

**Article history:** Submitted 10 September 2024; Accepted 4 October 2024; Available online 7 October 2024.

**How to cite:** Andri Winjaya Laksana, Hendro Widodo and Dian Pramana, 'Critical Opinion Paradigm Regulation of Criminal Actions of Drug Abuse Through Religious Rehabilitation Based on the Legal System' (2024) 7 Media Iuris.

## Critical Opinion Paradigm Regulation of Criminal Actions of Drug Abuse Through Religious Rehabilitation Based on the Legal System

Andri Winjaya Laksana<sup>1</sup>, Hendro Widodo<sup>2</sup> and Dian Pramana<sup>3</sup>

<sup>1</sup>Faculty of Law, Universitas Islam Sultan Agung, Indonesia. E-mail: andriwinjaya@gmail.com

<sup>2</sup>Faculty of Law, Universitas Islam Sultan Agung, Indonesia. E-mail: hendro.w@unissula.ac.id

<sup>3</sup>Faculty of Law, Universitas Islam Sultan Agung, Indonesia. E-mail: dianmail.address@gmail.com

---

### Keywords:

Narcotics;  
Addicts; Relapse;  
Rehabilitation.

### Abstract

Addicts or users of narcotics are both victims and criminal perpetrators of crimes. All narcotics abusers utilizing criminal provisions are governed by the Article 127 of Law No. 35 of 2009 pertaining to narcotics According to Article 127, those who abuse drugs face jail time, while those who are addicted to drugs or who have been abused by them are sent to facilities for social and medical rehabilitation. However, it is often found that addicts experience a relapse after carrying out medical and social rehabilitation. When it comes to keeping drugs users from relapsing, religious rehabilitation is superior to medical and social rehabilitation. This study was carried out with a sociological juridical methodology. Purposive nonrandom sampling was the method employed for sampling. The data collection was carried out by library and field studies (through observation, questionnaires and interviews) of the authors and book users. Data analysis was performed using qualitative descriptive analysis. There is a gap in the motivation to resume drug use to shortcomings in medical and social recovery. Additionally, treating addicts with a religious approach that touches their hearts makes them less likely to hesitate to take drugs in the future.

---

Copyright © 2024 Andri Winjaya Laksana, Hendro Widodo and Dian Pramana.  
Published in Media Iuris. Published by Universitas Airlangga, Magister Ilmu Hukum.



## Introduction

Drug-related crime is a global problem that significantly impacts people's lives and the future of nations. Drug-related crimes have been recognized as crimes with an international scope, as they not only cause mental illness in victims but also have an effect a nation's ability to support its future generations. Drug misuse is on the rise, and while drug dealers and consumers once operated primarily in cities, the illicit drug trade now permeates every neighborhood and village in the nation.<sup>1</sup> Drug misuse is on the rise, and while drug dealers and users used to mostly operate in cities, today every neighborhood or community in the nation is affected by the illegal drug trade. It is really concerning that drug misuse is on the rise. Whereas drug abusers and traffickers once

---

<sup>1</sup> Bambang Tri Bawono, Andri Winjaya Laksana, Dwi Wahyono, 'Implementation Of Rehabilitation For Drug Abuses According To Law Number 35 Of 2009 Concerning Narcotics' (2022) 38 Jurnal Hukum UNISSULA 1-11.

only operated in urban areas, there is now no district or town free from illegal trafficking and drug use. Drug traffickers and addicts used to primarily target wealthy families and the youth, but nowadays, their reach extends to all social classes and community segments, from impoverished families to corporations, from rural areas to metropolitan areas, and from the young to the elderly.<sup>2</sup>

The argument acknowledges that the existence and origins of the Indonesian nation stem from the involvement and will of Allah Almighty, rather than from a social contract among autonomous persons, as posited by the concept of a liberal state. The Indonesian populace maintains a profound connection between the state and religion, anchored in the One Godhead, which constitutes the foremost principle of Pancasila. Consequently, Indonesia has a distinct legal framework that underpins national and state existence, namely Pancasila and the 1945 Constitution.<sup>3</sup>

The increase in narcotics abuse over the past year is ultimately detrimental to the future of the nation's workforce. The government is undertaking initiatives to address the threats posed by narcotics by enhancing regulatory measures within the legal framework.<sup>4</sup> Imposing prison sentences on individuals struggling with addiction, however, contravenes the stipulation outlined in Law Number 35 of 2009 in conjunction with SEMA Number 4 of 2010, which mandates that such individuals should receive rehabilitation. It is challenging to categorize a perpetrator as either an addict, a victim of narcotics abuse, or a dealer. From the perspective of offender rehabilitation, the effectiveness of the measure is it by its focus on the specific prevention of crime. The issue at hand pertains to the extent to which punishment, specifically incarceration, impacts the behavior and mindset of the preparatory convict. The influence of criminal behavior on convicts can be examined through two key dimensions: initial prevention and remedial measures.<sup>5</sup> An effective law requires a foundation that serves as a means of

---

<sup>2</sup> F. Agsya, *Undang-Undang Narkotika dan Undang-Undang Psicotropika* (Asa Mandiri 2010) 6.

<sup>3</sup> Andri Winjaya Laksana, 'Manifestation of Pancasila Values in the Omnibus Law for Justice', The 6th Proceeding International Conference And Call Paper Sultan Agung Islamic University (2021) 164-173.

<sup>4</sup> Andri Winjaya Laksana, 'Social Analysis of Narcotics Abuse Prevention Women' (2019) 4 *Jurnal Pembaharuan Hukum* 308-319.

<sup>5</sup> Dawud Budi Sutrisno, *Pengaturan & Penerapan Hukum Pidana Narkoba*, Cetakan Pertama (Yuma Pustaka 2012) 54.

promoting justice, supported by law enforcement officials who consistently uphold this foundation and protect human rights.<sup>6</sup>

Given the rising number of drug users among children and adolescents, rehabilitation plays a critical role in the treatment addiction. Given how difficult it is for individual victims or users of narcotics to overcome their reliance, the efficacy of rehabilitation in treating narcotics abuse victims is critical. While addicts or users of narcotics commit crimes, they are also victims of those crimes. All individuals who abuse narcotics and are subject to criminal provisions are governed by Article 127 of Law No. 35 of 2009 regarding narcotics. Article 127 stipulates that individuals who abuse narcotics face imprisonment, but those addicted or victimized by narcotics abuse are directed to medical rehabilitation facilities and social rehabilitation programs.<sup>7</sup>

Because there are more and more children and adolescents becoming addicted to drugs, rehabilitation plays a critical part in the treatment of drug addiction. Considering how difficult it is for each victim or drug user to overcome their own dependence on drugs, the efficacy of rehabilitation in treating drug abuse is vital. In addition to becoming criminals, drugs users and addict are also victims of crime. However, the required character of this rehabilitation is intimately tied to Articles 54 and 127 of the Narcotics Law. Article 127 paragraph (2) requires courts to consider the provisions of Articles 54, 55, and 103 while rendering a decision. Even if it is mandatory, its implementation is still up to investigators and public prosecutors. if the public prosecutor in charge does not use the provisions of Article 127, drug abuse are unlikely to be placed in a rehabilitation facility. The most serious scenario occurs when judges invoke Article 127 but disregard rehabilitation provisions.<sup>8</sup>

When it comes to preventing relapse, religious rehabilitation is more effective than medical and social rehabilitation. Based on research from Agoeng Nugroho et al, the benefits of drug rehab with religious perspective are as follows; (1) Drug rehab without

---

<sup>6</sup> Dahlan, *Problematika Keadilan Dalam Penerapan Pidana Terhadap Penyalahguna Narkotika*, Cetakan Pertama (Deepublish 2017) 4.

<sup>7</sup> Dina Novitasari, 'Rehabilitasi Terhadap Terhadap Anak Korban Penyalahgunaan Narkotika' (2017) 4 *Jurnal Hukum Khaira Ummah* 917-926.

<sup>8</sup> I Made Esa Suryaputra, Mulyadi, 'Perlindungan Hukum Terhadap Pecandu dan Korban Penyalahgunaan Narkotika' (2021) 8 *JUSTITIA: Jurnal Ilmu Hukum dan Humaniora* 338-350.

medical supervision is feasible if addicts are determined to recover and wish to remain in a humanist, family-oriented, and religiously oriented facility. Religious approaches and open dialogue (spiritual rehabilitation) can help overcome withdrawal symptoms by touching people's hearts and healing disorientation, frustration, and confusion. Religious therapy can also be used by carrying out religious orders and their practices to strengthen and build a people's faith and piety. (3) In order to cultivate nature, that is to come together with to comprehend and reflect upon the significance of the natural beauty that Allah SWT created a lesson environmental therapy is another method that the rehabilitation process with a religious approach might employ. (4) The family approach, emphasizing open communication, successfully addresses asocial behavior, dread, anxiety, and closed views toward drug addict.<sup>9</sup>

Based on research conducted by Byron R. Johnson<sup>10</sup> entitled *How Religion Contributes to the Common Good, Positive Criminology, and Justice Reform*, found that volunteerism and efforts by faith-based people and organizations to address social issues like crime and delinquency, drug abuse treatment, offender rehabilitation, and prison reentry, have been continuously associated with religious freedom. Furthermore, more research is being done in the developing discipline of positive criminology show how faith-based initiatives are offering more restorative and constructive approaches, which are typically successful in lowering crime and fostering pro social results. Religious interventions are demonstrating significant innovation and impact, particularly as jurisdiction navigate increasingly constrained budgets. The involvement of faith-based volunteers and offender-led religious movements in identity transformation is particularly relevant and timely considering the growing demand for evidence-based approaches to justice reform.

Based on research conducted by Sahaji Margaretta Indarti<sup>11</sup> entitled *Enhancing Religious Life for Positive Impact on Narcotics Offenders in Penalty Institutions* discusses how

---

<sup>9</sup> Agoeng Noegroho, Adhi Iman Sulaiman, Bambang Suswanto, Suryanto, 'Pendekatan Spiritual dan Herbal Sebagai Alternatif Rehabilitasi Non Medis Bagi Pecandu Narkoba' (2018) 13 Al Izzah: Jurnal Hasil-Hasil Penelitian 143-159.

<sup>10</sup> Byron R. Johnson, 'How Religion Contributes to the Common Good, Positive Criminology, and Justice Reform' (2021) 12 Religions Freedom Institute 402.

<sup>11</sup> Sahaji Margaretta Indarti, 'Enhancing Religious Life for Positive Impact on Narcotics Offenders in Penalty Institutions', International Conference on Multidisciplinary Science (2023) 599-607.

religion may help people become more morally upright and how it can also serve as a guide for living a good life. One's soul and psyche can be mentally and physically reassured by religion. Based on their theological system, religious people engage in religious activities. The theological system will at its core, be upheld by its believers. Religion is the actions of a person whose understanding of god varies based on their upbringing. Rehab for substance misuse is thus one of the many applications for a psychological approach. Research indicates that certain individuals who consume drugs may have negative mental health disorders that manifest as hostility, agitation, and low self-esteem. To address these conditions, they require services that can support recovery on both physical and mental levels. Psychological approaches to Islamic studies can contribute to therapy through techniques such as prayer therapy, Al-Quran reading therapy and providing guidance rooted in religious teaching. The psychological approach employed in rehabilitation aims to assist individuals facing challenges both physically and mentally.

The purpose of this research is to analyze the construction of law enforcement regulations against narcotics addicts has not been equitable, analyze the urgency of legal structures for law enforcement against narcotics addicts in the context of religious rehabilitation and analyze legal culture in law enforcement for criminal acts of narcotics abuse in the framework of religious rehabilitation.

### **Research Method**

This research adopts a sociological juridical approach. The sociological juridical approach involves conducting research that includes problem formulation, data collection, and analysis design, culminating in the drawing of conclusions after the overall process is complete. The Sociology Approach aims to address the problem under investigation by aligning it with the problem under investigation by aligning it with legal nature or the realities or the realities present in society.<sup>12</sup> The sampling technique employed was purposive non-random sampling. The data collection was carried out

---

<sup>12</sup> Andri Winjaya Laksana, 'Sociological Analysis Of Narcotics Circulation Treatment On Students' (2021) 8 *Jurnal Pembaharuan Hukum* 105-118.

by means of literature and field studies (through observation, questionnaires and interviews) of the authors and book users. Data analysis was performed using qualitative descriptive analysis.<sup>13</sup>

### **Construction of Law Enforcement Regulations Against Narcotics Addicts Has Not Been Equitable**

Drug addicts are likely to purchase drugs or take part in drug buying and selling activities. He will undoubtedly hold or be in possession of the drugs once he has purchased them, even if they were obtained by other means. Likewise, those who have been abused by drugs. The victim of drug misuse must be in control of the drugs when they enter his body as a results of force, fraud, or deception. When someone who abuses drugs is caught buying or having drugs, they will almost definitely face charges for doing so. This includes addicts and victims of drug abuse. Purchasing, possession of narcotics and other narcotics crimes are all punishable by imprisonment.

The Narcotics Law Regulates actions against the abuse and illegal trafficking of narcotics, integrating health and law enforcement initiatives. The provisions of the Narcotics Law are unique in that they depart from both material and formal criminal law. The justice system for narcotics abusers must prioritize rehabilitation efforts rather than law enforcement efforts.<sup>14</sup> Article 54 of the Narcotics Law explains that addicts and victims of narcotics abuse who have problems with the law must receive a rehabilitation sentence from a judge. Narcotics abusers are given guarantees to be rehabilitated rather than detained so that the public and law enforcement know the direction they need to go in overcoming narcotics abuse and illicit trafficking.<sup>15</sup>

Another issue that may emerge from the extensive number of terms is regulatory confusion. Article 4 letter d of Law No. 35 of 2009 states that “the Narcotics Law aims

---

<sup>13</sup> Anis Mashdurohatun, M. Ali Mansyur, 'Identifikasi Fair Use/Fair Dealing Hak Cipta Atas Buku Dalam Pengembangan Iptek Pada Pendidikan Tinggi Di Jawa Tengah' (2015) 4 Yustisia 522-540.

<sup>14</sup> S Hidayatun, Y Widowaty, 'Konsep Rehabilitasi bagi Pengguna Narkotika yang Berkeadilan' (2020) 1 Jurnal Penegakan Hukum dan Keadilan 166-180.

<sup>15</sup> Yudha Arya Wiguna, Nasir Sitompul, 'Implementasi Konvensi PBB Menentang Peredaran Gelap Narkotika dan Psicotropika Pasal 32 Ayat 2 Terhadap PERMENKES No. 5 Tahun 2023' (2024) 6 UNES Law Review 9237-9247.

to: Ensure arrangements for medical and social rehabilitation efforts for narcotics abuses and addicts. However, Article 54 of the Law indicates that “Narcotics Addicts and victims of Narcotics Abusers are required to undergo medical rehabilitation and social rehabilitation.” According to Article 54 the abuser is not entitled to rehabilitation.

Additionally, pursuant to Article 4 of Law No. 35 of 2009, abusers who get rehabilitation guarantees may also be punished and forfeit their entitlement to rehabilitation if it cannot be demonstrated that they are victims of drug misuse. It is challenging to demonstrate that a drug abuser is also a victim of drug abuse because this needs to be evident from the outset of the drug user’s drug use. Furthermore, it must be demonstrated that individuals who take drugs are coerced, tricked, intimidated, compelled, or threatened into doing so.<sup>16</sup>

When executing Law No. 35 of 2009’s articles, law enforcement authorities may become confused due to the abundance of terminology. The problem with drug addicts is that, in accordance with the law, they are both victims and offenders of crimes involving the abuse of drugs. So, their situation is slightly different from that of those who commit other crimes.

Article 127 paragraph (1) of the Narcotics Law states that every person who abuses Class I narcotics is personally liable to a maximum imprisonment of 4 years.<sup>17</sup> Then, users of Class II narcotics themselves are punished with a maximum prison sentence of 2 years. Finally, users of Class III narcotics themselves are punished with a maximum prison sentence of 1 year.

That article means that victims of narcotics users can be jailed. The disproportionate criminal problem is not just about addicts who should be in rehabilitation but are instead placed in prison.<sup>18</sup>

---

<sup>16</sup> Baroqah Meyrynaldy, Umiyati Idris, ‘Efektivitas Kegiatan Rehabilitasi Korban Penyalahgunaan Narkotika, Psikotropika dan Zat Adiktif di Kota Palembang’ (2022) 1 Jurnal Adminitrasi Publik 57-68.

<sup>17</sup> Dollar, Khairul Riza, ‘Penerapan Kualifikasi Penyalahguna, Pecandu dan Korban Penyalahgunaan Tindak Pidana Narkotika demi Mewujudkan Nilai Keadilan’ (2022) 1 Kajian Ilmiah Hukum dan Kenegaraan (KIHAN) 13-21.

<sup>18</sup> Darji Darmodiharjo, Shidarta, *Penjabaran Nilai-nilai Pancasila Dalam Sistem Hukum Indonesia* (Rajawali Pers 1996) 44.

### **The Urgency of Legal Structures for Law Enforcement Against Narcotics Addicts in the Context of Religious Rehabilitation**

Two primary perspectives on the goal of punishment, namely the protection of society and the enhancement of the offender, can be used to analyze the application of rehabilitation sanctions as an alternative to punishment. Community protection encompasses various aspect such as conflict resolution, security enhancement, loss or damage repair, stain removal, and reinforcement of societal values. It also involves preventing, reducing, or controlling criminal acts and restoring balance in society,<sup>19</sup> Meanwhile, what is meant by the improvement aspect of the perpetrator includes various objectives, including rehabilitating and re-socializing the perpetrator and protecting him from arbitrary treatment outside the law. In this case, for narcotics abusers, medical and social rehabilitation is carried out.

From the standpoint of law enforcement, Indonesia continues to regard narcotics use as a criminal act or legal matter, then a health concern. Incorporating children of individuals struggling with addiction and those affected by narcotic abuse who encounter legal challenges while their health issues remain overlooked.

Law Number 35 of 2009 regarding Narcotics establishes the legal framework as a positive norm for addressing drug-related offenses. The Supreme Court Circular Letter Number 4 of 2010 serves as a guide for judges in the implementation of rehabilitation sentences, which are to be imposed based on the classification of the criminal act. This circular addresses the placement of abusers, victims of abuse, and narcotics addicts into medical rehabilitation institutions, representing another regulation pertinent to this law. Upon being apprehended, there is evidence of usage for a single day, with a maximum of one frame identified in this case.<sup>20</sup> Apart from that, there is also Supreme Court Circular Letter Number 1 of 2017 concerning the Implementation of the Formulation of the Results of the 2017 Supreme Court Chamber Plenary Meeting as a Guide to the Implementation

---

<sup>19</sup> Elena Maculan, Alicia Gil Gil, 'The Rationale and Purposes of Criminal Law and Punishment in Transitional Contexts' (2020) 40 Oxford Journal of Legal Studies 132-157.

<sup>20</sup> Nabain Yakin, 'Tujuan Pemidanaan dan Pertimbangan Hakim dalam Menjatuhkan Pidana Terhadap Pengguna Sekaligus Pengedar Narkotika' (2020) 1 Indonesia Journal of Criminal Law and Criminology 20-32.

of Duties for the Court which contains, among other things, the case that the defendant was not caught red-handed using narcotics and the defendant was found to have a quantity of narcotics evidence. / weighing relatively little and the defendant's urine test results were positive for methamphetamine, the Public Prosecutor charged Article 127 Paragraph (1) of Law Number 35 of 2009 concerning Narcotics, so the defendant's actions were categorized as Narcotics Abuse for himself as in Article 127 Paragraph (1) letter a with imprisonment.

As stipulated in Article 127 of Law No. 35 of 2009, an individual who contravenes the regulations concerning drug misuse is deemed to have incorporated elements of possession of control of drugs as outlined in Articles 111 and 112. Article 127 mandates that individuals identified as victims of drug abuse must undergo social and medical rehabilitation. The significant disparities in the implementation of the two articles ultimately lead to legal ambiguity, which can result in injustice.

There is currently no robust legislative framework that would require drug abusers to undergo rehabilitation, instead, the implementation of such measures is purely optional. Therefore, it is highly encouraged to reframe a new legal framework towards such criminal acts by accommodating or at the very least, acknowledging religious rehabilitation as an exit yet comprehend way to reduce this matters.

Besides that, a complete-comprehensive legal structure regarding narcotics addict should be re-evaluated considering the established fact that religious rehabilitation is a notable effort to combat such criminal act. Lawrence M Friedman argues that legal system consists of legal structure, legal substance, and legal culture. In a simpler explanation, legal structure ties to law enforcement body or institution.<sup>21</sup>

That is to say, a legal structure mentioned above, in its relation to the religious rehabilitation, is how the actor mainly active in religious rehabilitation being cooptated by existing legal structure. For example, as the investigation stage run by the police, religious rehabilitation may be applied to the suspect as an alternative way to gain additional information regarding the criminal act, as well as during the trial held by the

---

<sup>21</sup> Lawrence M Friedman, *The Legal System: A Social Science Perspective* (Russel Sage Foundation 1975) 30.

court, defendant may be poured by religious rehabilitation method as a way to shape their behavior so that judge may render a minimum sentences upon them.

### **Legal Culture in Law Enforcement for Criminal Acts of Narcotics Abuse**

In this effort to tackle narcotics and illicit narcotics trafficking, community participation is expected, especially community leaders who must appear as the main actors in moving society.<sup>22</sup> It is hoped that these community leaders can have a positive influence on the continuity of this narcotics abuse prevention program. They must also embrace all elements of society, from parents, children, teenagers, schools to social organizations so that the program is fully implemented by all members of society. It is hoped that the better community participation in overcoming narcotics can reduce the circulation and stop narcotics crimes that are developing in society.

Sociological approaches are essentially always anti-formal. This relates to his view of the realities of normative life in society, namely that it is not only regulated by laws taken from formal sources.<sup>23</sup>

Community participation is a series of community activities carried out based on cooperation and community self-help to help themselves identify, solve problems and needs felt by the community. Community participation in eradicating illicit trafficking and narcotics abuse has been regulated by the government in Article 57 of Law Number 22 of 1997 concerning Narcotics. This law gives the community the authority to help realize efforts to prevent narcotics abuse in society. Prevention and control of the dangers of narcotics can be preventive, repressive or curative.

Community participation is very much needed to eradicate the abuse and illicit trafficking of narcotics,<sup>24</sup> because without community support, all law enforcement efforts and activities will fail. This is where it is important to change attitudes, behavior and public concern for the prevention and control of narcotics crimes. The participation of

---

<sup>22</sup> Agustinus Suprianto, Syahrudin Nawi, 'Kolaborasi Peran Polri dan Masyarakat Dalam Penanggulangan Narkotika: Studi Direktorat Reserse Narkoba Polda Sulawesi Selatan' (2022) 3 *Journal of Lex Generalis* 635-647.

<sup>23</sup> Satjipto Rahardjo, *Ilmu Hukum* (Citra Aditya Bakti 2014) 334.

<sup>24</sup> Dwi Putri Melati, 'Peran Masyarakat Dalam Pemberantasan Penedaran Narkotika' (2020) 5 *Justicia Sains: Jurnal Ilmu Hukum* 322-335.

the people of Central Lampung Regency in preventing the dangers of narcotics needs to be sought by the community, starting from the family environment, RT, RW, Subdistrict, Subdistrict and City Government by involving all existing law enforcement personnel.

There is a close relationship between the way the law operates and its structure; the result is legal culture. All these issues, which regulations are implemented, and which are not, come under the purview of legal culture. With relation to social conduct. One of the products of the legal system is a social control structure. Social contact is basically one or more legal events, with legal behavior, occurrences, and circumstances as its constituent parts. These are all predicated on facilities and responsibilities.<sup>25</sup>

Law No 35 of 2009 regarding Narcotics presents a dual approach: a compassionate perspective towards individuals struggling with addiction and a stringent stance against those involved in drug trafficking. The law ensures that individuals struggling with drug addiction and those affected by drug addiction and those affected by drug abuse receive rehabilitation sentences, recognizing them as victims in need of healing. Conversely, drug dealers face punitive measures, including prison sentence and, in certain instances the death penalty, due to the severe negative impact. They can have on future generations of the nation.

Individuals struggling with narcotic addiction face legal consequences under Law No. 35 of 2009 concerning Narcotics, resulting in imprisonment for the offender. When the prosecutor makes an accusation and references Article 127 in their guidance, the judge typically imposes a prison sentence, seemingly overlooking the fact that the defendant is also a victim of the crime committed. This individual requires support to overcome their addiction to narcotics, particularly in cases where the defendant the role encompasses not only that of a dealer, pertaining to the illicit trafficking of narcotics.

The problem that occurs is that former Narcotics Addicts are not always able to adapt to their environment when they return to society.<sup>26</sup> The failure of stakeholders and oversee narcotics addicts is one of the factors that contributes to their difficulties

---

<sup>25</sup> M. Lawrence Friedman, Op.Cit. 11-20.

<sup>26</sup> Tiara Natania Rantelaen, Arthur Huwae, 'Pemulihan Hidup Mantan Pecandu Narkoba: Studi Resiliensi dengan Penyesuaian Diri' (2022) 11 Psikostudia Jurnal Psikologi 509-519.

readjusting to their new surroundings. Social qualities are being developed with the intention of discrediting an individual or group about drug misuse due to established stigma in society towards past addicts. This seems to have emerged in society because of people internalizing societal norms that dictate what constitutes appropriate and inappropriate social behavior. It is presumable that society already holds the view that drug and alcohol misuse are the root causes of criminal activity and that individuals who abuse the substance become estranged from society as the attempt to integrate in.

### **Conclusion**

The Narcotics Law regulates actions against to abuse and illegal trafficking of narcotics, integrating health and law enforcement initiatives. The provisions found in the Narcotics Law are unique in that they depart from both material and formal criminal law. The rehabilitation of drug abusers must take priority over law enforcement actions in the criminal justice system. As mentioned above, religious rehabilitation may be pushed at the very beginning of the criminal procedure took place. This method may repair their being and accelerate the trial process, as legal structure regarding narcotics addict established to rehabilitate them. The healing process through rehabilitation with a religious approach is very effective in curing addiction from narcotics and can also prevent recovering addicts from returning to using narcotics (relapse prevention framework). This can be input or recommendation for law enforcers to direct narcotics addicts to rehabilitation with a religious approach system.

### **Acknowledgments**

-

### **Disclosure Statement**

No potential conflict of interest was reported by the author.

### **Funding**

No funding received for this research.

## References

- Agoeng Noegroho, Adhi Iman Sulaiman, Bambang Suswanto, Suryanto, 'Pendekatan Spiritual Dan Herbal Sebagai Alternatif Rehabilitasi Non Medis Bagi Pecandu Narkoba' (2018) 13 Al Izzah: Jurnal Hasil-Hasil Penelitian.
- Agustinus Suprianto, Syahrudin Nawi, 'Kolaborasi Peran Polri Dan Masyarakat Dalam Penanggulangan Narkotika: Studi Direktorat Reserse Narkoba Polda Sulawesi Selatan (2022) 3 Journal of Lex Generalis.
- Andri Winjaya Laksana, 'Manifestation Of Pancasila Values In The Omnibus Law For Justice', The 6th Proceeding International Conference And Call Paper Sultan Agung Islamic University (2021).
- Andri Winjaya Laksana, 'Sociological Analysis Of Narcotics Circulation Treatment On Students' (2021) 8 Jurnal Pembaharuan Hukum.
- Anis Mashdurohatun, M. Ali Mansyur, 'Identifikasi Fair Use/Fair Dealing Hak Cipta Atas Buku Dalam Pengembangan Iptek Pada Pendidikan Tinggi di Jawa Tengah' (2015) 4 Yustisia.
- Bambang Tri Bawono, Andri Winjaya Laksana, Dwi Wahyono, 'Implementation Of Rehabilitation For Drug Abuses According To Law Number 35 Of 2009 Concerning Narcotics' (2022) 38 Jurnal Hukum UNISSULA.
- Baroqah Meyrynaldy, Umiyati Idris, 'Efektivitas Kegiatan Rehabilitasi Korban Penyalahgunaan Narkotika, Psikotropika dan Zat Adiktif di Kota Palembang' (2022) 1 Jurnal Adminitrasi Publik.
- Byron R. Johnson, 'How Religion Contributes to the Common Good, Positive Criminology, and Justice Reform' (2021) 12 Religions Freedom Institute.
- Circular Letter of Supreme Court Number 4 of 2010 concerning Placement of Abuse, Abuse Victims and Drugs Addicts in Medical Rehabilitation and Social Rehabilitation Institutions.
- Dahlan, *Problematika Keadilan Dalam Penerapan Pidana Terhadap Penyalahguna Narkotika: Cetakan Pertama* (Deepublish 2017).
- Darji Darmodiharjo, Shidarta, *Penjabaran Nilai-nilai Pancasila Dalam Sistem Hukum Indonesia* (Rajawali Pers 1996).
- Dawud Budi Sutrisno, *Pengaturan & Penerapan Hukum Pidana Narkoba: Cetakan Pertama* (Yuma Pustaka 2012).

- Dina Novitasari, 'Rehabilitasi Terhadap Terhadap Anak Korban Penyalahgunaan Narkoba' (2017) 4 Jurnal Hukum Khaira Ummah.
- Dollar, Khairul Riza, 'Penerapan Kualifikasi Penyalahguna, Pecandu dan Korban Penyalahgunaan Tindak Pidana Narkotika demi Mewujudkan Nilai Keadilan' (2022) 1 Kajian Ilmiah Hukum dan Kenegaraan (KIHAN).
- Dwi Putri Melati, 'Peran Masyarakat Dalam Pemberantasan Pengedaran Narkotika' (2020) 5 *Justicia Sains: Jurnal Ilmu Hukum*.
- Elena Maculan, Alicia Gil Gil, 'The Rationale and Purposes of Criminal Law and Punishment in Transitional Contexts' (2020) 40 *Oxford Journal of Legal Studies*.
- F. Agsy, *Undang-Undang Narkotika dan Undang-Undang Psikotropika* (Asa Mandiri 2010).
- I Made Esa Suryaputra, Mulyadi, 'Perlindungan Hukum Terhadap Pecandu Dan Korban Penyalahgunaan Narkotika' (2021) 8 *JUSTITIA: Jurnal Ilmu Hukum dan Humaniora*.
- Law Number 35 of 2009 concerning Narcotics.
- M. Lawrence Friedman, *The Legal System: A Sosial Science Perspective* (Russell Sage Foundation 1975).
- Nabain Yakin, 'Tujuan Pemidanaan dan Pertimbangan Hakim dalam Menjatuhkan Pidana Terhadap Pengguna Sekaligus Pengedar Narkotika' (2020) 1 *Indonesia Journal of Criminal Law and Criminology*.
- Rohmawati Rohmawati, Agus Salim, Wafi, 'Penanggulangan Tindak Pidana Narkotika Oleh Masyarakat Menurut Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika' (2017) 1 *Law Journal Yos Sudarso*.
- Rony Hanitijo, *Metode Penelitian Hukum* (Ghalia Indonesia 1994).
- S Hidayatun, Y Widowaty, 'Konsep Rehabilitasi bagi Pengguna Narkotika yang Berkeadilan' (2020) 1 *Jurnal Penegakan Hukum dan Keadilan*.
- Sahaji Margaretta Indarti, 'Enhancing Religious Life for Positive Impact on Narcotics Offenders in Penalty Institutions', *International Conference on Multidisciplinary Science* (2023).
- Satjipto Rahardjo, *Ilmu Hukum* (Citra Aditya Bakti 2014).
- Tiara Natania Rantelaen, Arthur Huwae, 'Pemulihan Hidup Mantan Pecandu Narkoba: Studi Resiliensi dengan Penyesuaian Diri' (2022) 11 *Psikostudia Jurnal Psikologi*.

Yudha Arya Wiguna, Nasir Sitompul, 'Implementasi Konvensi PBB Menentang Peredaran Gelap Narkotika dan Psicotropika Pasal 32 Ayat 2 Terhadap PERMENKES No. 5 Tahun 2023' (2024) 6 UNES Law Review.

**--This page is intentionally left blank--**