

## The Enigma of Humanistic Justice in Addressing Narcotics Abuse

Maria Febriana<sup>1\*</sup>, Mohammad Haris Yusuf Albar<sup>2</sup>, Adiyansyah Lukman Hakim<sup>3</sup>

<sup>1</sup>Universitas Kadiri, Kediri, Indonesia

<sup>2</sup>Universitas Kadiri, Kediri, Indonesia

<sup>3</sup>Universitas Kadiri, Kediri, Indonesia

\*Corresponding Author: [mariafebriana@unik-kediri.ac.id](mailto:mariafebriana@unik-kediri.ac.id)

### Abstract

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Drug abuse is a complex problem that requires a comprehensive solution. This includes how the concept is used in various aspects of tackling drug abuse. Justice in drug abuse eradication is a complex enigma, especially when the approach taken tends to be repressive and pays less attention to humanitarian aspects. Restorative justice is an alternative paradigm for handling drug abuse in Indonesia by linking it to the values of Pancasila. Restorative justice emphasizes recovery, reconciliation, and reintegration of offenders, victims, and society. This approach is in line with Pancasila values such as humanity, unity, and social justice. Restorative justice does not only enforce the law, but also pays attention to the social and psychological aspects involved in drug abuse cases. Applying restorative justice to the rehabilitation of drug addicts helps them overcome their addiction and become productive members of society again. Implementing restorative justice requires the cooperation of various stakeholders, including government, law enforcement, and local communities. This research aims to explore and understand the complexity of humanistic justice in the context of drug abuse treatment, as well as examine the definition and concept of humanistic justice in the context of drug abuse. This research uses an empirical juridical method, with interviews conducted at the Kediri City Attorney's Office and observation visits to post-rehabilitation drug abusers. Results of this study show that to overcome this, a comprehensive approach is needed that affects many aspects of life. The noble values of Pancasila provide a solid foundation in developing effective coping strategies.

### 1. Introduction

Drug abuse is a significant social problem in many countries, including Indonesia. Its impact affects not only individuals but also society and the country as a whole. The general approach in dealing with drug abuse in Indonesia tends to be repressive, with an emphasis on strict law enforcement and prison sentences. Data from the National Narcotics Agency (BNN) shows that 80% of prisoners in Indonesia are involved in drug cases, reflecting this dominant approach to the problem<sup>1</sup>. However, approaches that focus on punishment often neglect humanistic aspects such as rehabilitation and prevention<sup>2</sup>. Basically, addicts are victims of drug abusers who violate regulations. They are Indonesian citizens who are expected to contribute in almost all fields to help the country rise from adversity. The state and government should be responsible for all citizens who need proper treatment and care, including drug addicts, by providing medical rehabilitation and social rehabilitation for drug

<sup>1</sup> Isti Latifah Astri Et Al., "Perlindungan Hukum Terhadap Justice Collaborator Dalam Tindak Pidana Narkotika," *Indonesia Law Reform Journal* 1, No. 1 (2021): 32-49.

<sup>2</sup> Rio Verieza, Tofik Yanuar Chandra, And Santrawan Paparang, "Penerapan Rehabilitasi Bagi Penyalahguna Narkotika Dalam Sistem Peradilan Pidana Di Indonesia," *Salam: Jurnal Sosial Dan Budaya Syar-I* 9, No. 4 (2022): 1047-58, <https://doi.org/10.15408/Sjsbs.V9i4.26738>.

addicts. The main objective is to help drug addicts to recover from drug addiction in a representative and appropriate rehabilitation center, supported by the provision of facilities and infrastructure for medical rehabilitation and social rehabilitation.

Drug abuse is a complex problem that requires a holistic and balanced approach. Traditional approaches that focus on law enforcement and severe punishment often fail to address the root of the problem and lead to unintended consequences such as stigma and marginalization of drug addicts. On the other hand, approaches that focus on rehabilitation and reintegration offer a more humane and sustainable alternative. This conundrum asks us to consider multiple perspectives and complex ethical dilemmas. On the other hand, the judiciary demands harsh punishments for violations of the law and the humanistic approach focuses on recovery and reintegration for those who have lost their way. Finding a balance between these two perspectives requires a deep understanding of the factors that lead to drug abuse and its impact on individuals, families and society. It is important to remember that drug addicts are often victims of complex social, economic and psychological factors. Legal protection of drug abusers is one of the important aspects in realizing the vision of a just and prosperous Indonesian society, both materially and spiritually, in accordance with the precepts of Pancasila and the foundation of the 1945 Constitution. Therefore, as the main capital of the national development process, it is important to continue to maintain and improve its quality, including its physical and spiritual health. Everyone without exception is entitled to legal and health protection by the State as part of human rights recognized and guaranteed by the Constitution. This means that legal protection and access to health services for drug addicts must also be guaranteed.

For this reason, a more humane judicial paradigm is needed in dealing with drug abuse. This paradigm emphasizes human values such as empathy, understanding, and the opportunity to recover for drug abusers. This paradigm includes a more holistic approach that focuses not only on punishment, but also on rehabilitation, education and reintegration efforts. In societies that apply the humane justice paradigm, drug abuse is seen as a complex public health problem, not just a violation of the law. In this study, researchers compared 3 (three) previous studies. First, research by Sulhi M. Daud with the title "Challenging Humanism: The Qur'anic Perspective on the Application of the Death Penalty for Narcotics Dealers" this research discusses the concept of humanism in the form of applying the death penalty to narcotics dealers and knowing the Qur'anic response in responding to the application of the death penalty<sup>3</sup>. Second, research by Rio Verieza with the title "Implementation of Rehabilitation for Narcotics Abusers in the Criminal Justice System in Indonesia" this research discusses the effectiveness of rehabilitation activities for victims of narcotics, psychotropic, and addictive substance abuse by the Mandatory Recipient Institution of the Ar Rahman Drug Rehabilitation Center Foundation in Palembang City<sup>4</sup>. Third, research by Harry Fauzzi with the title "Handling of Narcotics Abuse Through a Restorative Justice Approach in the Banda

<sup>3</sup> Sulhi M. Daud, M. Iqbal Bafadhal, And Mohamad Rapik, "Menantang Humanisme; Perspektif Al-Qur`An Terhadap Penerapan Pidana Mati Bagi Pengekar Narkotika Sulhi," *Journal Of Criminal Law* 4, No. 3 (2023): 392-410.

<sup>4</sup> Verieza, Chandra, And Paparang, "Penerapan Rehabilitasi Bagi Penyalahguna Narkotika Dalam Sistem Peradilan Pidana Di Indonesia."

Aceh City Region" this study discusses the application of medical rehabilitation and social rehabilitation for narcotics offenders requires synergistic cooperation between the Aceh Provincial National Narcotics Agency and the government's Public Prosecutor and also the community to participate in coordinating together to eradicate narcotics trafficking and seek medical and social rehabilitation for narcotics addicts in the Banda Aceh City area<sup>5</sup>.

## 2. Methods

Supporting the development of legal science, it is not enough to study the normative system alone. It is also important to conduct legal research based on the reality of how the law is applied in everyday life, where laws are created and applied by people living in society<sup>6</sup>. Legal research needs to go beyond explaining from a normative point of view (rules only) to understanding the social situation and the application of law<sup>7</sup>. It involves understanding how the law is applied in practice in a particular society, group, institution or authority. Therefore, this type of research is empirical juridical. Determining its position in empirical method research, it is necessary to consider the existence of the necessary research data. The research location can be a specific community, a specific region, a specific area, or a specific institution within the community. By choosing an appropriate research location, the researcher can guarantee access to data relevant to the research topic. In addition, the chosen research location must also reflect the social, cultural and legal context related to the phenomenon under study, so that the research results are more representative and meaningful. Therefore, the author chose a research location to conduct interviews at the Kediri City Prosecutor's Office and conduct observation visits to post-rehabilitation drug abusers<sup>8</sup>.

## 3. Results and Discussion

### 3.1. Implementation of the Pancasila Concept in Handling Narcotics Abuse Cases

In Sanskrit, Pancasila is composed of the words "Panka" which means five and "Sila/Sila" which means foundation or foundation. The word "Sila" comes from the word "Sushila" which means good behavior. Therefore, Pancasila means five good deeds. Pancasila, which means five principles or five principles, is the name of the foundation of our country, the Republic of Indonesia. The term Pancasila has been known since the Majapahit era in the 14th century, in works such as "Nega Kertagama" by Mpu Prapanca and the book Sutasoma by Mpu Tantular. In Sutasoma's book, the term Pancasila besides having the meaning "five joints" (from Sanskrit), also means "Implementation of the five morals". The survival of a nation depends greatly on the effectiveness of its government and its efforts to uphold noble national values. For historical reasons, June 1 1945 was designated as the birthday of Pancasila. On that day, Ir. Soekarno, one of the founders of the Indonesian nation, explained that the idea of Pancasila emerged as an inspiration after careful consideration. This observation was carried out to answer questions from the Chairman of BPUPK Drs. Rajman Wediodiningrat

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<sup>5</sup> Harry Fauzi Et Al., "Penanganan Terhadap Penyalahgunaan Narkotika Melalui Pendekatan Restorative Justice Di Wilayah Kota Banda Aceh," *Lawyer: Jurnal Hukum* 1, No. 1 (2023): 7-12, <https://doi.org/10.58738/Lawyer.V1i1.139>.

<sup>6</sup> Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: Univeristas Indonesia Press, N.D.).

<sup>7</sup> Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2010).

<sup>8</sup> Irwansyah, *Penelitian Hukum Pilihan Metode & Praktik Penulisan Artikel* (Yogyakarta: Mirra Buana Media, 2021).

regarding the foundations of an independent Indonesian state. These five principles or basic principles, which are then called philosophical grondslag, are the essential values contained in Pancasila. These values include the essence of divinity, humanity, unity, democracy and justice which objectively the Indonesian people have had since time immemorial, long before the founding of the nation. The long historical process from the Stone Age to the era of ethnic kingdoms became the basis for the founding of the Indonesian nation in the 7th to 14th centuries<sup>9</sup>.

As the foundation of Indonesia's nation and way of life, Pancasila contains noble values that guide various aspects of life, including dealing with complex social problems such as drug pollution. The application of Pancasila values in handling corruption cases is not only an effort to enforce the law, but also to restore and protect humanity, maintain national unity, and achieve social justice. The introduction of the Pancasila concept in handling corruption cases in Indonesia can be carried out using various approaches that are in accordance with the Pancasila principles. Here's how to apply each of the Pancasila values:

1. Belief in the one and only God
  - a. Spiritual and Religious Approach  
Providing spiritual guidance and counseling to drug users to strengthen their faith and devotion to God Almighty. For example, a rehabilitation program where religious figures provide lectures and spiritual guidance.
  - b. Provision of Worship Facilities  
Providing prayer facilities in rehabilitation centers and correctional institutions so that drug users can worship properly.
2. Just and civilized humanity
  - a. Rehabilitation and reintegration  
Treating drug users not as criminals but as victims who need help. Prioritize rehabilitation programs that focus on physical and mental health recovery and reintegration into society.
  - b. Humanist Approach  
Handling narcotics cases with a non-discriminatory approach and full of humanity, respecting human rights.
3. The unity of Indonesia
  - a. National Cooperation  
Promote cooperation between various government agencies, communities and non-governmental organizations to combat drug abuse. For example, cooperation between the National Narcotics Agency (BNN), police, schools and NGOs.
  - b. National Awareness Campaign  
Carrying out a national awareness campaign about the dangers of drugs to unite all levels of society in fighting drug abuse.
4. Democracy Led by Wisdom in Deliberation/Representation

<sup>9</sup> Noverdi Puja Saputra, "Dampak Diterbitkannya Pedoman Kejaksaan Mengenai Penyelesaian Penanganan Perkara Tindak Pidana Penyalahgunaan Narkotika," *Bidang Hukum Info Singkat Kajian Singkat Terhadap Isu Aktual Dan Strategis* 13 (2021).

- a. Society participation  
Community participation in the decision-making process regarding handling drug abuse. Hold discussions and consultations with various stakeholders, including former users, their families and local communities.
  - b. Transparent and participatory policies  
Make drug-related policies transparent and involve community participation to ensure these policies are fair and effective.
5. Social justice for all the people of Indonesia
- a. Fair access to rehabilitation  
Ensure that all levels of society have equal access to rehabilitation services, regardless of their economic or social background.
  - b. Economic Empowerment  
Providing skills training and job opportunities for former drug users to become financially independent and avoid falling back into the cycle of drug abuse.

The introduction of the Pancasila concept in handling drug abuse cases will not only resolve the problem legally, but also improve and restore the lives of affected individuals and build a healthier, more just and united society. This approach covers various aspects of the five Pancasila principles, each of which provides guidelines and core principles for overcoming drug problems in a more comprehensive and holistic manner. Pancasila as the foundation of the Indonesian state is a philosophical foundation that animates all aspects of the life of the nation and state, including in the formation of national law. The five precepts of Pancasila, namely Belief in One God, Fair and Civilized Humanity, Indonesian Unity, Democracy Led by Wisdom in Consultation/Representation, and Social Justice for All Indonesian People, serve as guidelines in formulating laws and regulations, including those governing narcotics<sup>10</sup>.

The principle of restorative justice in the legal system aims to repair the harm caused by criminal acts by involving perpetrators, victims, and the community in the recovery process. In the handling of drug cases in Indonesia, the application of these principles is increasingly visible, particularly through rehabilitation programs and a more humane approach. This approach focuses on restoring the offender, improving social relationships, and removing the social stigma attached to drug users<sup>11</sup>. Medical and social rehabilitation are key elements of the restorative justice approach applied in handling drug cases in Indonesia. Based on Article 54 of Law No. 35/2009 concerning the Narcotics (hereinafter referred to as Law No. 35/2009), drug addicts are required to undergo medical and social rehabilitation. Medical rehabilitation focuses on addressing the physical and psychological health of addicts, while social rehabilitation aims to help them develop the social and professional skills necessary for reintegration into society. This process focuses not only on the recovery of the individual but

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<sup>10</sup> I Made Subantara, A. A. S. L Dewi, And Luh P Suryani, "Rehabilitasi Terhadap Korban Penyalahgunaan Narkotika Di Bnnp Bali," *Jurnal Preferensi Hukum* 1, No. 1 (2020): 243-48.

<sup>11</sup> Hadiansyah Risyah And Rochaeti Nur, "Penerapan Rehabilitasi Terhadap Anak Penyalahguna Narkotika," *Jurnal Pembangunan Hukum Indonesia* 4, No. 1 (2022): 1-13.

also on preventing similar offenses from occurring in the future by providing the necessary support to avoid drug reuse.

The Indonesian legal system, through Law No. 35/2009, also recognizes the importance of giving drug users a second chance through diversion and sentence reduction mechanisms. Diversion allows cases to be resolved out of court, particularly for offenders who are still classified as light addicts or first-time users. In addition, for those who are willing to undergo a rehabilitation program, there is a reduction in sentence or even the replacement of criminal punishment with rehabilitation. This measure reflects the principle of restorative justice by emphasizing recovery and reintegration into society rather than punishment. Efforts to remove stigma and discrimination against drug addicts are also part of the application of restorative justice principles. The government and various related institutions actively conduct education and socialization campaigns aimed at changing society's view of drug addicts. This education emphasizes that drug addicts are individuals who need help, not just criminals. The campaigns aim to create a more supportive environment for their recovery, and encourage the community to provide support rather than stigma. This is important to reduce barriers for addicts in seeking help and to ensure that they receive fair and humane treatment. The implementation of restorative justice principles in Indonesia's legal system, particularly in the handling of drug cases, demonstrates the country's commitment to approach the drug problem in a more comprehensive and humane way. The focus is not only on punishment, but also on recovery, rehabilitation, and reintegration into society. This is in line with the values of Pancasila which emphasizes humanity, social justice, and the protection of human rights<sup>12</sup>.

Law No. 35/2009 in Indonesia integrates the principles of Pancasila to deal with the drug problem in a comprehensive and humane manner. The principle of God Almighty is reflected in spiritual rehabilitation efforts to return drug users to religious values. Fair and Civilized Humanity is realized through a focus on medical and social rehabilitation, which treats addicts as individuals who need to be fixed, not just punished. The principle of Indonesian Unity is seen in the involvement of various elements of society to jointly address the drug problem. The principle of Democracy Led by Wisdom in Consultation/Representation is implemented through a policy formation process that involves people's representatives and public participation. Finally, the principle of Social Justice for All Indonesian People is implemented by ensuring equal access to rehabilitation without discrimination, to protect and improve the quality of life of all citizens. Thus, Law No. 35/2009 creates a legal framework that not only enforces the law but also promotes human values, justice, and national solidarity.

### **3.2. Restorative Justice: Alternative Approaches in Combating Narcotics Abuse**

Restorative justice is an approach aimed at resolving criminal disputes as a response to problems in the criminal justice system which is unable to meet the expectations of the parties involved in the case. Restorative justice is different from the traditional criminal justice system because it prioritizes the principles of mediation and reconciliation in the mechanism for resolving criminal cases. Post-crime restorative justice seeks to repair existing relationships,

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<sup>12</sup> Baroqah Meyrynaldy, Umiyati Idris, And Azna Novalina, "Efektivitas Kegiatan Rehabilitasi Korban Penyalahgunaan Narkotika, Psikotropika Dan Zat Adiktif Di Kota Palembang," @-Publik: Jurnal Administrasi Publik 2, No. 1 (2022): 57-68, <https://doi.org/10.37858/Publik.V2i1.146>.

including not only the perpetrator-victim relationship, but also the perpetrator-community relationship. In this concept, restorative justice does not apply the principle of who wins and who loses, as happens in the traditional criminal justice system. Restorative justice, on the other hand, seeks to find a compromise through communication between all parties involved in a crime to reach a collective solution<sup>13</sup>. The essence of legal protection for drug addicts is that all citizens, all levels of society, and law enforcement officials (APH) must recognize that drug addicts are victims of crime and drug addicts should be arrested on suspicion of using drugs without permission<sup>14</sup>. Drug addicts are also citizens who have the right to legal and health protection. As a preventive effort, the state and government have mobilized various roles including all law enforcement officers, related agencies, and the National Narcotics Agency (BNN) in all cities and districts, states and central regions that need to carry out preventive efforts. Efforts to overcome the drug epidemic can be carried out through education about the negative impacts of drug use<sup>15</sup>.

The understanding and principles of restorative justice provide a solid foundation for rehabilitation efforts for individuals involved in drug abuse. Restorative justice focuses on the recovery process, which involves positive interactions between the perpetrator, victim, and society, not just punishment as a means of upholding justice. In the context of drug addiction rehabilitation, this approach treats offenders not simply as criminals who need to be punished, but as individuals who need support to overcome the underlying problems underlying their abusive behavior. These principles facilitate individual rehabilitation by providing the psychological counseling, education, skills training, and social support necessary for successful reintegration into society<sup>16</sup>. In practice, restorative justice-based rehabilitation emphasizes open dialogue between stakeholders, including the victim's family and the community where the victim lives. This provides space for the process to understand and address the impact of drug abuse as a whole, rather than just applying legal sanctions. Rehabilitation programs that utilize restorative justice principles engage offenders and victims or affected individuals with the goal of building mutual understanding, repairing dysfunctional relationships, and encouraging meaningful accountability<sup>17</sup>. Rehabilitation programs often include a mediation process and structured meetings with affected communities<sup>18</sup>.

The Supreme Court regulations governing rehabilitation through SEMA Number: 4 of 2010 concerning the Placement of Abuse, Abuse Victims and Narcotics Addicts into Medical Rehabilitation and Social Rehabilitation Institutions. In this circular letter, the Supreme Court

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<sup>13</sup> Verieza, Chandra, And Paparang, "Penerapan Rehabilitasi Bagi Penyalahguna Narkotika Dalam Sistem Peradilan Pidana Di Indonesia."

<sup>14</sup> Meyrinaldy, Idris, And Novalina, "Efektivitas Kegiatan Rehabilitasi Korban Penyalahgunaan Narkotika, Psikotropika Dan Zat Adiktif Di Kota Palembang."

<sup>15</sup> Latifah Astri Et Al., "Perlindungan Hukum Terhadap Justice Collaborator Dalam Tindak Pidana Narkotika."

<sup>16</sup> Risy And Nur, "Penerapan Rehabilitasi Terhadap Anak Penyalahguna Narkotika."

<sup>17</sup> Fauzi Et Al., "Penanganan Terhadap Penyalahgunaan Narkotika Melalui Pendekatan Restorative Justice Di Wilayah Kota Banda Aceh."

<sup>18</sup> Risy And Nur, "Penerapan Rehabilitasi Terhadap Anak Penyalahguna Narkotika."

regulates standards for therapy and rehabilitation processes contained in number 4 which contains programs as in the following table:

**Table 1.** Rehabilitation Therapy Process

No	Program	Time period
1.	Detoxification and Stabilization	1 (one) Month
2.	Primer	6 (six) Month
3.	Re-Entry	6 (six) Month

Not only does SEMA Number: 4 of 2010 play a role in resolving narcotics problems humanely, but the Guidelines of the Attorney General of the Republic of Indonesia Number 18 of 2021 concerning Settlement of Handling of Criminal Cases of Narcotics Abuse Through Rehabilitation with a Restorative Justice Approach as Implementation of the Prosecutor's Dominus Litis Principle, also plays an important role in resolve drug problems humanely. SEMA Number 4 of 2010 regulates the placement of drug addicts in rehabilitation as an alternative to imprisonment. This regulation reflects the acknowledgment that addicts require medical and social treatment. In practice, this directive guides judges to consider rehabilitation for users who are not proven to be dealers. Meanwhile, the Attorney General's Regulation Number 18 of 2021 emphasizes the importance of resolving cases through restorative justice, particularly in minor and first-time offenses. This includes efforts to mediate between the offender and the victim or the affected community to reach a resolution prioritizing recovery. Successful cases implementing this approach include resolving small-quantity drug possession cases through mediation, leading to rehabilitation rather than incarceration, highlighting a focus on recovery rather than punishment.

Until now, the threat of punishment for drug abusers based on Article 127 Paragraph 1 Law No. 35/2009 is imprisonment for a period of one year to four years. With the Republic of Indonesia Attorney General's Guidelines Number 18 of 2021, perpetrators do not need to be imprisoned and are expected to receive restorative justice and benefit-oriented rehabilitation. In addition, the principles of speedy, simple and low-cost justice, the principle of criminal justice as a last resort, cost-benefit analysis and rehabilitation of offenders are also considered. Resolving narcotics abuse cases through rehabilitation is a system that is closely related to the implementation of restorative justice which aims to return perpetrators of criminal acts of narcotics abuse which are victimless crimes to their original state through recovery<sup>19</sup>. It is known, based on the Guidelines of the Attorney General of the Republic of Indonesia Number 18 of 2021, the Kediri City District Prosecutor's Office has issued 2 (two) Determination Letters for Completion of Handling Criminal Cases of Narcotics Abuse Through Rehabilitation with a Restorative Justice Approach. As a form of restorative justice practice, we can focus on two things contained in this Decree, namely the reasons for terminating the prosecution and the results of the determination. The reasons for the delay in prosecution can be understood as follows:

<sup>19</sup> Djismas Samosir And Adreas Samosir, *Tindak Pidana Tertentu Di Dalam Kitab Undang-Undang Hukum Pidana*, Revisi, Vol. 1 (Bandung: Nuasa Aulia, 2022).



**Table 2.** Victims of Narcotics Abuse 1

No	Reasons for Termination of Prosecution
1.	The suspect is only an abuser for himself
2.	The suspect did not act as a producer, dealer, dealer or courier related to the illegal narcotics network
3.	The suspect was never included in the wanted list (DPO)
4.	The suspect was the final user (end user) so he controlled the narcotics with the intention of using them himself based on the results of the examination of the case files.
5.	The suspect was positive for using narcotics based on laboratory examination
6.	The suspect is not a recidivist in a narcotics case
7.	There have been assessment results from the Kediri City BNNK assessment team and a team of doctors which stated that the suspect was worthy of rehabilitation.

**Table 3.** Victims of Narcotics Abuse 2

No	Reasons for Termination of Prosecution
1.	The suspect is only an abuser for himself
2.	The suspect did not act as a producer, dealer, dealer or courier related to the illegal narcotics network
3.	The suspect was never included in the People Wanted List (DPO)
4.	The suspect was the final user (end user) so he controlled the narcotics with the intention of using them himself based on the results of the examination of the case files.
5.	The suspect was positive for using narcotics based on laboratory examination
6.	The suspect is not a recidivist in a narcotics case
7.	There have been assessment results from the Kediri City BNNK assessment team and a team of doctors which stated that the suspect was worthy of rehabilitation.

There are several factors underlying the reasons for stopping prosecution of victims of narcotics addiction, both from 1 (one) and 2 (two) abusers, based on the Reasons for Terminating Prosecution, namely:

1. Single Abuser

The suspect used the drugs only for himself and not as a producer, seller, dealer or courier. This means that the suspect was not involved in an illegal drug network, only involved in personal abuse.

2. Not a DPO

The suspect's absence from the wanted list (DPO) shows that he is not running away from the legal process and is being cooperative.

3. Last User

An examination of the files revealed that the suspect was an end user who managed drugs for his own use. This confirms points 1 and 2 that the suspect abused drugs solely for his own benefit.

4. Positive Test Result

Laboratory test results showed the suspect was under the influence of drugs. This indicates that the suspect is indeed abusing drugs.

5. Not a Recidivist

The suspect has no past drug history. This indicates that the suspect is a new perpetrator and has nothing to do with drug control laws.

6. Fulfill Rehabilitation Requirements

The suspect was examined by the Kediri City BNNK and a team of doctors and declared fit to undergo rehabilitation. This shows that the suspect has the desire to recover from drug addiction and is entitled to the opportunity for rehabilitation. Moving on from the reasons for terminating the prosecution, we can highlight the results of the determination in the decision letter issued by the Kediri City District Prosecutor's Office as follows:

**Table 3.** Determination Results for Narcotics Abuse Victims

Abuse Victims 1		Abuse Victims 2	
No	Determination Results	No	Determination Results
1.	To carry out rehabilitation of the suspect on behalf of Abuser 1 (name disguised) by placing the suspect at the IPWL Eklesia Kediri Foundation located at Jl. Cakarwesi Raya No.A-7 Tosaren Kec. Islamic Boarding School, Kediri City	1.	To carry out rehabilitation of the suspect on behalf of Abuser 2 (name disguised) by placing the suspect at the IPWL Eklesia Kediri Foundation located at Jl. Cakarwesi Raya No.A-7 Tosaren Kec. Islamic Boarding School, Kediri City
2.	Removing the suspect in the name of Abuse 1 (name disguised) from the Kediri Class IIA State Detention Center.	2.	Removing the suspect in the name of Abuse 2 (name disguised) from the Kediri Class IIA State Detention Center.
3.	Confiscated objects/evidence in the form of: <ul style="list-style-type: none"> <li>• 0.40 (zero point forty) grams of class I narcotics, type methamphetamine</li> <li>• 6 (six) glass pipettes which still contain crusts left over from burning crystal methamphetamine</li> <li>• 3 (three) plastic bottle caps with holes</li> <li>• 8 (eight) plastic straws</li> <li>• 1 (one) white Iphone Xs Max brand cell phone + sim card</li> </ul> Seized to be destroyed	3.	Confiscated objects/evidence in the form of " <ul style="list-style-type: none"> <li>• 1 (one) package of methamphetamine with a net weight of 0.94 (zero point nine four) grams as stated in the minutes of weighing evidence</li> <li>• 1 (one) pack of CHIEF cigarettes</li> <li>• 1 (one) unit of Redmi Note 5A brand cellphone in silver color</li> </ul> Seized to be destroyed
4.	This decree no longer applies if:	4.	This decree no longer applies if:

The suspect did not undergo rehabilitation through a legal process without a valid reason or underwent rehabilitation through a legal process but did not comply with the determination of the head of the Kediri City State Prosecutor's Office and did not heed the written warning given by the Public Prosecutor

The suspect did not undergo rehabilitation through a legal process without a valid reason or underwent rehabilitation through a legal process but did not comply with the determination of the head of the Kediri City State Prosecutor's Office and did not heed the written warning given by the Public Prosecutor

5. A copy of this decision letter will be sent to the suspect, family or legal advisor, state land office officials, investigators and judges.

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In this decision, both abuser 1 (one) and abuser 2 (two) were ordered to undergo a rehabilitation program. The provisions for implementing this rehabilitation are regulated in the Supreme Court Circular Letter (SEMA) Number 4 of 2010. This SEMA provides guidelines for accommodating abusers, abuse victims and narcotics addicts in medical and social rehabilitation institutions. Medical rehabilitation facilities aim to provide health services, while social rehabilitation facilities aim to help offenders reintegrate into society through social and psychological support. The evidence or goods confiscated from abuser 1 (one) and abuser 2 (two) do not exceed 1 (one) gram. This amount of evidence is included in the classification that allows abusers to be rehabilitated in accordance with Number 2 (two) letter b in SEMA Number 4 of 2010. This classification provides limits on the amount of drugs that perpetrators may possess for rehabilitation purposes, so that they can be rehabilitated. The goal is to ensure that people caught using small amounts of drugs are given the opportunity to recover through rehabilitation, rather than prison sentences, which may be ineffective in resolving their drug addiction problems<sup>20</sup>. Providing treatment and rehabilitation for drug addicts is becoming increasingly important considering the number of victims has increased significantly. Along with the increasing number of people affected by the bad effects of drugs, innovative breakthroughs are needed so that these interventions are more effective and provide maximum results. These efforts not only contribute to the recovery of addicts, but also help reduce the rate of drug abuse in society<sup>21</sup>.

### **3.3. Rehabilitation as an Effort to Revitalize the Nation's Next Generation**

According to Law No. 35 /2009, narcotics rehabilitation consists of two types, namely medical rehabilitation and social rehabilitation. Medical rehabilitation is a treatment process carried out by the DIY Provincial National Narcotics Agency (BNNP) which aims to free addicts from drug dependence. Meanwhile, social rehabilitation is an integrated recovery activity that includes physical, mental and social aspects. The aim of rehabilitation is so that

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<sup>20</sup> Verieza, Chandra, And Paparang, "Penerapan Rehabilitasi Bagi Penyalahguna Narkotika Dalam Sistem Peradilan Pidana Di Indonesia."

<sup>21</sup> Rezky Ayu Lestari, Syarif Saddam Rivanie, And Slamet Sampurno Soewondo, "Sign Jurnal Hukum Implementation Of Restorative Justice For Narcotic Abusers : " 5, No. 1 (2023): 207–20.

former drug addicts can return to functioning socially in social life<sup>22</sup>. The basic idea of the Through Rehabilitation Policy is based on the recognition that the need for rehabilitation is a human right of all citizens, recognized and protected in every country's human rights instruments. According to the Article 103 Law No. 35 /2009, gives the judge the authority to order rehabilitation of defendants, drug addicts and victims of drug abuse, if proven guilty in drug abuse cases. Drug addicts can apply for rehabilitation at Compulsory Report Recipient Institutions (CRRI) which are spread across many regions. These institutions are hospitals, health centers and special rehabilitation facilities. Prevention of narcotics, psychotropic and addictive substance abuse includes three aspects. First, primary prevention is an effort to prevent someone from starting to abuse narcotics, psychotropics or addictive substances. Second, secondary prevention is an effort to prevent users from becoming dependent on narcotics, psychotropics and addictive substances. Third, tertiary prevention is a preventive effort that aims to prevent relapse for users who have recovered from addiction to narcotics, psychotropic substances, addictive substances, etc. after returning to society.

Rehabilitation is considered the best method and the most humane approach for humans. In rehabilitation protection, this term is used not only as a form of retaliation with the ultimate aim of achieving a deterrent effect, but must also have other benefits for the suspect or defendant<sup>23</sup>. This is in line with modern legal thinking which emphasizes aspects of social recovery and reintegration. Rehabilitation for drug addicts is actually called special training and takes place over a period of around 6 (six) months to 1 (one) year. This time period varies depending on the perpetrator's exposure to the substances in the drugs they consume. There are positive impacts felt by former victims of narcotics abuse after rehabilitation. Contained in the data table are interviews with 2 (two) former victims of narcotics abuse after rehabilitation. From the results of interviews with abuse victims after rehabilitation, it was found that they experienced several very significant changes, including:

**Table 4.** Post-Rehabilitation Narcotics Abuse Victims 1

No	Question Elements	Answer	Information
1.	Spiritual/Belief	A former victim of narcotics abuse after rehab, feels that he can get closer to his creator.	Because the level of temperament decreases much more after rehabilitation. And awareness of the importance of the creator in his life
2.	Restoration of Dignity	A former victim of narcotics abuse after rehab, felt he was more confident when he reintegrated into society. When they are still consuming illegal drugs, they are	Victims of narcotics abuse stated that the therapy provided by rehabilitation services to them made them

<sup>22</sup> Subantara, Dewi, And Suryani, "Rehabilitasi Terhadap Korban Penyalahgunaan Narkotika Di Bnnp Bali."

<sup>23</sup> Ribut Hari Wibowo, "Pendekatan Keadilan Restorative Dalam Penghentian Penuntutan Berdasarkan Keadilan Restoratif," *Jurnal Hukum Progresif* 9, No. 2 (2021): 146-57, <https://doi.org/10.14710/Jhp.9.2.146-157>.

		ignoring the environment around them.	aware of the importance of establishing social interaction without using narcotics
3.	Awareness of Living Without Narcotics	Former victims of narcotics abuse after rehab, realize that their healthy lives are far more valuable than dependence on narcotics.	Because they are aware of the dangerous long-term effects of illegal drugs
4.	Relationship with family	Former victims of narcotics abuse after rehab, realized that when they were still consuming illegal drugs they were indifferent to their families even though their families still loved them and always cared for them.	People who consume narcotics often experience drastic changes in their attitudes, emotions, and the way they interact with other people, including family members.
5.	Imprisonment and Rehabilitation	Former victims of narcotics abuse after rehab admit that rehabilitation is much more effective than imprisonment. According to them, the prison sentence imposed actually worsens their situation and cannot help them rise in all sectors.	Victims of narcotics abuse are essentially sick people. Therefore, according to them, rehabilitation is a very important solution and must be applied to all victims of drug abuse. According to them, there are many benefits to be gained from rehabilitation itself.

**Table 5.** Victims of Narcotics Abuse Post Rehabilitation 2

No	Question Elements	Answer	Information
1.	Rehabilitation Impact	Former victims of narcotics abuse after rehab, feel grateful to have been given the opportunity to change through rehabilitation. And mentioned the possibility of getting worse if not rehabilitated	Victims of narcotics abuse feel the positive impact of rehabilitation which can change the personality of those who were initially dependent on illegal drugs. Become a better person after leaving these drugs.
2.	Lifestyle	Former victims of narcotics abuse after rehab, often do positive things after rehabilitation and maintain a healthier lifestyle in their daily lives and feel more at	Victims of narcotics abuse are aware of the importance of their health so that when consuming illegal drugs they do not think about these health factors. In addition, the

	peace when they are close to their creator.	positive activities they carry out bring them closer to the creator and elements of society
3. Relationship with family	Former victims of narcotics abuse after rehab, feel regret that when they became dependent on illegal drugs, they often acted temperamental and couldn't control their emotions towards their family.	Victims of drug abuse are aware of the importance of maintaining harmony within their families. In the past, they were completely unaware of this because they were influenced by illegal drugs
4. Imprisonment and Rehabilitation	Former victims of narcotics abuse after rehab stated the importance of the positive impact of rehabilitation that can be received by victims of narcotics abuse. He said that he felt that imprisonment was not a solution for victims of narcotics abuse	Victims of narcotics abuse feel the positive impact they received while still undergoing rehabilitation, where they begin to think of thoughts that previously had not occurred to them at all. That's what changes them into better people.

Based on the results of interviews with former victims of drug abuse after rehabilitation, it appears that this process had a significant impact on their lives. Many of them have experienced positive changes both in terms of spirituality and awareness of the importance of living without drug addiction. After rehabilitation, they begin to feel closer to their Creator and understand life values that may have been ignored. Apart from that, rehabilitation also helps them restore self-esteem and improve social relationships, including with family. They realize that when they were still dependent, their attitude towards the environment tended to be indifferent, but now they are more confident and able to interact positively. In addition, people are becoming more health conscious and aware of the dangers of long-term drug use. Overall, they found that rehabilitation was a much more effective option than incarceration in helping people recover and rediscover a meaningful life. By experiencing this holistic change, they appreciate the opportunity to begin a new, healthier and more meaningful lifestyle<sup>24</sup>.

From a human rights perspective, every individual, including those struggling with drug addiction, is entitled to dignified and non-discriminatory treatment. These rights are recognized in various international instruments such as the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, which emphasize that everyone is entitled to the highest attainable standard of health. In the context of drug addiction, a solely repressive and punitive approach without providing access to medical treatment and rehabilitation may violate this human right. Fair and non-discriminatory treatment, as well as access to appropriate health services, including

<sup>24</sup> Siti Hidayataun And Yeni Widowaty, "Konsep Rehabilitasi Bagi Pengguna Narkotika Yang Berkeadilan," *Jurnal Penegakan Hukum Dan Keadilan* 1, No. 2 (2020): 166-81, <https://doi.org/10.18196/jphk.1209>.

rehabilitation services, are part of the human rights that must be respected and fulfilled by the state.

A fair legal system should be able to find a balance between providing punishment and offering rehabilitation. Punishment is often considered essential to enforce the law, prevent crime, and protect society from the dangers of drugs. However, a completely punishment-oriented approach can ignore the need for recovery and reintegration of offenders into society. Punishment that is too severe, especially for first-time drug users or those involved in minor offenses, can have negative effects such as increasing prison populations and reinforcing social stigma<sup>25</sup>. In contrast, rehabilitation emphasizes on individual physical and mental recovery, as well as social reintegration that aims to reduce the risk of relapse and help former drug users to return to productive functioning in society. Rehabilitation includes medical services, psychological support, and skills training, all of which aim to address the root causes of addiction and reduce its negative impact. In many cases, this approach is more effective than punishment in reducing crime rates and improving the health and well-being of individuals<sup>26</sup>.

Drug addiction is a condition that requires medical treatment, psychological support, and social rehabilitation. Increased understanding of the neurobiology of addiction and social risk factors such as poverty, trauma, and social inequality has shifted society's outlook and government policy from a purely repressive approach to one that is more focused on health and recovery. Nevertheless, major challenges remain in changing public perception and reducing the stigma associated with drug addiction. This stigma often prevents addicts from seeking help and supporting rehabilitation measures. Therefore, public education and awareness campaigns are essential to encourage a more humanistic view and support a health-based approach<sup>27</sup>. Overall, a balanced treatment of drug addiction between punishment and rehabilitation, taking into account human rights and changing societal perceptions, offers a more humane and effective approach. Respecting human rights by providing access to appropriate health services, including treatment and rehabilitation, as well as reducing stigma through public education, are important steps to holistically address the drug problem. This approach not only contributes to the health and well-being of individuals, but also improves overall social security and stability<sup>28</sup>.

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<sup>25</sup> Retno Kusniati, "Sejarah Perlindungan Hak-Hak Asasi Manusia Dalam Kaitannya Dengan Konsepsi Negara Hukum," *Inovatif: Jurnal Ilmu Hukum* 4, No. 5 (2011): 79-92.

<sup>26</sup> Verieza, Chandra, And Paparang, "Penerapan Rehabilitasi Bagi Penyalahguna Narkotika Dalam Sistem Peradilan Pidana Di Indonesia."

<sup>27</sup> Subantara, Dewi, And Suryani, "Rehabilitasi Terhadap Korban Penyalahgunaan Narkotika Di Bnnp Bali."

<sup>28</sup> Hidayataun And Widowaty, "Konsep Rehabilitasi Bagi Pengguna Narkotika Yang Berkeadilan."

#### 4. Conclusions

Drug abuse is like a parasite that eats away at the nation, destroys the younger generation, and robs us of our future. To overcome this, a comprehensive approach is needed that affects many aspects of life. The noble values of Pancasila provide a solid foundation for developing effective coping strategies. First, we need to encourage a spiritual approach to strengthen the spirituality of the younger generation through faith and devotion to God Almighty. Second, the humanitarian dimension must be maintained by prioritizing the recovery and reintegration of drug addicts through a holistic and sustainable approach. Third, the spirit of solidarity is the key to building synergy between sectors of society, government and law enforcement. Fourth, the principles of consultation and consensus apply in the development of targeted policy and response strategies. Fifth, social justice is maintained by ensuring drug addicts have equal access to rehabilitation and reintegration services. By practicing Pancasila values as a moral compass, a person can build a strong fortress against drug abuse. A multifaceted approach that touches on aspects such as spirituality, humanity, unity, wisdom and social justice is the key to saving the young generation and building a better future for the nation.

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