



Model Rehabilitation of Drug Addicts Based an Legal and Community Health Approaches To Promote Healthy Behavior

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Abstract: The handling of drug addicts in Indonesia still faces serious problems due to the disharmony between legal norms that emphasize rehabilitation and law enforcement practices that tend to be repressive. The aim of this research is to analyze the normative framework for the rehabilitation of drug addicts, identify the barriers to implementation in the field, and formulate a model of integrative rehabilitation based on law and public health. This study employs a normative method with a legislative and conceptual approach. The results indicate that the Narcotics Law has provided a legal basis for rehabilitation; however, its implementation is not optimal due to limited resources, the repressive paradigm of law enforcement officers, societal stigma, and weak inter-agency coordination. Analysis using progressive legal theory and public health perspective emphasizes that addicts should be viewed as victims entitled to recovery, not merely as offenders. An integrative rehabilitation model that combines the roles of law and public health serves as a strategic solution to promote the protection of human rights, reduce the social impact of narcotics, and rehabilitate addicts towards healthy living behaviors.

Keyword: Drug Addict, Rehabilitation, Law and Public Health.

INTRODUCTION

Narcotics abuse is one of the serious issues faced by almost every country in the world, including Indonesia. This phenomenon has multidimensional impacts, affecting individuals, families, communities, and nations (Chaidar & Budiarsih, 2022). Narcotics not only cause physical and psychological damage to users, but also impose a significant social and economic burden on the country. The National Narcotics Agency (BNN) in several annual reports notes that the prevalence of narcotic abuse in Indonesia shows a concerning trend. The increasing number of users is not only occurring among adults but also extends to teenagers and even students (Alhakim et al., 2024). This fact indicates that the issue of narcotics has reached an emergency stage and requires a comprehensive handling strategy.

The handling of drug abuse in Indonesia is still predominantly characterized by a repressive legal approach. This is evident from the large number of drug addicts processed through the criminal justice system and sentenced to imprisonment. Although Law Number 35

of 2009 on Narcotics clearly states in Article 54 that addicts are required to undergo medical and social rehabilitation, in reality, law enforcement officials more frequently utilize Article 127, which is oriented toward punishment. This situation creates a gap between rehabilitative legal norms and the enforcement practices that emphasize penalization (Chaidar, 2022a)(Chaidar, 2022b)(Parasian & Rohayati, 2024).

The legal problem that arises is the inconsistency between normative directives and the reality of implementation. Normatively, addicts should be treated as victims of substance abuse who are entitled to health recovery. However, in practice, addicts are often treated as perpetrators of crimes who must be punished with imprisonment. This has implications for several juridical and social issues. From a juridical perspective, questions of consistency arise regarding the application of Articles 54 and 127 of the Narcotics Law. From a social perspective, subsequent effects manifest in the form of stigmatization, an increasing burden on correctional facilities, and the failure of addicts to reintegrate into a healthy life within society (Suratman & Shanty, 2021).

This issue demonstrates that the dominant repressive approach has been ineffective. Instead of reducing the rates of substance abuse, it actually exacerbates social conditions, as inmates with drug addiction tendencies often experience recidivism (Sahuri, 2021)(Sunaryo, 2021)(Chaidar, 2022a). This is in line with the criticism put forward by legal experts that the criminalization of addicts only adds new problems, both for the addicts and for the criminal justice system itself. In other words, there is an urgent need to develop alternative approaches that are more humanistic, namely through an integrative rehabilitation model that combines legal perspectives with public health (Iroth et al., 2024)(Fajar, 2022)(Subantara et al., 2020)(Hartini, 2021).

Conceptually, there are two relevant theoretical frameworks to be analyzed. First, the theory of progressive law developed by Satjipto Rahardjo, which emphasizes that law should not be trapped in the formalities of regulations, but must be directed towards achieving substantive justice (Rahardjo, 2000). In the context of the rehabilitation of drug addicts, this theory requires law enforcement officials to not only adhere to rigid normative texts but also to consider the humanity of addicts as legal subjects entitled to recovery. Second, the public health theory views drug abuse as a health issue, not merely a legal problem. The public health approach emphasizes preventive, promotional, curative, and rehabilitative interventions to mitigate the adverse effects of drug abuse.

Both theories can be combined to build a more comprehensive rehabilitation model. Progressive law provides normative legitimacy that addicts should be treated humanely and afforded legal protection, while the public health approach offers scientific legitimacy that addicts require medical and social interventions to recover from dependence. Thus, the integration of these two approaches can serve as the foundation for the development of a rehabilitation model for drug addicts that is based on law and public health.

In international practice, several countries have adopted a harm reduction approach that emphasizes efforts to reduce the negative impacts of drug abuse without fully criminalizing users. For instance, Portugal has implemented the decriminalization of drug use in certain quantities since 2001, directing users to rehabilitation institutions rather than correctional facilities (Chaidar, 2022b). As a result, the prevalence of abuse has significantly decreased, and the burden on the criminal justice system can be alleviated. This experience demonstrates that a rehabilitative approach has proven to be more effective than a repressive one.

Unfortunately, in Indonesia, models like this are still difficult to implement due to a punitive legal culture and a lack of coordination between law enforcement agencies and health institutions. Furthermore, the available rehabilitation facilities are not evenly distributed across the regions, so even though legislation mandates rehabilitation, access to these services is very

limited. These barriers further strengthen the urgency of research to formulate an integrative and applicable rehabilitation model for drug addicts in accordance with national needs.

Based on the description above, it can be asserted that this study aims to formulate a rehabilitation model for drug addicts based on a legal and public health approach to promote healthy behavior. This model is expected to provide alternative solutions for handling drug addicts in Indonesia, while also contributing to scholarly work in the development of a more humane and responsive legal framework addressing social issues.

METHOD

This research employs the type of normative legal research (doctrinal legal research) (Marzuki, 2019)(Irwansyah, and Yunus, 2022), This refers to research that focuses on literature studies by examining positive legal rules, legal principles, and relevant legal doctrines. The choice of this method is based on the research objective, namely to formulate a model for the rehabilitation of drug addicts based on a legal and public health approach to encourage healthy behavior. Thus, this research does not utilize field data, but rather analyzes various legal materials and academic literature.

The legal materials used consist of three categories. First, primary legal materials, which include laws related to the rehabilitation of drug addicts, such as Law No. 35 of 2009 on Narcotics, the Joint Regulation of the Chief Justice, the Minister of Law and Human Rights, the Attorney General, the Chief of Police, and the Head of the National Narcotics Agency in 2014 regarding the Handling of Drug Addicts, as well as other technical regulations. Second, secondary legal materials, which comprise literature, journal articles, research findings, and expert opinions related to the theme of narcotics rehabilitation, from both legal and public health perspectives. Third, tertiary legal materials, such as legal dictionaries and encyclopedias, which are used to clarify the meaning of certain terms.

The technique of collecting legal materials is carried out through library research, by tracing regulations, court decisions, and relevant academic literature. All gathered legal materials are then analyzed qualitatively using legal interpretation methods, including grammatical, systematic, and teleological approaches. This analysis aims to understand the applicable legal provisions, assess their relevance to rehabilitation practices, and develop an integrative conceptual model (Marzuki, 2019).

As a basis for analysis, this research utilizes the progressive legal theory of Satjipto Rahardjo, which emphasizes that the law must side with substantive justice (Rahardjo, 2000), and the theory of public health that views drug abuse as a health issue requiring medical and social intervention. The two theories are integrated to formulate a framework for a more humanistic rehabilitation model for drug addicts, focused on the protection of human rights, and encouraging healthy behavioral change.

RESULTS AND DISCUSSION

The Normative Framework for the Rehabilitation of Drug Addicts in Indonesia

The rehabilitation of drug addicts in Indonesia has a clear legal foundation, both in the constitution and in legislation. The 1945 Constitution guarantees the right to health in Article 28H paragraph (1), which states that everyone has the right to live prosperously, both physically and mentally, to have a place to live, and to receive a good and healthy environment, as well as the right to obtain health services. Furthermore, Article 28I paragraph (1) asserts that the rights not to be tortured, the right to recognition, guarantees, protection, and fair legal certainty, as well as the right to equal treatment before the law are fundamental human rights that cannot be diminished under any circumstances. Thus, constitutionally, drug addicts have the right to receive legal protection as well as health services (Azizah & Dewi, 2023).

Furthermore, Law Number 35 of 2009 concerning Narcotics strictly regulates the rehabilitation of drug addicts. Article 54 states that drug addicts and victims of drug abuse are required to undergo medical and social rehabilitation. This norm clearly indicates a rehabilitative orientation, which positions addicts as individuals who must be rehabilitated, rather than merely as perpetrators of criminal acts. In order to implement these provisions, Article 103 grants judges the authority to decide that drug addicts undergo medical and/or social rehabilitation, either as part of a criminal judgment or without imprisonment (Azizah & Dewi, 2023).

Nevertheless, there are other provisions in Article 127 which state that every narcotics abuser may be punished with imprisonment. This norm creates disharmony within the legal framework, as on one hand the law emphasizes the obligation for rehabilitation, while on the other hand it still opens the door for criminal punishment against addicts. This dualism in regulation is the main normative problem within the narcotics legal system in Indonesia. In practice, law enforcement agencies often prioritize Article 127 to impose prison sentences rather than using Article 54 and Article 103 to decide on rehabilitation. Consequently, the goal of legal protection for addicts becomes suboptimal (Nanci Yosepin Simbolon et al., 2025).

In addition to the Narcotics Law, other regulations also provide a basis for rehabilitation, including Government Regulation Number 25 of 2011 concerning the Mandatory Reporting of Narcotics Addicts, Minister of Health Regulation Number 50 of 2015 regarding Technical Guidelines for the Implementation of Medical Rehabilitation for Addicts, Abusers, and Victims of Narcotics Abuse, as well as various regulations from the National Narcotics Agency (BNN) concerning the procedures for implementing rehabilitation. These regulations reaffirm that, normatively, rehabilitation is a legitimate legal instrument that must be enforced (Handhika G. Fajri, 2023).

From the perspective of criminal law, the status of drug addicts is unique, as they are both perpetrators and victims. Addicts can be categorized as offenders for consuming narcotics unlawfully or without authorization. However, at the same time, they are also victims due to their dependence on addictive substances. This dual status raises debates regarding the appropriate legal approach, whether to adopt a penal paradigm or rehabilitation. The principle of *ultimum remedium*, which applies in criminal law, should position penalization as a last resort, while rehabilitation should be regarded as the primary instrument.

The normative framework for rehabilitation in Indonesia cannot be separated from international commitments. Indonesia has ratified the Single Convention on Narcotic Drugs 1961, the 1971 Psychotropic Convention, and the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. These three international instruments emphasize the need for member states to take measures that are not only repressive but also preventive and rehabilitative. This aligns with the principles of human rights outlined in the International Covenant on Economic, Social and Cultural Rights (ICESCR), which recognizes the right of every individual to enjoy the highest attainable standard of health.

Thus, the normative framework for the rehabilitation of drug addicts in Indonesia is actually quite comprehensive. Constitutionally, addicts are protected by the right to health; legally, rehabilitation is mandated for addicts; and internationally, Indonesia is bound by the obligation to provide rehabilitation services as part of narcotics control. The problem that arises lies not in the absence of norms, but in the disharmony among regulations and the weak implementation. Therefore, this normative framework should serve as the basis for formulating a more consistent and integrative rehabilitation model, positioning rehabilitation as the primary instrument, while criminalization should only be used as a last resort.

The Problems of Implementation and Theoretical Approaches

Although the normative framework regarding the rehabilitation of drug addicts has been clearly regulated in Law Number 35 of 2009 on Narcotics, its implementation still faces various serious challenges. This law essentially positions addicts as subjects who are required to undergo medical and social rehabilitation; however, in practice, law enforcement often treats addicts as perpetrators of criminal acts who must be sentenced to prison. The gap between normative texts and the reality of implementation creates fundamental problems in the efforts to combat drug abuse in Indonesia (Chaidar, 2022a)(Dwi Syahfiradella & Hafrida, 2023)(Robekha et al., 2024).

The main obstacles that arise in the implementation of rehabilitation programs can be traced to various aspects. From a structural aspect, the limited rehabilitation facilities remain a classic problem that has yet to be resolved. The number of rehabilitation institutions, both government and private, is still very limited compared to the increasing number of addicts each year. This capacity limitation is exacerbated by the uneven distribution of rehabilitation institutions, leading to many addicts in certain areas lacking access to rehabilitation services. This situation creates a context in which judges are reluctant to impose rehabilitation sentences due to the lack of adequate facilities to accommodate the addicts.

In addition, cultural barriers play a significant role in the failure of implementation. The societal paradigm, including some law enforcement officials, still tends to view addicts as criminals who should be sentenced to prison. This negative stigma causes rehabilitation to be regarded as a form of treatment that is too lenient and ineffective in providing deterrence. In fact, repressive sentencing has proven unable to break the cycle of drug dependency. As a result, addicts who have been released from correctional facilities often return to drug use because the root causes of their dependency have never been addressed medically or psychologically (Rise Karmilia, 2024).

The next obstacle is the legal and institutional barrier. The Narcotics Law does provide a legal basis for rehabilitation through Article 54, but on the other hand, Article 127 poses a threat of imprisonment for drug addicts. This duality of norms creates ambiguity in its application. Law enforcement officials, particularly investigators and prosecutors, tend to favor criminal provisions over rehabilitation provisions. In addition, the coordination among institutions such as the police, prosecution, courts, the National Narcotics Agency (BNN), and health institutions is still not functioning optimally. The absence of an integrated mechanism makes the implementation of rehabilitation inconsistent and often dependent on the policies of individual officials.

This issue can be analyzed through the perspective of progressive legal theory. According to Satjipto Rahardjo, law should not be understood rigidly as merely a normative text, but rather must function to protect and promote the welfare of humanity. Progressive law demands that law enforcement does not get trapped in legal formalism, but prioritizes substantive justice (Rahardjo, 2000). In this context, the imprisonment of addicts contradicts the spirit of progressive law because it neglects the humanitarian aspect of addicts, who are essentially victims of drug dependence. Rehabilitation aligns more with progressive law as it provides an opportunity for recovery and reintegration of addicts into society as healthy and productive individuals.

In addition to the progressive legal approach, analysis can also be conducted from a public health perspective. Within the public health paradigm, drug abuse is viewed as a health issue rather than merely a legal violation. Addicts are positioned as patients in need of medical therapy, psychological counseling, and social support. The concept of harm reduction has become one of the widely used strategies in various countries to reduce the incidence of drug abuse. This strategy does not emphasize punishment, but rather rehabilitative efforts such as methadone therapy, group counseling, and community-based rehabilitation services. The

experiences of other countries, such as Portugal, demonstrate that rehabilitative approaches are more effective in reducing the prevalence of drug abuse compared to repressive approaches focused on criminalization (Fedi Arif Rakhman, 2024).

Thus, the issues surrounding the implementation of drug addict rehabilitation in Indonesia are not only caused by the weaknesses in the legal framework, but also due to the paradigm of law enforcement officers and society that still emphasizes criminalization (Nasadi et al., 2023). The dualism of norms in the Narcotics Law increasingly complicates the situation, necessitating a paradigm shift in the law that emphasizes rehabilitation. Both progressive legal theory and public health provide legitimacy that addicts should be treated as victims in need of recovery, rather than merely as perpetrators of criminal acts. The integration of these two approaches is crucial to building a rehabilitation system that is more effective, humane, and in accordance with the constitutional mandate regarding the protection of human rights (Nani et al., 2021).

Integrative Rehabilitation Model Based on Law and Public Health

Efforts to combat drug abuse in Indonesia cannot be separated from the need for a more comprehensive, integrative rehabilitation model that aligns with the social conditions of society. So far, policies that tend to emphasize penalization of drug addicts have proven ineffective. Penalization only adds new problems such as overcrowding in correctional facilities, increased government costs to support drug offenders, and failure to break the cycle of drug dependence (Wanda utanty & Ayuning Atmasari, 2024). Therefore, a rehabilitation model is required that not only focuses on legal aspects but also considers public health approaches. The integration of these two approaches is expected to provide more effective, humane, and sustainable solutions (Hasibuan & Rossevelt, 2024).

The integrative rehabilitation model is based on the understanding that drug addicts are not merely offenders of the law, but rather victims of substance dependence who require simultaneous medical, social, and legal intervention. From a legal perspective, Law Number 35 of 2009 on Narcotics has actually provided a normative foundation for the implementation of rehabilitation. Article 54 emphasizes the obligation of addicts to undergo medical and social rehabilitation, while Article 103 grants judges the authority to impose rehabilitation as part of their verdict (Robekha et al., 2024) (Sulistya HW, 2021). However, in its implementation, the provision is often hindered by the repressive paradigm of law enforcement agencies that prefer to entrap drug users with penal provisions.

In the proposed integrative model, the role of law enforcement authorities must be repositioned. Police, prosecutors, and judges are no longer to be placed solely as actors enforcing the law through criminal sanctions, but rather as facilitators who ensure that addicts gain access to rehabilitation institutions. The law enforcement mechanism can be directed towards the concept of diversion or case transfer, whereby from the stage of investigation, addicts can already be guided to participate in rehabilitation programs. In this way, the criminal justice process does not need to be prolonged, and addicts can promptly receive the necessary interventions.

From a public health perspective, the integrative rehabilitation model emphasizes the importance of comprehensive medical and social services. Addicts must receive medical treatment in the form of pharmacological therapy, detoxification, and substitution therapy such as methadone. In addition, psychosocial aspects must also be addressed through individual and group counseling, behavioral therapy, as well as social and vocational skills training. Rehabilitation services do not stop at the medical stage but also encompass social reintegration so that addicts can function again in society. This approach aligns with the principles of harm reduction, which focus more on reducing the adverse effects of substance abuse rather than solely punishing users (Ritter & Barrett, 2024).

The integration of law and public health in rehabilitation models also requires coordination among agencies. The National Narcotics Agency (BNN), the Ministry of Health, the Ministry of Social Affairs, law enforcement agencies, and non-governmental organizations must be involved in a unified system. This coordination is crucial so that rehabilitation does not merely remain a normative rhetoric but can truly be implemented on the ground. One idea that can be applied is the establishment of an Integrated Rehabilitation Center that combines law enforcement functions, medical services, and social rehabilitation within a single institution. With such a model, offenders can be directed straight to the rehabilitation center without having to undergo a lengthy criminalization process (Pulungan et al., 2024).

International experiences also provide valuable lessons. For instance, Portugal has implemented a policy of decriminalization for drug users since 2001, replacing it with rehabilitation programs based on public health. As a result, the prevalence of drug abuse has drastically decreased, the rate of HIV transmission due to needle sharing has dropped, and the burden on the judicial system has significantly reduced. This model demonstrates that an integrative approach prioritizing rehabilitation is more effective compared to repressive policies that focus solely on punishment. Indonesia can draw lessons from Portugal's experience, although it must still make adjustments to fit the prevailing social, cultural, and legal conditions (Chaidar, 2022b).

In addition, the implementation of an integrative rehabilitation model must also consider human rights. The Indonesian Constitution guarantees the rights of every individual to health and a worthy life. Therefore, treating addicts as victims who are entitled to recovery is in line with the mandate of the Constitution. Criminalizing addicts has the potential to violate human rights by closing off access to health services. Conversely, rehabilitation as both a legal instrument and a health service reflects respect for human dignity and the protection of human rights.

In the long term, integrative rehabilitation models can provide dual benefits. Firstly, from a legal perspective, the burden on correctional facilities can be reduced as addicts are no longer imprisoned but redirected to rehabilitation centers. Secondly, from a public health viewpoint, addicts have a greater opportunity to recover and reintegrate into society. Thirdly, from a social standpoint, the stigma against addicts can gradually be diminished as society begins to view them as individuals in need of assistance, rather than merely as criminals. Thus, the integrative rehabilitation model is not only legally effective but also beneficial in medical, social, and humanitarian aspects (Ngaisah et al., 2024).

It can be concluded that the integrative rehabilitation model based on law and public health is the answer to the problems of implementing rehabilitation for drug addicts in Indonesia. This model demands a paradigm shift from a repressive approach to a more humane and effective rehabilitative approach. Law enforcement officials, health workers, and the broader community must collaborate in building an integrated rehabilitation system. Without such integration, rehabilitation will merely become a normative jargon that is difficult to realize in practice. However, with a shared commitment, this integrative model can be a strategic solution to addressing drug-related issues while also encouraging addicts to adopt a healthy lifestyle (Health, 2025).

CONCLUSION

Overall, the research findings indicate several key points that can be concluded regarding the legal and public health-based rehabilitation model for drug addicts.

First, the normative framework for the rehabilitation of drug addicts in Indonesia has a sufficiently clear legal basis as stipulated in Law Number 35 of 2009 on Narcotics, especially Articles 54 and 103. However, the existence of Article 127, which contains provisions for

imprisonment for addicts, creates disharmony of norms and ambiguity in application, resulting in inconsistent implementation of rehabilitation as mandated by the law.

Secondly, the issues surrounding the implementation of drug addict rehabilitation are largely influenced by non-normative factors, such as the limited availability of rehabilitation facilities, the repressive paradigm of law enforcement officials, societal stigma against addicts, and the weak coordination among relevant institutions. This situation results in rehabilitation often being overshadowed by punitive approaches, thus the legal objectives of protecting and rehabilitating addicts are not fully achieved.

Thirdly, the integrative rehabilitation model based on law and public health is a strategic solution that can bridge the gap between norms and practices. This model positions law enforcement officials as facilitators who guide addicts to rehabilitation centers, while health institutions provide medical services, therapy, and social support. With inter-agency coordination and a paradigm shift towards a rehabilitative approach, this model is capable of realizing the protection of human rights while also encouraging addicts towards healthy living behaviors and reducing the social impact of narcotic abuse.

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