

FULFILLMENT OF REHABILITATION RIGHTS FOR CONVICTED NARCOTICS ADDICTS BASED ON NARCOTICS LAW No. 9/2009 IN MAKASSAR

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ABSTRACT: The number of drug addicts in Indonesia continues to increase. Of all provinces in Indonesia, South Sulawesi occupies the sixteenth position with the highest number of drug addicts. One of the causes of the high number of drug addicts in Indonesia is the increase in illicit drug trafficking. The problem is for drug addicts, they are positioned as criminals. Instead of undergoing rehabilitation, they should be behind bars in prison. In fact, as stated in Article 54 of the Narcotics Law, addicts should undergo medical and social rehabilitation, not imprisonment. The purpose of this study is to analyze the fulfillment of rehabilitation rights for narcotics addicts associated with Law No. 35 of 2009 on Narcotics in Makassar City. The approach used in this study is normative legal research with descriptive analysis. The result show, punishment through imprisonment is still the choice of judges in court when deciding cases related to narcotics addicts. The decision to fulfill the right to rehabilitation, both medical and social, is still given, but does not reduce imprisonment.

Keywords: narcotics, imprisonment, rehabilitation, addicts

I. INTRODUCTION

The number of drug addicts in Indonesia continues to increase. National Narcotics Board (BNN) records show that in the second quarter of 2021, there were around 190 cases of new narcotics addicts from urine tests conducted in 10 provinces. This number has increased from 144 new addicts in the first quarter of 2021 (BNN, 2021). This increase indicates that narcotics abuse in Indonesia is still a threat. In addition, BNN data also shows that despite a 2.4% decline in the prevalence of drug abusers in 2015 to only 1.8% abusers in 2019, the findings of New Psychoactive Substances (NPS) have increased, reaching 83 NPS to end of 2020 (BNN, 2020).

Of all provinces in Indonesia, South Sulawesi occupies the sixteenth position with the highest number of drug addicts. Research conducted by the National Narcotics Agency, the prevalence rate of narcotics in 2019 in the South Sulawesi Province was around 1.50%, which means there was a decrease of 0.30% (in 2018 it was 1.80%). Nationally, based on data on the prevalence of drug abusers from 34 provinces, the province of South Sulawesi is listed in the sixteenth place. Makassar is the city with highest prevalence of drugs addicts (BNNPSulsel, 2021).

Drugs (narcotics addictive substance) are psychotropic compounds that are commonly used to anesthetize patients when they are about to have surgery or medicines for certain diseases, but the perception is now changing due to use outside the intended use and dosage (Martono & Joewana, 2008). If not used properly, drugs are toxic to the body. Some types of drugs are useful for treatment, but because they cause dependence, their use must be careful and must follow the doctor's instructions and instructions for use. For example, morphine is used to relieve pain in cancer or to anesthetize patients during surgery. Amphetamines are used to reduce appetite, and various types of sleeping pills and tranquilizers. However, there are drugs that absolutely should not be used in treatment, for example narcotics class 1 (heroin, cocaine, and marijuana), psychotropic class 1 (LSD, ecstasy) because they are not drugs, the potential for abuse and dependence is very high (Partodihardjo, 2007).

Referring to Article 1 regarding general provisions in Law No. 35 of 2009 on Narcotics (Republik Indonesia, 2009), there are three terms related to drug users/users. First, abusers are people who use narcotics

without rights or against the law. Second, dependence, which is a condition characterized by an urge to use narcotics continuously with increasing doses in order to produce the same effect and when its use is reduced and/or stopped suddenly, it causes characteristic physical and psychological symptoms. Third, addicts are people who use or abuse narcotics and are in a state of dependence on narcotics, both physically and psychologically (Sujono & Daniel, 2011).

Medically, there are people who use drugs only at certain times with the aim of strengthening social relationships and are used together, called social users or social users. People who use drugs in certain situations, such as being stressed or in trouble, are called situational users. Furthermore, there are drug users who increasingly increase the dose and frequency for the sole purpose of self-satisfaction, so this use can already be called drug abuse. It's only a matter of time; this drug abuser will really become an addict. A person who is already dependent is then called an addict/drug addict, because the dose of drug needed continues to increase, and if the drug is not available, it will experience withdrawal symptoms or withdrawal. Using drugs at this stage is usually no longer to get pleasure, but rather to cover the pain due to withdrawal (Partodihardjo, 2007).

One of the causes of the high number of drug addicts in Indonesia is the increase in illicit drug trafficking. Drug trafficking in Indonesia is rife because there are many unofficial ports that are favorite locations for drug traffickers (Hariyanto, 2018). The methods used by the perpetrators in conducting drug transactions include face-to-face, transactions through couriers, direct purchases to drug distribution locations, the patch system (mine planting system), and the javelin throwing system. Indonesia's strategic position in the end brings its own consequences, namely that it is no longer a transit country, but has become a marketing destination country because of the high demand from the Indonesian people to consume narcotics (Ramadhani, 2019). Strategic locations such as Indonesia which later became the entry point for drug trafficking are also experienced by countries that are members of the European Union. Estievenart (2005) said that the European Union countries which are located at the crossroads of drug trafficking routes have become the main targets of traffickers, especially those from Afghanistan (opium), Colombia, Peru and Bolivia (cocaine), as well as Morocco and North Africa (cannabis/ marijuana).

The problem is for drug addicts who are caught by the police. Their situation is very unfavorable, because they are positioned as criminals (Hikmawati, 2011). Instead of undergoing rehabilitation, they should be behind bars in prison (Falah, 2019). In fact, as stated in Article 54 of the Narcotics Law, addicts should undergo medical and social rehabilitation, not imprisonment (Iskandar, 2019).

According to Sinaga (2021), for narcotics cases, the restorative justice approach can only be applied to addicts, abusers, victims of abuse, dependence on narcotics, and one day use of narcotics as regulated in Article 1 of the Joint Regulation of the Chief Justice of the Supreme Court, Minister of Law and Human Rights, Minister of Health, Minister of Social Affairs, Attorney General, Chief of Police, Head of the National Narcotics Agency Number 01/PB/-MA/111/2014, Number 03 of 2014, Number 11 of 2014, Number 03 of 2014 Number Per005/A/JA/03/2014 Number 1 of 2014, Number Perber/01/111/2014/BNN concerning Handling of Narcotics Addicts and Victims of Narcotics Abuse into Rehabilitation Institutions. This Decree stipulates that: "In the trial process, the Panel of Judges may order narcotics addicts and victims of narcotics abuse to perform medication, treatment and recovery at medical rehabilitation institutions and/or social rehabilitation institutions. The court is obliged to provide a list of medical or social rehabilitation institutions in coordination with the National Narcotics Agency (BNN)".

Referring to the background as stated earlier, the purpose of this study is to analyze the fulfillment of rehabilitation rights for narcotics addicts associated with Law No. 35 of 2009 on Narcotics in Makassar City.

II. METHOD

The approach used in this study is normative legal research. Sidharta (2011) said that normative legal research is a type of research that is commonly carried out in the development of legal science, which in western countries is usually called legal dogmatic. Normative legal research is more directed to examine the principles and rules of law. The research specification used is descriptive analytical, which is an attempt to describe and analyze the secondary data obtained which consists of primary legal materials, secondary legal materials and tertiary legal materials. Soekanto (2010) defines descriptive research, namely research that is intended to provide data that is as accurate as possible about humans, circumstances or other symptoms. This study uses primary data sources as the main data and secondary data as supporting or complementary data, obtained from the literature and various literatures or references to a number of relevant books. This study uses primary legal materials that have binding force in general (statutory regulations) or have binding power for interested parties (contracts, conventions, documents and judge decisions). In addition, secondary legal materials are also used, namely materials that provide explanations of primary legal materials (legal science books, legal journals, legal reports, and printed or electronic media), and tertiary legal materials (Hadi, 2006).

III. RESULTS AND DISCUSSION

Fulfillment of Rehabilitation Rights

We selected 15 court cases related to narcotics and psychotropic crimes from all courts within the Makassar High Court that were decided throughout 2020 (Table 1). Of these decisions, most of the verdicts required the defendant to be imprisoned (86% of the verdicts), and only 14% of the verdicts decided that the defendant undergoing rehabilitation.

Table 1. Selected narcotics case in Makassar High Court

No.	Case register	Criminal sentence	Rehabilitation
1	792/Pid.Sus/2020/PN Mks	18 months in prison	Medical rehabilitation for one year
2	1280/Pid.Sus/2020/PN Mks	18 months in prison	Medical rehabilitation for 6 months
3	1200/Pid.Sus/2020/PN Mks	12 months in prison	Medical rehabilitation for 6 months
4	212/Pid.Sus/2020/PN Pre	10 months in prison	Medical rehabilitation for 2 months
5	122/Pid.Sus/2020/PN Mks	12months in prison	Medical rehabilitation for one year and social rehabilitation for 6 months
6	69/Pid.Sus/2020/PN Snj	0 months in prison	Medical rehabilitation for 3 month
7	1451/Pid.Sus/2020/PN Mks	12months in prison	Medical rehabilitation for 6 months
8	1452/Pid.Sus/2020/PN Mks	12months in prison	Medical rehabilitation for 6 months
9	1196/Pid.Sus/2020/PN Mks	12months in prison	Medical rehabilitation for 2 months
10	1198/Pid.Sus/2020/PN Mks	12months in prison	Medical rehabilitation for 2 months
11	43/Pid.Sus/2020/PN Tte	0 months in prison	Outpatients medical and social rehabilitation
12	1450/Pid.Sus/2020/PN Mks	12months in prison	Medical rehabilitation for 6 months
13	81/Pid.Sus/2020/PN Pol	8 months in prison	Medical rehabilitation for 6 months
14	227/Pid.Sus/2020/PN Skg	0 months in prison	Medical rehabilitation for 3 months
15	1281/Pid.Sus/2020/PN Mks	12months in prison	Medical rehabilitation for 6 months

Source: Data analysis (2021)

The high number of prison sentence for drug addicts shows that sentencing through prison is still the court's choice. In fact, in 86% of these decisions, the rehabilitation verdict does not eliminate the decision to serve a corporal prison sentence. This is in line with the view Kartika et al., (2015) which states that the court still directs effective punishment with imprisonment in order to provide a deterrent effect. Meanwhile, the procedural used in the rehabilitation method, both social and medical, lead to treatment that upholds the principle of protection and protection of the beneficiaries (Laksana, 2016). According to Probosiwi & Bahransyaf (2014), prison, which has been a common punishment for drug abusers, including addicts, is an inappropriate action. Prison will only make drug addicts more fluent in crime because it is undeniable that prison is a place where criminals "share experiences". As victims who experience dependence, it is appropriate for drug addicts to receive treatment so that they can recover and return to society. Therapy and rehabilitation programs are an alternative to "punishment" that is more reasonable and humane. Through this program, drug addicts receive services both medically to cure their addiction, as well as non-medical or social services to restore their social function in society. Both of these services must be carried out continuously and continuously to obtain optimal results for the recovery of drug addicts (Dahlan, 2017).

Gani (2015) stated that rehabilitation can be used as an effort to de-penalize narcotics addicts because every addict is a person who is physically sick and mentally ill, because of his addiction to narcotics. An addict must be looking for the fulfillment of narcotics needs in any way, so that narcotics abusers need to be

rehabilitated and treated rather than being placed in a correctional institution. Because it is feared that he will continue to commit other new crimes within the correctional institution, such as the practice of bribing with unscrupulous persons, committing violence and becoming a murderer, and even being part of a syndicate of drug dealers in prisons which has often happened recently. So that efforts are made for those who become narcotics abusers to be channeled to the Center for Rehabilitation Institutions for treatment. Rehabilitation as a depenalization effort for narcotics addicts certainly has many advantages, apart from focusing on the purpose of convicting narcotics crime cases, where rehabilitation can be used as an alternative way so that the Correctional Institution which is judged to be no longer able to accommodate prisoners can be included in the Rehabilitation Institution (Firdaus, Haryono, Fajriando, & Firmanditya, 2021). Rehabilitation is considered effective in solving problems related to narcotics abuse and illicit trafficking in Indonesia. This strengthens the view of (Rahmawati, 2021) about the excess capacity of prisons, which are mostly inhabited by convicted drug addicts who should undergo rehabilitation. Rahmawati, (2021) further stated that Law No. 35/2009 on narcotics can be said to be the most problematic law in Indonesia, placing a heavy burden on correctional facilities. The main problem in the provisions of criminal law which does not distinguish interventions for drug users and addicts with traffickers. While there is a guarantee that narcotics users and addicts are to be punished as lightly as possible with rehabilitation measures taken into account (Article 127, Article 54, Article 103), it also contains criminal provisions in Article 111, 112 and 114 which criminalize acts of possessing, controlling, and buying narcotics, re-

regardless of the purpose. In the other side, drug users almost always fit the criteria of possessing, controlling and buying narcotics. It is also easier to prove that someone possesses, controls or buys illicit drug than uses them, because results of a urine test, lab test and a series of other assessments need to be produced.

Implementing regulations for the rehabilitation of drug users ranges from a joint decree made by seven anti-narcotics agencies, Regulation of Chairperson of BNN No. 11/2014 on procedures for the handling of suspects and/or defendants of drug addicts and victims of narcotics abuse in rehabilitation institutions, and actually burdens rehabilitation centers with an array of complex bureaucracy and administration, so there is no sufficient incentive for investigators to urgently warrant rehabilitation. The decision rests entirely on the investigator, which can facilitate unfettered abuse of power.

In connection with the handling of narcotics abusers in rehabilitation institutions in addition to what has been stipulated in Article 54 of Law No. 35 of 2009 on Narcotics, the handling of narcotics abusers is strengthened by a Joint Regulation of the Chairperson of the Supreme Court of the Republic of Indonesia, the Minister of Law and Human Rights of the Republic of Indonesia, the Minister of Health of the Republic of Indonesia, the Minister of Social Affairs of the Republic of Indonesia, the Attorney General of the Republic of Indonesia, the Head of the State Police of the Republic of Indonesia, the Head of the Indonesian National Police and National Narcotics Agency of the Republic of Indonesia on Handling Narcotics Addicts and Victims of Narcotics Abuse in Rehabilitation Institutions. Furthermore, in the implementation of the joint regulation, an integrated assessment team was formed whose function was to provide recommendations to investigators regarding narcotics abusers involved in legal cases so that they would be considered by prosecutors in prosecution and judges in making rehabilitation decisions (Laksana, 2016).

Procedures for fulfilling rehabilitation rights for abusers Narcotics are classified into 2 ways. First, narcotics abusers themselves who come to report themselves to the agencies (Reporting Recipient Institution) that have been appointed for reporting in accordance with the provisions of Article 6 of Government Regulation No. 25 of 2011 on the Implementation of Compulsory Reporting of Narcotics Addicts. The Reporting Recipient Institution was public health centers, hospitals, and medical or social rehabilitation institutions appointed by the government. Second, if the report is made other than the Reporting Recipient Institution, for example the police and BNN, officers who receive the report forward it to the Reporting Recipient Institution.

Fulfillment of rehabilitation rights for narcotics abusers who go through a legal process beginning with police investigators or BNN investigators who handle narcotics cases requesting an evaluation from an integrated assessment team consisting of a medical team and a legal team. The integrated assessment team has the task of conducting an analysis of someone who is arrested and/or caught red-handed in connection with the illicit trafficking of narcotics, narcotics precursors and narcotics abuse carried out by the legal team. Investigators who handle narcotics cases coordinate with the assessment team and a team of doctors in charge of conducting medical, psychosocial evaluation and analysis and recommending plans for therapy and rehabilitation for narcotics abusers. The results of the assessment carried out by the integrated assessment team will make the prosecutor carry out a rehabilitation prosecution so that it becomes the judge's consideration in making a rehabilitation decision (Yuli W & Winanti, 2019).

Rehabilitation Principles and Procedures

There are two types of rehabilitation as mandated by Article 54 of Law No. 35 of 2009 on Narcotics that narcotics addicts and victims of narcotics abuse are required to undergo medical rehabilitation and social

rehabilitation. Article 56 paragraph (1) states that medical rehabilitation for narcotics addicts is carried out at a hospital appointed by the minister. Then Article 58 states, social rehabilitation of former narcotics addicts is carried out both by government agencies and by the community. Medical or social rehabilitation is a process towards recovery. Recovered in a medical sense, i.e. there are no more toxic substances in the body of the abuser, and in a social sense, namely being able to return and be accepted by society. The obligation to undergo rehabilitation is strengthened by Article 54 which states that narcotics addicts and victims of narcotics abuse are obliged to undergo medical rehabilitation and social rehabilitation. The obligation to undergo rehabilitation is coercive, as stated in Article 55 paragraphs (1) and (2). In paragraph (1) it is stated that parents or guardians of narcotic addicts who are not old enough are obliged to report to the public health center, hospital, and/or medical rehabilitation and social rehabilitation institution appointed by the Government to obtain treatment and/or treatment through medical rehabilitation and social rehabilitation; whereas in paragraph (2) it is stated that narcotic addicts who are of sufficient age must report themselves or be reported by their families to the community health center, hospital, and/or medical rehabilitation and social rehabilitation institution appointed by the government to receive treatment and/or treatment through medical rehabilitation and social rehabilitation (Sutarto, 2021).

Article 1 point 16 of Law No. 35 of 2009 on Narcotics states that medical rehabilitation is a process of integrated treatment activities to free addicts from narcotics dependence. Article 1 point 7 Joint Regulation of the Chairman of the Supreme Court of the Republic of Indonesia, the Minister of Law and Human Rights of the Republic of Indonesia, the Minister of Health of the Republic of Indonesia, the Minister of Social Affairs of the Republic of Indonesia, the Attorney General of the Republic of Indonesia, the Head of the State Police of the Republic of Indonesia, the Head of the National Narcotics Agency of the Republic of Indonesia concerning Handling Narcotics Addicts and Victims of Narcotics Abuse Into Rehabilitation Institutions, medical rehabilitation is, "an integrated process of treatment activities to free addicts from drug dependence."

According to Article 1 point 17 of Law No. 35 of 2009 on Narcotics, social rehabilitation is a process of integrated recovery activities, both physical, mental, and social, so that narcotics addicts can return to carrying out social functions in community life. A clearer understanding of social rehabilitation can be found in the Minister of Social Affairs Regulation (Permensos) No. 26 of 2012 on Standards for Social Rehabilitation of Victims of Abuse of Narcotics, Psychotropics, and Other Addictive Substances. In Article (1) paragraph (2) it is stated that social rehabilitation is a process of re-functionalization and development to enable a person to be able to carry out his social functions properly in social life. More specifically, Article 9 of the Minister of Social Affairs states that the purpose of social rehabilitation for drug/drug abusers is so that victims of drug abusers can carry out their social functions which include the ability to carry out roles, meet needs, solve problems, and self-actualize. According to Wulandari (2019), social rehabilitation also aims to create a social environment that supports the success of social rehabilitation for victims of drug/drug abuse. According to Article 1 point 8 of the Joint Regulation of the Chairman of the Supreme Court of the Republic of Indonesia, the Minister of Law and Human Rights of the Republic of Indonesia, the Minister of Health of the Republic of Indonesia, the Minister of Social Affairs of the Republic of Indonesia, the Attorney General of the Republic of Indonesia, the Head of the State Police of the Republic of Indonesia, the Head of the National Narcotics Agency of the Republic of Indonesia on Handling Narcotics Addicts and Victims of Narcotics Abuse in Rehabilitation Institutions, social rehabilitation is, "a process of integrated recovery activities, both physical, mental and social, so that former narcotic addicts can return to carrying out their social functions in social life."

Regulations regarding medical rehabilitation and social rehabilitation are clarified in Article 3 paragraph (1) of the Regulation of the Head of the National Narcotics Agency Number 11 of 2014 concerning Procedures for Handling Narcotics Addicts and/or Defendants of Narcotics Addicts and Victims of Narcotics Abuse in Rehabilitation Institutions which stipulates that Narcotics Addicts and Victims Narcotics abuse without rights and against the law as suspects and/or defendants in narcotics abuse who are undergoing the process of investigation, prosecution, and trial in court are given treatment, care and recovery in rehabilitation institutions.

About when to rehab Illiteracy is carried out, then it is the judge's decision that determines whether the person concerned (addict) undergoes rehabilitation or not based on whether or not the crime committed is proven. Thus, there is an examination process in court before a judge's decision determines whether a person is rehabilitated or not, as regulated in Article 103 of the Narcotics Law: (1) Judges examining Narcotics Addict cases may: a. decide to order the person concerned to undergo treatment and/or treatment through rehabilitation if the Narcotics Addict is proven guilty of committing a Narcotics crime; or b. stipulates to order the person concerned to undergo treatment and/or treatment through rehabilitation if the Narcotics Addict is not proven guilty of committing a Narcotics crime. (2) The period of undergoing treatment and/or treatment for Narcotics Addicts as referred to in paragraph (1) letter a is calculated as the period of serving the sentence. Likewise for narcotics abusers, including those who later become victims of narcotics abuse), the determination of whether or not he is rehabilitated is through a court decision. This is regulated in Article 127 paragraph (3) which states that

in the event that the abuser can be proven or proven to be a victim of Narcotics abuse, the abuser is obliged to undergo medical and social rehabilitation.

Even though it is still in the criminal justice process, whether it is an investigation, prosecution, or trial in court; without waiting for the judge's decision first; investigators, public prosecutors, or judges may request an assessment of a suspect or defendant before being placed in a rehabilitation institution, as stipulated in Article 22 of BNN Regulation 11/2014. 3.2 Obligations of Social Rehabilitation for Addicts and Drug Abusers As previously explained, Article 54 of Law No. 35 of 2009 states that narcotics addicts and victims of narcotics abuse are required to undergo medical rehabilitation and social rehabilitation. Furthermore, in Article 55 it is stated: (1) Parents or guardians of Narcotics Addicts who are not old enough are required to report to the public health center, hospital, and/or medical rehabilitation and social rehabilitation institution appointed by the Government to obtain treatment and/or treatment through medical rehabilitation and social rehabilitation; (2) Narcotics addicts who are old enough are obligated to report themselves or be reported by their families to the community health center, hospital, and/or medical rehabilitation and social rehabilitation institution appointed by the Government to receive treatment and/or treatment through medical rehabilitation and social rehabilitation.

Related to social rehabilitation, Article 58 of Law No. 35 of 2009 states, social rehabilitation of former narcotics addicts is carried out by both government agencies and the community. Article 59 paragraph (2) states that the implementation of the provisions as referred to in Article 58 is regulated by a ministerial regulation that organizes government affairs in the social sector. In the general explanation of Article 58 it is stated that social rehabilitation can be carried out through religious, traditional, and other alternative approaches. In this provision what is meant by "former Narcotics Addict" is a person who has recovered from dependence on Narcotics physically and psychologically. In this provision what is meant by "social rehabilitation institutions" are social rehabilitation institutions organized by both the government and the community (Gunawan, 2016).

The important thing related to Article 58 above is that social rehabilitation is something that must be done as part of completing the medical rehabilitation that has been undertaken by addicts and drug abusers. Social rehabilitation for addicts and drug abusers is important for the following reasons (Syaprianti, 2021): 1) social rehabilitation is the right of victims of drug abuse as citizens, as stated in Law No. 35 of 2009 on Narcotics and related regulations; 2) social rehabilitation is a form of social protection; 3) drug abuse has an impact on physical, mental, and emotional, so that behavioral changes are needed; 4) drug abuse degrades humanity; 5) victims of drug abuse need to be restored so that they become useful, productive, and normative people. Referring to Article 58 of Law No. 35 on Narcotics, Government Regulation No. 25 of 2011 on the Implementation of Compulsory Reporting for Narcotics Addicts, and Regulation of the Minister of Social Affairs No. 26 of 2012 on Standards for Social Rehabilitation of Victims of Abuse of Narcotics, Psychotropics, and Other Addictive Substances, the objectives of social rehabilitation can be synthesized as follows (Afrizal & Anggunsuri, 2019): 1. Eliminate dependence on drugs/drugs 2. Restoring physical, psychological, and, social conditions 3. Victims of drug/drug abuse can carry out social functioning which includes the ability to carry out roles, meet needs, solve problems, and self-actualize 4. Creating a social environment that supports the success of social rehabilitation for victims of drug/drug abuse. Thus, the efforts of a social approach within the framework of social rehabilitation can be carried out by the state and the community by providing places of rehabilitation. This can be done when the addict has obtained permanent legal status, is undergoing trial, or on his own initiative. When a user enters the judicial process, it is the duty of the detaining official, both at the level of investigation, prosecution and trial examination, to provide social access in the form of social services. The role of providing social rehabilitation for narcotics users is a form of state responsibility for the fulfillment of human rights, especially getting access to health and as a form of protection for the rights of addicts/drug abusers (Adam, Wan Ibrahim, Ahmad, & Sudirman, 2011). According to Chen (2006), providing access to rehabilitation also plays a very important role in breaking the chain of illicit narcotics trafficking and preventing the use of illegal narcotics.

IV. CONCLUSION

This study concludes that punishment through imprisonment is still the choice of judges in court when deciding cases related to narcotics addicts. The decision to fulfill the right to rehabilitation, both medical and social, is still given, but does not reduce imprisonment. Rehabilitation is provided by following the procedures as stipulated in the Narcotics Law. On the other hand, imprisonment is not a solution for addicts, because it has the potential to make addicts not lose their addiction, even more so, they can become traders, couriers, or even narcotics dealers because the prison situation is not supportive.

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