

The Effectiveness of Rehabilitation for Narcotics Users: A Legal Analysis of Law Number 35 of 2009 on Narcotics

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Abstract

The implementation of rehabilitation for narcotics users in Indonesia continues to demonstrate a gap between the legal framework and law enforcement practices. Although Law Number 35 of 2009 on Narcotics mandates medical and social rehabilitation for narcotics addicts and victims of narcotics abuse, its implementation remains inconsistent due to disparities in legal interpretation, limited access to integrated assessments, unequal rehabilitation facilities, and inadequate post-rehabilitation services. This study aims to analyze the legal regulation governing rehabilitation for narcotics users and to evaluate the effectiveness of its implementation within the Indonesian criminal justice system. The research employs a juridical-empirical approach using statutory, conceptual, and empirical methods. Secondary data were obtained from legislation, court decisions, books, scholarly journals, and official reports issued by the National Narcotics Board (BNN), while primary data were collected through interviews and documentation conducted at the research site. The data were analyzed descriptively using qualitative methods based on the theory of legal effectiveness and the legal system theory. The findings indicate that the existing legal framework provides an adequate basis for rehabilitation; however, its implementation has not yet achieved optimal effectiveness due to structural, instrumental, and cultural barriers among law enforcement institutions. Differences in the interpretation of legal provisions, inconsistent application of integrated assessment recommendations, and unequal availability of rehabilitation services have contributed to legal uncertainty and inconsistent judicial outcomes. Strengthening the legal status of integrated assessment results, establishing consistent prosecution and sentencing guidelines, expanding rehabilitation facilities, improving inter-agency coordination, and implementing evidence-based evaluation of rehabilitation outcomes are necessary to enhance the effectiveness of rehabilitation policies for narcotics users in Indonesia.

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1. INTRODUCTION

Narcotics abuse has become a serious challenge affecting legal systems, public health, social stability, and economic development worldwide. Although narcotics are essential for medical treatment and scientific advancement, their misuse has resulted in addiction, increased criminal activities, health deterioration, and social disintegration. Consequently, many countries have shifted their drug policies from punitive approaches

toward rehabilitation-based strategies that emphasize recovery, reintegration, and the protection of human rights for narcotics users while maintaining strict law enforcement against drug trafficking networks (Widiasyam *et al.*, 2020).

Indonesia has adopted this rehabilitation-oriented policy through Law Number 35 of 2009 on Narcotics, which provides legal protection for narcotics addicts and victims of narcotics abuse by requiring medical and social rehabilitation. However, despite the existence of comprehensive legal provisions, rehabilitation is not consistently implemented in practice due to differences in legal interpretation, limited integrated assessment mechanisms, unequal rehabilitation facilities, and inconsistent judicial decisions. These conditions indicate that the effectiveness of rehabilitation policies remains a significant legal issue requiring further evaluation (Koropit, 2019).

Recent studies have demonstrated that rehabilitation programs contribute positively to the recovery process of narcotics users when supported by continuous community-based interventions. Recovery is influenced not only by medical treatment but also by psychosocial assistance, family support, and post-rehabilitation supervision. Therefore, sustainable rehabilitation services are essential to reduce relapse rates and improve the social reintegration of former narcotics users (Nasari *et al.*, 2026).

Research conducted by Suastika and Setiabudhi (2023) revealed that the legal framework governing rehabilitation under Law Number 35 of 2009 on Narcotics is sufficiently comprehensive; however, its implementation remains inconsistent because investigators, prosecutors, and judges often apply different legal interpretations when determining whether narcotics users should receive rehabilitation or imprisonment. This inconsistency has reduced legal certainty and affected the realization of rehabilitation as mandated by law (Suastika & Setiabudhi, 2023).

Furthermore, Mukhoyyaroh (2024) argued that the current rehabilitation system requires regulatory reform, particularly concerning the legal status of integrated assessment results and the classification of narcotics addicts and victims of narcotics abuse. The study emphasized that legal ambiguity continues to create disparities in rehabilitation decisions, indicating that improvements in regulatory arrangements are necessary to strengthen rehabilitation-based criminal justice policies (Mukhoyyaroh, 2024).

Another empirical study by Oktavia and Sumardiana (2026) found that the implementation of rehabilitation under Article 127 of Law Number 35 of 2009 sometimes resembles a form of detention because of procedural inconsistencies and the absence of clear standards regarding inpatient rehabilitation. Such findings demonstrate that rehabilitation practices have not yet fully reflected the restorative objectives intended by Indonesian narcotics legislation (Oktavia & Sumardiana, 2026).

Although previous studies have examined rehabilitation from legal, institutional, and regulatory perspectives, most have focused either on normative legal analysis or specific institutional practices. Few studies comprehensively evaluate the effectiveness of rehabilitation by integrating legal regulations, law enforcement practices, institutional coordination, and rehabilitation outcomes through a juridical-empirical approach. This limitation indicates the existence of a research gap that requires further investigation.

The scientific novelty of this research lies in its comprehensive assessment of the effectiveness of rehabilitation implementation for narcotics users by integrating the theory of legal effectiveness with the legal system theory through a juridical-empirical approach. This study evaluates not only the adequacy of legal regulations but also the interaction between legal substance, institutional structure, legal culture, integrated assessment mechanisms, and rehabilitation services in implementing Law Number 35 of 2009 on Narcotics.

2. METHOD

This study employed a juridical-empirical research design to examine the effectiveness of rehabilitation implementation for narcotics users under Law Number 35 of 2009 on Narcotics. The juridical approach was used to analyze statutory regulations governing narcotics rehabilitation, while the empirical approach was conducted to evaluate how these legal provisions have been implemented in practice by law enforcement agencies and rehabilitation institutions. This combination enabled the study to identify the relationship between legal norms and their practical application in achieving rehabilitation objectives (Ali, 2021).

The research adopted three complementary approaches: the statutory approach, the conceptual approach, and the empirical approach. The statutory approach examined legal instruments governing narcotics rehabilitation, including Law Number 35 of 2009 on Narcotics and its implementing regulations. The conceptual approach analyzed theories concerning legal effectiveness, rehabilitation, and criminal justice policies. Meanwhile, the empirical approach was employed to investigate practical experiences through field data collected from relevant institutions responsible for narcotics rehabilitation (IRAC, 2020).

Primary data were obtained through semi-structured interviews and direct documentation involving officials from the National Narcotics Board (BNN), investigators from the Narcotics Investigation Unit, prosecutors, judges, integrated assessment team members, medical personnel, rehabilitation counselors, and rehabilitation institutions in Bangka Regency, Indonesia. Secondary data consisted of statutory regulations, court decisions, scholarly books, scientific journal articles, and official reports related to narcotics rehabilitation policies. The combination of primary and secondary data strengthened the validity of the research findings through data triangulation (Creswell & Creswell, 2018).

Purposive sampling was employed to select research participants based on their authority, professional experience, and direct involvement in narcotics rehabilitation policies. Interviews were conducted using semi-structured interview guidelines, allowing respondents to explain practical issues encountered during rehabilitation implementation. Documentary analysis included integrated assessment reports, rehabilitation statistics, standard operating procedures, court judgments, and official institutional documents relevant to the research objectives (Yin, 2018).

The collected data were processed through data reduction, classification, verification, and interpretation. Data validity was ensured using source triangulation, method triangulation, and document consistency analysis. Information obtained from interviews was systematically compared with statutory regulations, official documents, and previous research findings to improve the credibility and reliability of the analysis (Miles *et al.*, 2020).

Data analysis was conducted using descriptive qualitative analysis. The findings were interpreted through the Legal Effectiveness Theory proposed by Soerjono Soekanto and the Legal System Theory developed by Lawrence M. Friedman. These analytical frameworks were applied to evaluate the effectiveness of rehabilitation policies by examining legal substance, institutional structure, legal culture, law enforcement practices, rehabilitation facilities, and community participation in implementing rehabilitation for narcotics users (Friedman, 1975).

3. RESULTS AND DISCUSSION

a. Legal Framework Governing Rehabilitation for Narcotics Users under Law Number 35 of 2009 on Narcotics

The findings of this study indicate that Indonesia has established a comprehensive legal framework governing the rehabilitation of narcotics users through

Law Number 35 of 2009 on Narcotics. The law introduces a dual approach by balancing criminal sanctions against narcotics traffickers with rehabilitation measures for narcotics addicts and victims of narcotics abuse. Articles 54, 103, and 127 explicitly recognize rehabilitation as a legal obligation rather than merely an alternative punishment. This legislative orientation reflects a shift from punitive criminal justice toward a recovery-oriented legal policy that acknowledges narcotics addiction as both a legal and public health issue. The empirical findings demonstrate that this legal framework provides a sufficiently strong normative basis for implementing rehabilitation within Indonesia's criminal justice system, although practical implementation remains inconsistent (Koropit, 2019).

The research further reveals that the distinction between narcotics addicts, narcotics users, victims of narcotics abuse, and narcotics traffickers constitutes one of the most essential legal elements influencing rehabilitation decisions. Interviews with law enforcement officers indicated that legal qualification significantly determines whether an individual receives imprisonment or rehabilitation. In practice, individuals categorized as addicts or victims are legally entitled to rehabilitation, whereas those involved in trafficking activities remain subject to conventional criminal sanctions. Nevertheless, the empirical evidence demonstrates that legal classifications are not always consistently interpreted during criminal proceedings, resulting in unequal treatment among individuals with relatively similar factual circumstances. Rehabilitation should therefore be interpreted as a criminal law mechanism intended to restore offenders whose criminal conduct primarily results from drug dependency rather than commercial drug trafficking (Widiasyam *et al.*, 2020).

Another important finding concerns the role of the Integrated Assessment Team (Tim Asesmen Terpadu) in determining rehabilitation eligibility. The assessment mechanism combines legal evaluation with medical and psychological examinations to identify the degree of narcotics dependency and the individual's involvement in criminal activities. The study found that integrated assessments have substantially improved objectivity in determining rehabilitation recommendations. However, assessment outcomes are not always implemented consistently because investigators, prosecutors, and judges retain discretionary authority during criminal proceedings. Consequently, rehabilitation recommendations occasionally become secondary considerations rather than primary legal references, thereby reducing legal certainty in rehabilitation decisions (Mukhoyyaroh, 2024).

The study also identifies significant institutional differences in interpreting Article 127 of Law Number 35 of 2009 on Narcotics. While some law enforcement agencies prioritize rehabilitation for narcotics users who fulfill medical and legal assessment criteria, others continue emphasizing imprisonment by applying possession-related provisions carrying heavier criminal sanctions. Such institutional inconsistency demonstrates that the effectiveness of rehabilitation policies is influenced not only by statutory provisions but also by differences in legal interpretation among criminal justice actors. This inconsistency remains one of the principal barriers preventing rehabilitation policies from being implemented uniformly throughout Indonesia (Suastika & Setiabudhi, 2023).

The empirical evidence further demonstrates that judicial discretion continues to play a decisive role in determining rehabilitation outcomes. Although Articles 54 and 103 authorize judges to order rehabilitation for narcotics addicts, judicial decisions frequently vary according to the interpretation of available evidence, assessment reports, and prosecutorial indictments. Consequently, two defendants presenting comparable factual circumstances may receive substantially different

judicial outcomes depending on how judges interpret legal and medical evidence presented during trial. In several cases, rehabilitation has even resembled a form of custodial detention because procedural standards and judicial interpretation remain inconsistent across different jurisdictions (Oktavia & Sumardiana, 2026).

From the perspective of Legal Effectiveness Theory, the findings indicate that the legal substance governing rehabilitation is relatively adequate, whereas institutional implementation remains less effective. The statutory framework already defines rehabilitation obligations, institutional responsibilities, and procedural mechanisms. However, effectiveness depends not solely upon legislative provisions but also upon institutional coordination, administrative consistency, and professional capacity among law enforcement agencies. The discrepancy between normative regulations and practical implementation illustrates that legal effectiveness cannot be evaluated merely by examining statutory provisions but must also consider institutional performance and legal culture (Friedman, 1975).

The findings additionally reveal that rehabilitation should be viewed as an integral component of restorative criminal justice rather than as a mechanism to avoid criminal liability. Interviews conducted during this research demonstrate that rehabilitation contributes to reducing relapse risks, improving psychological recovery, and facilitating social reintegration among narcotics users. Consequently, rehabilitation serves broader objectives than imprisonment because it addresses the underlying causes of narcotics dependency instead of merely imposing punitive sanctions. Sustainable recovery requires continuous psychosocial support, family participation, and long-term community reintegration following completion of rehabilitation programs (Nasari *et al.*, 2026).

b. Effectiveness of the Implementation of Rehabilitation for Narcotics Users in Indonesian Law Enforcement Practice

The findings of this study demonstrate that the implementation of rehabilitation for narcotics users in Indonesia has not yet fully achieved the objectives established by Law Number 35 of 2009 on Narcotics. Although the legal framework clearly recognizes rehabilitation as a mandatory measure for narcotics addicts and victims of narcotics abuse, empirical evidence collected from law enforcement institutions indicates that its application remains inconsistent. Differences in legal interpretation, prosecutorial discretion, and judicial decision-making have contributed to varying outcomes for individuals with similar factual circumstances. As a result, rehabilitation has not been uniformly implemented as the primary legal response for narcotics users who meet the statutory requirements (Oktavia & Sumardiana, 2026).

Another important finding concerns the implementation of the Integrated Assessment Team (Tim Asesmen Terpadu/TAT). The empirical data indicate that integrated assessments have become an essential mechanism for determining whether narcotics users should undergo rehabilitation or criminal prosecution. The multidisciplinary assessment involving legal experts, physicians, psychologists, and rehabilitation counselors has significantly improved the objectivity of rehabilitation recommendations. Nevertheless, the study found that assessment results are not always treated as binding legal references during criminal proceedings. Investigators, prosecutors, and judges frequently exercise discretionary authority that may differ from the recommendations provided by the assessment team. Consequently, individuals who satisfy medical criteria for rehabilitation may still receive custodial sentences (Mukhoyyaroh, 2024).

The study also found that institutional coordination among the National Narcotics Board (BNN), the Indonesian National Police, public prosecutors, courts,

rehabilitation institutions, and local governments remains one of the determining factors influencing rehabilitation effectiveness. Although inter-agency cooperation has improved following the introduction of integrated assessment mechanisms, coordination frequently encounters administrative delays, differences in institutional priorities, and fragmented information systems. These institutional barriers often prolong the rehabilitation process and reduce procedural efficiency. The findings suggest that rehabilitation cannot function effectively unless all criminal justice institutions apply common operational standards throughout investigation, prosecution, adjudication, and post-rehabilitation supervision (Suastika & Setiabudhi, 2023).

The empirical findings further indicate that rehabilitation facilities remain unevenly distributed across Indonesia. Urban areas generally possess more comprehensive rehabilitation infrastructure, including certified medical personnel, psychologists, addiction counselors, and specialized treatment centers. In contrast, many regional areas continue to experience shortages of rehabilitation facilities, professional staff, and financial resources required to implement rehabilitation programs effectively. Consequently, equal access to rehabilitation services has not yet been achieved nationwide, creating disparities in treatment opportunities among narcotics users (Nasari *et al.*, 2026).

Another significant finding concerns the persistence of punitive legal culture among certain law enforcement officers. Despite legislative reforms emphasizing rehabilitation, interviews conducted during this study reveal that some practitioners continue to perceive imprisonment as the primary response to narcotics-related offenses. Such perceptions influence charging practices, prosecutorial decisions, and judicial sentencing, particularly in cases where narcotics users are simultaneously charged with possession-related offenses. As a result, rehabilitation frequently becomes a secondary consideration rather than the principal legal remedy intended by the legislation (Widiasyam *et al.*, 2020).

The findings also demonstrate that post-rehabilitation monitoring remains one of the weakest components of Indonesia's rehabilitation system. Rehabilitation effectiveness cannot be measured solely by successful completion of inpatient or outpatient treatment because long-term recovery depends upon continuous supervision, psychological counseling, vocational assistance, family involvement, and community acceptance. However, field data indicate that post-rehabilitation programs differ considerably among rehabilitation institutions, resulting in unequal recovery outcomes. The absence of standardized monitoring indicators further complicates the evaluation of rehabilitation success (Wahyuningsih *et al.*, 2026).

From the perspective of Soerjono Soekanto's Legal Effectiveness Theory, the empirical findings demonstrate that all five determinants of legal effectiveness influence rehabilitation implementation. The legal substance governing rehabilitation is relatively comprehensive, yet the effectiveness of law enforcement officers, institutional facilities, community participation, and legal culture varies considerably across regions. Consequently, rehabilitation outcomes are determined not merely by statutory provisions but by the interaction among these five factors. The study therefore confirms that legal effectiveness requires harmony between normative regulations and practical implementation (Soekanto, 2008).

This study concludes that rehabilitation implementation in Indonesia has achieved meaningful progress but has not yet reached optimal effectiveness. The principal obstacles include inconsistent legal interpretation, discretionary application of integrated assessment recommendations, institutional fragmentation, unequal rehabilitation infrastructure, limited post-rehabilitation monitoring, and the persistence

of punitive legal culture. Addressing these challenges requires stronger institutional coordination, legally binding assessment procedures, standardized rehabilitation guidelines, expanded rehabilitation facilities, and evidence-based evaluation systems capable of measuring long-term recovery outcomes (Friedman, 1975).

c. Challenges and Policy Implications for Improving the Effectiveness of Rehabilitation for Narcotics Users

The findings of this study indicate that the primary obstacle to the effective implementation of rehabilitation for narcotics users is the inconsistency of legal interpretation among law enforcement agencies. Although Law Number 35 of 2009 on Narcotics provides a clear legal basis for rehabilitation through Articles 54, 103, and 127, investigators, prosecutors, and judges frequently apply different interpretations when determining whether a narcotics user should receive rehabilitation or imprisonment. This inconsistency creates legal uncertainty and contributes to disparities in judicial decisions involving similar factual circumstances. Consequently, the legal protection intended for narcotics addicts and victims of narcotics abuse cannot always be realized effectively (Koropit, 2019).

Another major challenge identified in this study concerns the legal position of the Integrated Assessment Team (Tim Asesmen Terpadu/TAT). Although integrated assessment is designed to provide objective legal and medical evaluations regarding an individual's eligibility for rehabilitation, empirical findings demonstrate that assessment recommendations are frequently treated merely as advisory opinions rather than authoritative legal references. Investigators and prosecutors often prioritize evidentiary considerations related to narcotics possession, while judges retain broad discretion in determining sentencing outcomes. As a result, individuals who have been medically assessed as requiring rehabilitation may nevertheless receive custodial sentences. Strengthening the legal authority of integrated assessment findings is therefore essential to reduce disparities and enhance legal certainty (Mukhooyaroh, 2024).

The study also found that institutional capacity significantly influences rehabilitation effectiveness. Several rehabilitation institutions continue to experience shortages of qualified medical personnel, addiction counselors, psychologists, and social workers, particularly in remote regions of Indonesia. Limited infrastructure reduces access to rehabilitation services and delays treatment for eligible narcotics users. Furthermore, unequal institutional capacity creates regional disparities in rehabilitation quality, preventing the realization of equal access to justice and healthcare. Expanding rehabilitation facilities and strengthening human resources should therefore become strategic priorities for improving rehabilitation outcomes (Nasari et al., 2026).

The research further reveals that coordination among criminal justice institutions remains fragmented despite the existence of collaborative regulations governing narcotics rehabilitation. The National Narcotics Board (BNN), the Indonesian National Police, prosecutors, courts, correctional institutions, rehabilitation providers, and local governments frequently apply different administrative procedures and operational standards. Such fragmentation often prolongs rehabilitation procedures and reduces administrative efficiency. Effective rehabilitation requires integrated governance supported by interoperable information systems, standardized operational procedures, and continuous institutional communication throughout every stage of criminal proceedings (Suastika & Setiabudhi, 2023).

Another important finding concerns the persistence of punitive legal culture among certain law enforcement officials. Despite legislative reforms emphasizing

rehabilitation-oriented justice, imprisonment continues to be perceived by some practitioners as the most appropriate response to narcotics-related offenses. This punitive orientation frequently influences charging decisions and judicial sentencing, thereby limiting opportunities for rehabilitation even when statutory requirements have been fulfilled. Transforming institutional legal culture through continuous professional education, specialized training, and evidence-based policy development is therefore necessary to strengthen rehabilitation-oriented law enforcement (Widiasyam *et al.*, 2020).

The findings additionally indicate that post-rehabilitation monitoring remains insufficient to ensure sustainable recovery. Rehabilitation should not conclude upon completion of inpatient or outpatient treatment because narcotics addiction is characterized by a high risk of relapse. Successful recovery depends upon continuous psychological counseling, family support, vocational training, social reintegration, and community participation. However, empirical evidence demonstrates that post-rehabilitation programs remain inconsistent across rehabilitation institutions and lack standardized evaluation indicators capable of measuring long-term recovery outcomes. Consequently, strengthening aftercare programs should become an integral component of national rehabilitation policy (Wahyuningsih *et al.*, 2026).

From the perspective of Legal Effectiveness Theory, these findings demonstrate that rehabilitation effectiveness is influenced simultaneously by legal substance, law enforcement personnel, institutional facilities, community participation, and legal culture. Although Indonesia has established a relatively comprehensive statutory framework, weaknesses within institutional coordination, unequal rehabilitation infrastructure, and inconsistent legal culture continue to reduce the practical effectiveness of rehabilitation policies. These findings confirm that effective legal implementation requires harmony among all components of the legal system rather than relying solely upon comprehensive legislation (Soekanto, 2008).

From the perspective of Legal System Theory, the findings further indicate that improving rehabilitation effectiveness requires simultaneous reform of legal substance, legal structure, and legal culture. Regulatory improvements should strengthen the binding legal status of integrated assessment recommendations, while institutional reforms should establish standardized prosecution and sentencing guidelines applicable throughout Indonesia. Cultural reform should encourage law enforcement officers to recognize rehabilitation as an essential component of restorative justice rather than an alternative to criminal punishment. These integrated reforms are expected to reduce disparities in rehabilitation implementation while improving legal certainty for narcotics users (Friedman, 1975).

4. CONCLUSION

This study concludes that the implementation of rehabilitation for narcotics users under Law Number 35 of 2009 on Narcotics has established a comprehensive legal foundation that reflects Indonesia's commitment to balancing criminal law enforcement with public health protection. The statutory provisions contained in Articles 54, 103, and 127 clearly recognize medical and social rehabilitation as mandatory legal measures for narcotics addicts and victims of narcotics abuse. Nevertheless, the empirical findings demonstrate that the effectiveness of these legal provisions has not yet been fully achieved because their implementation remains inconsistent across law enforcement institutions. The effectiveness of rehabilitation is influenced not only by the adequacy of legal regulations but also by differences in legal interpretation, institutional coordination, the authority of integrated assessment recommendations, the availability of rehabilitation facilities, and the

prevailing legal culture within the criminal justice system. This research demonstrates that improving rehabilitation effectiveness requires an integrated legal and institutional approach rather than relying solely on legislative reform. Strengthening the legal status of integrated assessment results, establishing consistent prosecution and sentencing guidelines, expanding rehabilitation infrastructure, enhancing inter-agency coordination, and developing standardized post-rehabilitation evaluation mechanisms are essential to achieving rehabilitation-oriented criminal justice. These findings confirm that rehabilitation should be implemented as a restorative legal mechanism that promotes recovery, social reintegration, and legal certainty for narcotics users while maintaining firm criminal sanctions against narcotics traffickers. Therefore, the study successfully achieves its research objectives by providing both normative and empirical evidence regarding the effectiveness of rehabilitation policies and offering policy recommendations for strengthening the implementation of rehabilitation within Indonesia's criminal justice system..

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