover assessment, medical and social rehabilitation, necessary transportation, and post-rehabilitation assistance without making recovery dependent on family income. Funding allocation should be linked to accreditation, service quality,

transparent reporting, and measurable recovery outcomes so that equal access is accompanied by institutional accountability.

Finally, legal reconstruction requires changes in legal culture among law enforcement officers and the community. One of the main obstacles to implementing rehabilitation is the persistent stigma against drug users as "criminals." From a progressive legal perspective, law enforcement officers are required to not only enforce the law textually, but also act as agents of change capable of interpreting the law empathetically and contextually. Furthermore, the public needs to be educated to understand that rehabilitation is part of a social protection effort, not a form of condoning legal violations.

According to Lawrence M. Friedman, legal culture is a crucial element in determining the functioning of legal substance and structure.²⁴ Legal substance can contain norms of rehabilitation, and legal structures can provide institutions for rehabilitation. However, if the legal culture of officials and society continues to prioritize imprisonment as the primary response, rehabilitative norms will continue to face resistance. Legal culture determines how officials interpret norms, how society evaluates policies, and how abusers are treated in the legal process and in social life.

In law enforcement, justice is often equated with punishment. In drug abuse cases, justice is not always achieved through imprisonment. Justice can be more substantive if the state is able to provide an appropriate response to the actual circumstances of the abuser. If the abuser is dependent, imprisonment without treatment does not address the root of the problem. In fact, such a response can worsen the abuser's social and psychological condition, deepen stigma, cut off family access, hinder social reintegration, and increase the risk of reoffending. A legal culture that prioritizes punishment must shift toward one that recognizes recovery as part of justice.

Changes in legal culture from the perspective of progressive legal theory are crucial because law does not operate mechanically through text, but rather through the people who interpret and apply it. Law enforcement officials are the actors who determine whether rehabilitation norms will be understood narrowly or broadly, whether diversion will be used appropriately or avoided, and whether abusers will be directed toward recovery or directly entered into criminal justice. Thus, the legal culture of law enforcement officials determines the quality of justice produced by the system. The findings of this study confirm the progressive legal thesis that law should work for humans, not sacrifice humans for the sake of legal formalism.

At the police level, changing legal culture demands a shift from an arrest-oriented approach to a classification-oriented approach. The police, as the gateway to the criminal justice system, play a crucial role in distinguishing between drug users, addicts, victims of drug abuse, couriers, dealers, and dealers. If the dominant legal culture remains repressive,

²⁴ I Ketut Satya Wijaya and I Gede Agus Kurniawan, "The Lawrence Friedman's Construction of the Legal System Regarding Essential Equality Regulations in Trademark Rights," *Syiah Kuala Law Journal* 7, no. 2 (August 2023): 251–67.

drug users in need of rehabilitation risk being processed as ordinary criminals.²⁵ At the prosecutorial level, changing legal culture requires prosecutors to view drug cases not only from the perspective of evidence and prosecution, but also from the perspective of proportional legal responses. Prosecutors hold a strategic position as case controllers. In a reconstruction model, prosecutors should be able to assess whether a case is more appropriately pursued in court, dismissed on the basis of restorative justice, or directed toward rehabilitation with specific supervision. At the judicial level, changing legal culture requires judges to develop more interdisciplinary legal reasoning. Judges must not only assess whether the elements of a crime have been met but must also assess the extent of addiction, assessment results, potential for recovery, risk of recurrence, and the relevance of rehabilitation as a form of accountability. In this context, judges' decisions should not only be a manifestation of legal certainty but also a means of realizing substantive justice. Judges need to position imprisonment as a last resort for abusers who are unfit or not compliant with the rehabilitation path, not as an automatic response.

Changes in legal culture must also affect correctional institutions. To date, correctional institutions have often been the final resort for the system's failure to distinguish drug abusers from traffickers. If drug abusers are placed in prison without adequate rehabilitation services, correctional institutions risk becoming spaces for reproducing problems, rather than spaces for recovery. Therefore, correctional culture must be directed toward recovery-based development, addiction health services, counseling, and preparation for social reintegration. Drug abusers should not be managed solely as a detainee population, but as individuals requiring planned intervention.

In addition to law enforcement officials, changing the legal culture of society is also a crucial part of legal reconstruction. Society often views drug abusers with a strong stigma. This stigma discourages drug abusers from seeking help, makes families tend to hide their problems, and makes it difficult for communities to accept individuals who have undergone rehabilitation. Consequently, the recovery process lacks adequate social support. Yet, the success of rehabilitation is greatly influenced by the environment after the drug abuser returns to society. Therefore, an exclusive and punitive societal culture must be transformed into one that supports recovery and reintegration.

Comparative law strengthens the operational basis of this reconstruction. Portugal, through Law Number 30/2000, treats the use, acquisition, and possession of narcotics for personal consumption as an administrative violation rather than an offense punishable by imprisonment. The law uses the quantity required for an average ten-day personal consumption period as an evidentiary indication, but an amount exceeding that threshold does not automatically establish trafficking when personal use can still be demonstrated. Cases are referred to a Commission for the Dissuasion of Drug Addiction, which connects

²⁵ Steven Chang, Ariawan Gunadi, and Amad Sudiro, "Law Enforcement Based on the Principle of Justice for Addicts and Victims of Drug Abuse," *TPM* 32, no. R2 (2025): 773–77, <https://www.tpm.org/>.

the legal response with health and social protection. This model demonstrates the importance of treating quantity as a rebuttable indicator, maintaining a clear separation between personal consumption and trafficking, and assigning classification to a specialized institution rather than relying solely on conventional criminal proceedings.²⁶

Australia offers a complementary institutional lesson through its National Drug Strategy 2017–2026, which adopts harm minimisation and combines demand reduction, supply reduction, and harm reduction. The strategy emphasizes evidence-informed and accessible treatment, connected referral pathways, services tailored to the nature and severity of individual needs, long-term recovery support, and diversion initiatives, while maintaining firm enforcement against organized illicit supply. This approach shows that rehabilitation should not operate as an isolated facility-based measure, but as part of an integrated national service framework connecting health care, social support, justice institutions, and community reintegration.²⁷

These comparative approaches should not be transplanted mechanically into Indonesia, but their institutional logic can be adapted to the structure and objectives of national narcotics law. The proposed progressive legal model therefore consists of a reconstructed legal substance through the amendment of Articles 111 and 112 and the addition of Articles 127A and 127B; a reconstructed legal structure through the strengthening of the Integrated Assessment Team and the establishment of a National Rehabilitation System; and a reconstructed legal culture that requires law enforcement officials to prioritize evidence-based classification, proportional accountability, and recovery without weakening the prosecution of illicit trafficking. This formulation transforms progressive legal theory from a conceptual orientation into an operational model that can be implemented through statutory norms, institutional mandates, procedural safeguards, and measurable rehabilitation services.

3.2 Implications of Reconstruction for Criminal Law Reform and National Narcotics Policy

Reconstruction of narcotics law based on progressive legal thinking cannot be understood solely as a normative discourse, but rather as a legal reform agenda with juridical, philosophical, and sociological implications. Criminal law reform is essentially part of the law reform process aimed at adapting the law to evolving values and societal needs. In Satjipto Rahardjo's thinking, law must be human-oriented, so that law should not be maintained if it actually gives rise to injustice. Progressive legal thinking stems from a critique of legal positivism, which views law as a closed system of norms applied mechanically without considering social realities. In the context of narcotics law, the dominance of a repressive approach that emphasizes punishment has demonstrated its

²⁶ Assembleia da República, Lei n.º 30/2000, de 29 de novembro, arts. 1, 2, and 5, Diário da República, consolidated version amended through October 11, 2023.

²⁷ Australian Government Department of Health, National Drug Strategy 2017–2026 (Canberra: Commonwealth of Australia, 2017), 11–12.

limitations, particularly for users and addicts who factually require rehabilitation, not merely punishment.²⁸

A progressive legal approach to drug abuse essentially seeks to balance the values of justice, expediency, and legal certainty. Legal certainty remains crucial, but it must not neglect the values of justice and expediency for those in conflict with the law. Laws that focus solely on formal certainty can lose moral legitimacy if they result in substantive injustice. In addressing drug abuse, the law needs to shift from a criminalization orientation to a more contextual, adaptive, and recovery-oriented approach. A model for legal reconstruction for drug abuse based on progressive legal thinking must be systematically developed through several interrelated key pillars: reorienting the legal status of users, integrating the legal system with the health system, strengthening diversion and restorative justice, reformulating rehabilitation institutions, and changing the legal culture of law enforcement and society.

The reconstruction of narcotics law must begin with the reorientation of the legal status of drug users. The legal status of drug users in the Indonesian legal system remains ambiguous and dualistic. On the one hand, users are viewed as criminals because unauthorized use, possession, or control of narcotics can still be subject to criminal penalties, placing them as offenders who fulfill the elements of a crime and may be held criminally accountable. On the other hand, Law Number 35 of 2009 concerning Narcotics also recognizes drug addicts and victims of drug abuse as subjects who require medical and social rehabilitation.²⁹ This dualism shows that Indonesian narcotics law has not yet fully established a consistent orientation in determining whether drug users should be treated as perpetrators of crime or as victims in need of recovery.

A fundamental problem arises when users who are substantially dependent are still processed through the criminal justice system and sentenced to imprisonment. If users are understood as victims of addiction, the legal focus should be directed toward protection and recovery, not merely punishment. Criminal accountability for drug users should consider psychological and social conditions as well as the level of dependence. The concept of diminished responsibility is relevant because the culpability of drug users is not always equal to that of perpetrators who have full control over their actions. Punishment that ignores these conditions risks violating the principle of proportionality and distancing the law from substantive justice.

Reorienting the legal status of drug users is therefore a crucial point in reconstructing narcotics law. This reorientation is not merely a terminological shift from “perpetrator” to

²⁸ Yopi Gunawan, “The Progressive Legal Paradigm as a Strategy for Transforming Anti-Corruption Law Enforcement in Indonesia,” *International Journal of Social Science and Human Research* 8, no. 10 (October 2025): 7824–29, <https://doi.org/10.47191/ijsshr/v8-i10-33>.

²⁹ Nanang Ardiansyah Lubis, Zulkarnain, and Ramadhan Syahmedi Siregar, “Implementation of Rehabilitation of Victims of Drug Abuse According to Law Number 35 of 2009 in the Review of Maqasid Syariah Study at Baitu Syifa Rehabilitation Center Medan,” *Sosioedukasi: Jurnal Ilmiah Ilmu Pendidikan Dan Sosial* 14, no. 3 (September 2025): 2079–90, <https://ejournal.unibabwi.ac.id/index.php/sosioedukasi/index>.

“victim” or “patient,” but a change in the state’s perspective in determining intervention, case-handling mechanisms, and the ultimate purpose of the legal process. Article 54 of Law Number 35 of 2009 provides the basis for requiring addicts and victims of drug abuse to undergo medical and social rehabilitation, while Article 103 authorizes judges to order rehabilitation. Modern criminal law and victimology also support the differentiation between offenders and victims, including the view of drug users as self-victimizing victims due to dependence. Therefore, criminal sanctions against drug users must be limited as an *ultimum remedium*, because failure to reorient this status may increase prison overcrowding, strengthen stigma, and hinder social reintegration.

The reconstruction of law for drug abusers also requires the integration of the legal system with the health system. Integrating the legal system with the health system is an important part of reconstructing the law for drug abusers. Drug abusers cannot be understood solely as perpetrators of legal violations because, in many cases, they also experience physical dependence, psychological disorders, social pressure, and a weak ability to break free from destructive consumption patterns. The 1945 Constitution of the Republic of Indonesia, particularly Article 28H paragraph (1), guarantees every person the right to obtain health services, which substantively includes the right of drug addicts to receive treatment and rehabilitation. Therefore, the state’s response to drug abusers must not stop at criminalization, but must also be directed toward recovery through medical and social rehabilitation.

The legal system is needed to ensure control, certainty, and accountability, while the health system is needed to provide diagnosis, therapy, rehabilitation, and post-rehabilitation support. Without integration between the two, drug abusers risk being continuously treated as objects of punishment, even though they actually require medical and social intervention. This integration is not merely a transfer from prison to rehabilitation centers, but a restructuring of the criminal law paradigm so that it no longer operates solely through punishment. Law must be positioned as a normative mechanism that ensures drug abusers receive responses that are proportional, scientific, based on health needs, and still legally accountable. Normatively, this integration has a basis in Article 54 of Law Number 35 of 2009 concerning Narcotics, which requires addicts and victims of drug abuse to undergo medical and social rehabilitation, as well as Supreme Court Circular Letter Number 7 of 2009, which strengthens the policy of placing drug users in rehabilitation institutions.³⁰

Institutional integration requires clear coordination between the National Narcotics Agency, the police, prosecutors, courts, the Ministry of Health, local governments, hospitals, rehabilitation institutions, and social workers. The initial stage when drug users first encounter the legal system is crucial because it determines whether they will be directed to a criminal or rehabilitative pathway. Therefore, this reconstruction must include legal

³⁰ Sipto Dwi Laksono, Nandang Sambas, and Hadi Purnomo, “Implementasi Pasal 54 Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika Dalam Melakukan Tindakan Rehabilitasi Medis Dan Rehabilitasi Sosial,” *Iustitia Omnibus: Jurnal Ilmu Hukum* 5, no. 2 (2024): 165–85, <https://jurnal-pasca.unla.ac.id/iustitiaomnibus/article/view/101>.

subject differentiation, interdisciplinary assessment, therapeutic proportionality, continuity of services, and institutional accountability. Judges also play a strategic role by ensuring that decisions are not merely based on the mechanical application of criminal elements, but also consider whether the defendant is involved in trafficking, whether drug use is linked to dependency, whether rehabilitation is more effective than imprisonment, and whether a supervised recovery plan exists. Rehabilitation must also be evidence-based, supported by professional staff, treatment plans, supervision, outcome evaluation, and post-rehabilitation continuity so that it produces real recovery rather than becoming merely an administrative substitute for punishment.

The next reconstruction model is strengthening diversion and restorative justice mechanisms in drug abuse cases. Strengthening diversion and restorative justice mechanisms is a crucial dimension in the reconstruction of the law regarding drug abuse. This idea stems from the understanding that drug abusers are not always appropriately placed within the framework of criminals who must be sentenced to prison. In many cases, drug abusers find themselves in a dual position: formally violating the law, but substantively experiencing dependence and vulnerability that require rehabilitation. Therefore, diversion and restorative justice should not be understood as a softening of the law, but rather as a correction to a law enforcement model that is overly focused on imprisonment.

Diversion can be understood as the diversion of case resolution from formal criminal justice channels to non-imprisonment mechanisms that better align with the needs of recovery. Restorative justice provides the basis that criminal case resolution does not always have to end with the perpetrator's suffering, but can be directed toward restoring responsibility, individual recovery, social relations, and the restoration of social order. In drug abuse cases, these two concepts can form a restorative-therapeutic justice approach, a model of justice that still recognizes legal norms but allows for treatment, rehabilitation, supervision, and social reintegration.

Normatively, Indonesian positive law has provided the foundation for a rehabilitative orientation. Law No. 35 of 2009 concerning Narcotics contains provisions regarding treatment and rehabilitation, and distinguishes between eradicating illicit trafficking and the recovery needs of addicts or abusers. The space for restorative justice has also expanded through Prosecutor's Regulation No. 15 of 2020 concerning the termination of prosecution based on restorative justice and National Police Regulation No. 8 of 2021 concerning the handling of criminal offenses based on restorative justice.³¹ The existence of these norms will not automatically result in change if they are not accompanied by clear implementation standards in narcotics cases, particularly regarding who is eligible for transfer to rehabilitation and the oversight mechanism.

³¹ Patuan Saur Andre Jeriko Sihombing, Surya Nita, and Yopik Gani, "Implementation of Restorative Justice for Criminal Offence Resolution in Indonesia Based on Police Regulation No. 8 of 2021," *Policy Law Notary and Regulatory Issues (POLRI)* 4, no. 3 (June 2025): 491–502, <https://doi.org/10.55047/polri.v4i3.1788>.

The diversion mechanism for drug abuse cases must have clear prerequisites, indicators, and procedures. Case diversion should not rely solely on confessions, subjective judgments of officials, or the amount of evidence. The determination must be based on an objective assessment that includes dependency status, history of use, mental health condition, involvement or non-involvement in trafficking networks, risk of reoffending, family support, and readiness to participate in rehabilitation programs. Therefore, legal accountability does not always have to take the form of imprisonment, but can include obligations to undergo rehabilitation, attend counseling, comply with therapy programs, undergo supervision, and demonstrate sustained behavioral change.

The implementation of diversion and restorative justice needs to be strengthened from the investigation stage through prosecution and through court proceedings. During the investigation stage, authorities must accurately classify drug users so that they are not equated with couriers, dealers, or drug dealers. During the prosecution stage, prosecutors can use a restorative approach as a corrective mechanism for cases that formally meet criminal elements but are substantively more appropriately resolved through rehabilitation. During the trial stage, judges must assess the assessment results, the addiction situation, the potential for recovery, the risk of recurrence, and the proportionality of rehabilitation as a form of accountability. This reconstruction model can be referred to as diversion-based restorative rehabilitation, which is a diversion of cases based on restorative rehabilitation, with the main elements being integrated assessment, medical and social rehabilitation, family involvement, legal supervision, post-rehabilitation evaluation, and a clear separation between drug users and traffickers.

Legal reconstruction for drug abusers must also be supported by the reformulation of rehabilitation institutional policy. The main problem in handling drug abuse lies not only in the repressive tendencies of the criminal system, but also in the weak institutional architecture of rehabilitation. Rehabilitation becomes mere policy rhetoric when legal norms aim for recovery, but institutions are not prepared to implement it. Limited facilities, inadequate human resources, inconsistent assessment standards, weak cross-institutional coordination, and the absence of measurable post-rehabilitation evaluation can hinder the recovery process. Therefore, legal reconstruction for drug abusers must shift from normative reform to institutional reform by positioning rehabilitation institutions as an integral part of a health-oriented criminal justice system, not as separate institutions outside the legal system.

Rehabilitation should become part of the criminal justice-health system interface, so that every stage, from investigation and prosecution to court hearings, sentencing, and post-rehabilitation, can be connected to diagnosis, therapy, counseling, and social reintegration. This aligns with Lawrence M. Friedman's view that legal effectiveness is determined not only by legal substance, but also by legal structure and legal culture. Institutional reform must begin with reaffirming the rehabilitation mandate, where rehabilitation is not merely understood as a place of treatment, but as a recovery institution with diagnostic, therapeutic,

educational, social, and legal functions.³² These functions include assessing the abuser's condition and dependency level, providing medical intervention and counseling, increasing legal and health awareness, restoring family and social relations, and reporting rehabilitation progress to legal institutions as a basis for accountability evaluation.

Integrated assessment mechanisms must also be strengthened so they do not become mere administrative formalities. Assessments must serve as the main basis for determining appropriate interventions because experimental users, severe addicts, victims of abuse, couriers who are also users, and traffickers who disguise themselves as users cannot be treated equally. Rehabilitation institutions must be connected to multidisciplinary assessment teams with clear and verifiable standards, supported by standardized services, financing, and equal accessibility. From a substantive justice perspective, legal responses must be tailored to the circumstances, risks, and recovery needs of each drug user. Therefore, the reformulation of rehabilitation institutions should be built on the principles of integration, differentiation, evidence-based standardization, accessibility, accountability, and sustainability up to the stages of post-rehabilitation and social reintegration.

Finally, the reconstruction of law for drug abusers requires changes in the legal culture of law enforcement officials and the community. Changing legal culture is a crucial aspect in the reconstruction of the law for drug abusers. One of the main obstacles to rehabilitation is the persistent stigma against drug users as "criminals." In progressive legal thinking, law enforcement officers are not merely enforcers of the law, but must also be actors capable of interpreting the law empathetically and contextually. The public also needs to understand that rehabilitation is not a form of condoning violations of the law, but rather part of social protection and recovery to prevent drug abusers from returning to drug abuse.

Lawrence M. Friedman places legal culture as a crucial element in the functioning of the legal system. Legal substance can contain norms of rehabilitation, and legal structures can provide rehabilitation institutions.³³ However, if the legal culture of officials and society continues to prioritize imprisonment as the primary response, rehabilitative norms will continue to face obstacles. In law enforcement practice, justice is often equated with punishment. However, in drug abuse cases, justice is not always achieved through imprisonment. Justice is more substantive when the state is able to provide an appropriate response to the actual conditions of drug abusers, especially when they are dependent and require treatment.

Legal culture changes must be implemented at every level of law enforcement. At the police level, the orientation of arrests needs to shift to a classification orientation, namely the ability to distinguish between abusers, addicts, victims of abuse, couriers, dealers, and

³² Febrian et al., "The Implementation of Friedman's Theory in the Context of the Legal System in Indonesia," *International Journal of Psychosocial Rehabilitation* 24, no. 6 (2020): 10362–71, <https://doi.org/10.61841/wt0cq011>.

³³ Yobel Kore, "Pengaruh Budaya Hukum Terhadap Efektivitas Pemberantasan Korupsi Di Indonesia: Tinjau Dari Sistem Hukum," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3, no. 5 (October 2025): 6395–6405, <https://ejournal.yayasanpendidikandzurriyatulquran.id/index.php/AlZayn/article/view/2282>.

dealers. At the prosecutorial level, prosecutors not only view drug cases from the perspective of evidence and prosecution, but also from the perspective of proportionality of the legal response. Prosecutors need to assess whether cases are more appropriate to proceed to trial, terminate based on restorative justice, or direct them to rehabilitation with specific supervision. At the court level, judges need to develop interdisciplinary legal reasoning by considering the condition of addiction, assessment results, potential for recovery, risk of relapse, and the relevance of rehabilitation as a form of accountability.

Changes in legal culture must also impact correctional institutions and society. Correctional institutions are often the final resort for the system's failure to distinguish drug abusers from traffickers. If drug abusers are placed in prison without adequate rehabilitation services, correctional institutions risk becoming spaces for reproducing problems, rather than spaces for recovery. Correctional culture needs to be directed toward recovery-based development, addiction health services, counseling, and preparation for social reintegration. Society also needs to reduce stigma, as it discourages drug abusers from seeking help, tends to conceal problems, and makes it difficult for communities to accept individuals who have undergone rehabilitation.

The implications of this reconstruction should not be limited to restating the five pillars of reform, but must be translated into normative consequences and coordinated institutional policies. The proposed model requires a redistribution of legal responses: illicit trafficking and organized narcotics crime remain subject to firm penal enforcement, while drug abusers whose conduct is connected to personal use or dependence are directed toward assessment, treatment, supervision, and social reintegration. This distinction provides the basis for evaluating how progressive legal reconstruction affects criminal legislation, law enforcement policy, human rights protection, the efficiency of criminal justice, and the objectives of correctional treatment.

The implications of this reconstruction must be translated into concrete proposals for the reform of narcotics criminal law through the Indonesian Narcotics Bill. Articles 111 and 112 of Law Number 35 of 2009 are among the provisions that require reform because the elements of planting, maintaining, possessing, storing, controlling, or providing narcotics are formulated broadly and may overlap with the conduct of drug abusers under Article 127. In practice, proof of physical possession or control can place users within provisions carrying severe minimum imprisonment, even when the narcotics are intended for personal consumption and there is no evidence of illicit distribution. This formulation creates uncertainty in distinguishing users who require recovery from traffickers who obtain economic benefit from illicit narcotics circulation.

The reformulation of Articles 111 and 112 should therefore add the purpose of illicit distribution as an essential element of the offense. Possession, storage, control, or provision should be punishable under these articles when accompanied by evidence of an intention to sell, deliver, distribute, act as an intermediary, or obtain economic benefit from illicit trafficking. The determination should not rely solely on physical possession or the quantity

of evidence, but should also consider packaging patterns, transaction records, communication with trafficking networks, weighing equipment, financial flows, and other evidence indicating distribution. Quantity thresholds may be used as preliminary indicators in implementing regulations, but they should not operate as the sole basis for classifying a person as a trafficker.

A clear exclusion clause should also be inserted to prevent Articles 111 and 112 from being applied to possession or control for personal use. The proposed clause should state that a person who possesses, stores, or controls narcotics for personal consumption, as established through an integrated medical, psychological, social, and legal assessment and in the absence of evidence of illicit trafficking, shall be handled under Article 127 in conjunction with Articles 54 and 103. The Narcotics Bill should require an integrated assessment at the earliest stage of the criminal process and make its results the principal basis for determining whether the case proceeds through prosecution, rehabilitation, or a combination of legal supervision and treatment. Any departure by investigators, prosecutors, or judges from the assessment recommendation should be accompanied by clear and accountable legal reasons.

The proposed reform must simultaneously prevent traffickers from disguising themselves as users and prevent rehabilitation mechanisms from becoming a space for abuse of authority. The Integrated Assessment Team should function as an independent multidisciplinary gatekeeper supported by standardized criteria, collective decision-making, documented examination results, internal and external supervision, and periodic evaluation. Through these safeguards, the reformulation of Articles 111, 112, and 127 can establish a more precise separation between personal use and illicit trafficking, direct dependent users toward medical and social rehabilitation, maintain firm punishment for trafficking networks, reduce sentencing disparities, and provide a concrete progressive legal foundation for the Indonesian Narcotics Bill.

For national criminal law reform, the Narcotics Law must be harmonized with Law Number 1 of 2023 concerning the National Criminal Code and the legislation adjusting criminal provisions outside the Code. The special character of narcotics offenses should be maintained for conduct involving production, distribution, financing, organized networks, and exploitation, but its application must remain consistent with the general principles of culpability, proportionality, individualized sentencing, sentencing objectives, and non-custodial measures under the National Criminal Code. The revised narcotics framework should require a sequential examination of the purpose of possession, the quantity and form of evidence, indications of commercial transactions, involvement in trafficking networks, dependency conditions, and integrated assessment results before determining whether a person is placed on a penal or rehabilitative pathway. Such harmonization prevents the *lex specialis* nature of narcotics law from being used to justify automatic imprisonment that disregards the offender's actual role and condition.

The reconstruction also has direct implications for the policies of the National Narcotics Agency, the Police, the Prosecutor's Office, and the Supreme Court. The National Narcotics Agency should establish uniform national standards for the classification, assessment, referral, rehabilitation, and evaluation of drug abusers, supported by integrated data and measurable performance indicators for the Integrated Assessment Team. The Police should apply classification-oriented investigation from the first contact with a suspect and refer eligible cases to integrated assessment before the use of prolonged detention. The Prosecutor's Office, through the *dominus litis* principle and rehabilitation-based restorative justice policy, should apply transparent eligibility criteria, documented review procedures, and internal and external supervision to prevent selective treatment and abuse of authority. The Supreme Court should strengthen consistent judicial guidance by harmonizing rehabilitation-related circular letters and chamber formulations with the National Criminal Code, requiring judges to provide explicit reasons when accepting or rejecting rehabilitation and ensuring that rehabilitation orders can be monitored and evaluated.

At the level of the national rehabilitation system, the model requires a legally integrated continuum of services involving the National Narcotics Agency, the Ministry of Health, the Ministry of Social Affairs, local governments, hospitals, correctional institutions, professional personnel, and community-based service providers. Rehabilitation should include initial screening, integrated assessment, medical treatment, inpatient or outpatient services, psychosocial intervention, legal supervision, post-rehabilitation assistance, and social reintegration. Minimum service standards, accreditation, referral protocols, outcome evaluation, and interoperable information systems are necessary to prevent differences in service quality across regions. State financing through the national and regional budgets, together with public health financing and assistance mechanisms for economically disadvantaged persons, is required so that rehabilitation becomes an accessible legal entitlement rather than a discretionary service dependent on family resources or regional capacity.

From a human rights perspective, progressive reconstruction strengthens the right to health, human dignity, equality before the law, due process, and protection from arbitrary or disproportionate deprivation of liberty. Differentiating drug abusers from traffickers does not eliminate legal responsibility, but adjusts the form of accountability to the individual's culpability, dependency, risk, and recovery needs. Integrated assessment and restorative mechanisms must therefore be accompanied by written reasons, access to review, multidisciplinary decision-making, non-discrimination standards, and safeguards against manipulation. These guarantees are important so that a recovery-oriented policy does not create a new space for unequal treatment, transactions in case handling, or disguised impunity.

The proposed reconstruction may also improve the effectiveness of sentencing and the efficiency of the criminal justice system. Punishment becomes more effective when deterrence is directed firmly at traffickers and organized networks, while drug abusers

receive therapeutic accountability capable of addressing dependency and reducing repeated abuse. The success of policy should therefore be measured not only by the number of arrests, prosecutions, or prison sentences, but also by rehabilitation completion, relapse and recidivism rates, social reintegration, continuity of care, and disruption of trafficking networks. Early classification and referral can reduce unnecessary detention, prosecution, and trial, allowing investigators, prosecutors, courts, and correctional institutions to concentrate resources on cases that create greater social harm.

For the correctional system, the reconstruction supports the objective of social reintegration by reducing the placement of drug abusers in overcrowded prisons where access to treatment is limited and exposure to criminogenic environments may increase. Drug abusers who have already been sentenced should receive structured addiction services, counseling, risk assessment, and community-based aftercare, while correctional facilities can prioritize intensive security and treatment for offenders with higher risks. Consequently, the practical contribution of progressive legal reconstruction lies in connecting narcotics policy with correctional objectives, reducing repeated offending, improving institutional efficiency, and restoring individuals as responsible members of society.

Based on this description, the reconstruction of drug abuse law based on progressive legal thinking must be directed at changing perspectives, policy substance, institutional structures, and legal culture. Drug abusers need to be positioned as legal subjects with responsibilities, but also have the right to obtain rehabilitation. Law enforcement against illicit drug trafficking must remain firm, but abusers who experience dependence must be directed to more proportional mechanisms through rehabilitation, integrated assessment, diversion, restorative justice, and social reintegration support. Thus, the reconstruction of drug law is not only oriented towards legal certainty, but also towards benefit, humanity, and substantive justice.

4. CONCLUSION

This study concludes that Indonesian narcotics law continues to face normative and implementation gaps, reflected in the ambiguous legal status of drug abusers, the dominance of punitive approaches, limited access to rehabilitation, and insufficient integration between the criminal justice and health systems. From the perspective of Satjipto Rahardjo's progressive legal theory, legal reconstruction should shift the orientation from punishment toward recovery, human dignity, proportionality, and substantive justice. The novelty of this study lies in formulating a progressive-integrative reconstruction model that simultaneously connects the reorientation of drug abusers' legal status, integrated legal-health assessment, strengthened diversion and restorative justice, the establishment of a standardized and sustainable national rehabilitation system, and transformation of legal culture. The model positions the Integrated Assessment Team as a gatekeeper for determining penal or rehabilitative pathways based on legal, medical, psychological, and social indicators, while establishing a clearer distinction between personal drug abusers and illicit traffickers. These findings have implications for reformulating the Narcotics Law through clearer

classification norms, accountable assessment mechanisms, national rehabilitation standards, and stronger interinstitutional coordination. Accordingly, progressive legal reconstruction can strengthen human rights protection, improve the effectiveness of the criminal justice system, support social reintegration, and reduce reliance on imprisonment. The study is limited by its normative approach; therefore, future empirical research is needed to assess the effectiveness and practical applicability of the proposed reconstruction model in law enforcement and rehabilitation settings.

REFERENCES

- Andiani, Ade Irma, and Ni Made Martini Puteri. "The Effect of Integrated Complexity in Judges' Decision Making on Sentencing for Drug Abusers: Between Rehabilitation and Punishment." *Lexovate: Jurnal Perkembangan Sistem Peradilan* 1, no. 2 (2024): 63–72. <https://journal-iasssf.com/index.php/Lexovate>.
- Ario, Dion, Swandi Aliverchan Situngkir, Fernandes Situngkir, and Elviandri. "Living Law, Kepastian Hukum, Dan Hak Asasi Manusia: Politik Hukum Dalam KUHP 2023 Di Indonesia." *Lentera: Indonesian Journal of Multidisciplinary Islamic Studies* 7, no. 1 (June 2025): 31–42. <https://doi.org/10.32505/lentera.v7i1.13426>.
- Ariyanti, Vivi. "The Victims of Drugs Abuse and Their Legal Status in the Indonesian Narcotics Law." *International Journal of Business, Economics and Law* 13, no. 4 (August 2017): 119–23. <https://ijbel.com/wp-content/uploads/2017/10/LAW-66.pdf>.
- Bari, Abdul, and Achmad Taufik. "The Urgency of Reforming Law Enforcement Institutions in Handling Children Who Commit Crimes in Indonesia." *International Journal of Social Welfare and Family Law* 2, no. 4 (October 2025): 7–17. <https://doi.org/10.62951/ijsw.v2i4.493>.
- Chang, Steven, Ariawan Gunadi, and Amad Sudiro. "Law Enforcement Based on the Principle of Justice for Addicts and Victims of Drug Abuse." *TPM* 32, no. R2 (2025): 773–77. <https://www.tpm.org/>.
- Fajrin, Yaris Adhial, Dwi Ratna Indri Hapsari, Nu'man Aunuh, and Iga Aprilia. "Ideal Double-Track System Construction for Narcotics Abusers in Indonesia." *Jurnal Cita Hukum* 10, no. 3 (2022): 527–44. <https://doi.org/10.15408/jch.v10i3.22690>.
- Febrian, Nurhidayatuloh, Mada Apriandi Zuhir, and Annalisa Y. "The Implementation of Friedman's Theory in the Context of the Legal System in Indonesia." *International Journal of Psychosocial Rehabilitation* 24, no. 6 (2020): 10362–71. <https://doi.org/10.61841/wt0cq011>.
- Gunawan, Yopi. "The Progressive Legal Paradigm as a Strategy for Transforming Anti-Corruption Law Enforcement in Indonesia." *International Journal of Social Science and Human Research* 8, no. 10 (October 2025): 7824–29. <https://doi.org/10.47191/ijsshr/v8-i10-33>.
- Hairul, Muhammad, and Desi Anisah. "Tinjauan Yuridis Pasal 54 UU Narkotika: Rehabilitasi Sebagai Solusi Bagi Pecandu Dan Korban Penyalahgunaan Narkotika." *Amandemen: Jurnal Ilmu Pertahanan, Politik Dan Hukum Indonesia* 1, no. 4 (2024): 58–72. <https://doi.org/10.62383/amandemen.v1i4.519>.
- Harkrisnowo, Harkristuti, Hikmahanto Juwana, and Yu Oppusunggu. *Law and Justice in a Globalized World: Proceedings of the Asia-Pacific Research in Social Sciences and*

- Humanities, Depok, Indonesia, November 7-9, 2016: Topics in Law and Justice*, 2017. <https://doi.org/10.9774/gleaf.9781315223292>.
- Jaya, Candra, and Faidatul Hikmah. "Legal Reform on Rehabilitation for Drug Users as an Ultimum Remedium Effort." *Jurnal USM Law Review* 7, no. 1 (2024): 364–75. <https://doi.org/10.26623/julr.v7i1.8803>.
- Kania, Dede, and Litya Anggraeniko. "Realizing Restorative Justice Through Rehabilitation For Narcotics Abuse As An Implementation Of The Principle Of Dominus Litis." *Jurnal Cita Hukum* 11 (2023). <https://doi.org/10.15408/jch.v11i3.34756>.
- Karunianingsih, Yemima Putri, Jonathan Kushantoro, and Matthew Stanley Edward Lowing. "Legalisasi Ganja Untuk Kepentingan Medis: Urgensi Pembaruan Hukum Kesehatan Di Indonesia." *SENTRI: Jurnal Riset Ilmiah* 4, no. 8 (2025): 1622–43. <https://doi.org/10.55681/sentri.v4i8.4293>.
- Khan, Muhammad Imran, Saeedah Shah, and Sidra Kanwel. "Rehabilitation Reconsidered: A Comprehensive Legal Analysis." *Journal of Asian Development Studies* 12, no. 3 (2023): 1075–81. <https://doi.org/10.62345/>.
- Kore, Yobel. "Pengaruh Budaya Hukum Terhadap Efektivitas Pemberantasan Korupsi Di Indonesia: Tinjauan Dari Sistem Hukum." *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3, no. 5 (October 2025): 6395–6405. <https://ejournal.yayasanpendidikandzurriyatulquran.id/index.php/AlZayn/article/view/2282>.
- Kusworo, Daffa Ladro, and Maghfira Nur Khaliza Fauzi. "Hybrid Restorative Justice: Optimizing Cessation of Prosecution The Case Theft Through Restorative Judicial House." *Ius Poenale* 3, no. 2 (October 2022): 115–28. <https://doi.org/10.25041/ip.v3i2.2714>.
- Laksono, Sipto Dwi, Nandang Sambas, and Hadi Purnomo. "Implementasi Pasal 54 Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika Dalam Melakukan Tindakan Rehabilitasi Medis Dan Rehabilitasi Sosial." *Iustitia Omnibus: Jurnal Ilmu Hukum* 5, no. 2 (2024): 165–85. <https://jurnal-pasca.unla.ac.id/iustitiaomnibus/article/view/101>.
- Lubis, Nanang Ardiansyah, Zulkarnain, and Ramadhan Syahmedi Siregar. "Implementation of Rehabilitation of Victims of Drug Abuse According to Law Number 35 of 2009 in the Review of Maqasid Syariah Study at Baitu Syifa Rehabilitation Center Medan." *Sosioedukasi: Jurnal Ilmiah Ilmu Pendidikan Dan Sosial* 14, no. 3 (September 2025): 2079–90. <https://ejournal.unibabwi.ac.id/index.php/sosioedukasi/index>.
- Marzuki, Peter Mahmud. *Penelitian Hukum*. Jakarta: Kencana Prenada Media Group, 2021.
- Muhaimin. *Metode Penelitian Hukum*. Nusa Tenggara Barat: Mataram University Press, 2020.
- Mujito, Mujito, Pratolo Saktiawan, Didit Darmawan, Rio Saputra, and Yeni Vitrianingsih. "Problems of Law Enforcement in the Crime of Abuse of Dangerous Drugs (Narcotics)." *Legalis et Socialis Studiis* 1, no. 3 (December 2023).
- Razak, Askari. "Mewujudkan Pemilu Adil Dan Bermartabat: Suatu Tinjauan Sistem Hukum Lawrence M. Friedman." *Fundamental: Jurnal Ilmiah Hukum* 12, no. 2 (July 2023): 471–88. <https://doi.org/10.34304/jf.v12i2.185>.
- Setyawan, Vincentius Patria. "The Relevance of Progressive Law in Legal Reasoning in Indonesia." *Noblesse Oblige Law Journal* 2, no. 1 (2025): 165–78. <https://journal.oso.ac.id/index.php/nolan>.

- Sihombing, Patuan Saur Andre Jeriko, Surya Nita, and Yopik Gani. "Implementation of Restorative Justice for Criminal Offence Resolution in Indonesia Based on Police Regulation No. 8 of 2021." *Policy Law Notary and Regulatory Issues (POLRI)* 4, no. 3 (June 2025): 491–502. <https://doi.org/10.55047/polri.v4i3.1788>.
- Widowati. "The Future of Children in the Criminal Justice System: Restorative or Retributive Approach." *West Science Law and Human Rights* 2, no. 4 (October 2024): 379–88. <https://wsj.westscience-press.com/index.php/wslhr>.
- Wijaya, I Ketut Satya, and I Gede Agus Kurniawan. "The Lawrence Friedman's Construction of the Legal System Regarding Essential Equality Regulations in Trademark Rights." *Syiah Kuala Law Journal* 7, no. 2 (August 2023): 251–67.
- Yanuarti, Tuty, Mohd Nazri Bin Mohd Daud, Noor Hassline Binti Mohamed, Azman Bin Atli, and Lin Lindayani. "Cross-Culture Adaptation and Validation of Indonesian Version of CRAFFT Substance Abuse Screening Test among Adolescents." *Jurnal Keperawatan Padjadjaran* 13, no. 2 (August 2025): 203–10. <https://doi.org/10.24198/jkp.v13i2.2551>.