

Development Effectiveness of the Implementation of Article 54 of Law Number 35 of 2009 concerning Narcotics on the Rehabilitation of Addicts and Victims of Narcotics Abuse

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ABSTRACT

Article 54 of Law No. 35 of 2009 concerning Narcotics, regarding drug rehabilitation, is an oppressive measure taken against drug addicts and victims of drug abuse. Police practices in Indonesia in making decisions with sanctions regarding the form of rehabilitation are very difficult and complex. The purpose of this study is to examine the effectiveness of the implementation of Article 54 of Law Number 35 of 2009 concerning Narcotics on the rehabilitation of drug addicts and victims of drug abuse. The research method used is the legal method and legal research specifications. Meanwhile, data analysis uses qualitative legal methods. The results of the study indicate that rehabilitation norms stipulated in Article 54 of the Republic of Indonesia Law No. 35 concerning drugs, according to questions about the circular letter from the Supreme Court (SEMA) No. 4 related to the placement of perpetrators of violence and victims of abuse in health and social organizations. Functional rehabilitation is higher than the penalty for imprisonment to reduce the number of finalists and increase the opportunity for social recovery for long-term drug addicts. Some positive effects of implementing Article 54: Increased ability to access rehabilitation and legal protection for drug addicts.

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1. INTRODUCTION

A drug is a substance or medicine that is very useful and necessary for treating certain diseases. However, if used improperly or inappropriately for standard treatment, it can be very detrimental to individuals or society, especially the younger generation (Gangwar et al, 2023). These drugs have two very contradictory aspects: first, they can bring significant benefits to life in some cases. Second, they can be dangerous due to their negative structural effects (Volkow et al, (2023).

Factors contributing to drug use are common among adolescents (Nawi et al, 2021). First, a common dependence on smoking, even among children in elementary school. Second, children and adolescents' weak self-recovery abilities are susceptible to environmental influences, such as associating with drug addicts in the neighborhood or perhaps at school. Third, weak supervision by families and schools contributes to drug addiction in children and adolescents.

Article 54 of Law No. 35 of 2009 concerning drugs, drug rehabilitation is an oppressive action carried out for drug addicts and victims of drug abuse. This rehabilitation is the first (initial) (initial) (original) (initial) (initial) and improves individuals, hospital patients or disaster victims to be useful and able to live in society (Abidin, 2024). Rehabilitation measures aimed at victims of drug abuse are to restore or develop the physical, mental and social capacities of the patients concerned (Hamamah, 2021). In addition to recovery, rehabilitation is also a treatment or medication for drug addicts, so that they can recover after drug reasons.

The practice of implementing laws in Indonesia to make decisions with sanctions regarding the form of recovery is very difficult and complex. If you don't show signs of red rose love, the police won't make a decision as stipulated in the drug law (Lubis, 2023). This is a recognition of people involved in drug dealing. The reason why they are not only users but also distribute, sell, act as intermediaries, and so on. The fundamental problem with the equipment handover process is that the equipment (person) plays a role (Nielsen et al, 2018).

With the enactment of the 2009 Drug Law, it will prevent and eliminate drug trafficking and use in Indonesia. With professional drug laws, all parties hope to work well and existing sanctions can be identified fairly for drug criminals. Article 1 No. 1 of Law No. 35/2009 related to the definition of addictive drugs, drugs are: substances or drugs derived from plants or not specified, whether synthesized or semi-synthesized, can cause a decrease or change in consciousness, loss of taste, reduce pain and can cause dependence (Risso et al, 2020). Drug abuse in Indonesia continues to increase and is a serious problem that affects public health, social stability and the criminal justice system. Meanwhile, drug sanctions focus more on prison sentences, in reality ineffective in reducing the number of abuse and relapses (Revier, 2021). Substitute punishment in the form of rehabilitation should be a more effective and efficient solution to address this problem.

The purpose of this study is to examine the effectiveness of the implementation of Article 54 of Law Number 35 of 2009 concerning Narcotics on the rehabilitation of drug addicts and victims of drug abuse. It is hoped that this research will contribute significantlySome positive effects of implementing Article 54: Increasing the ability to access rehabilitation and legal protection for drug addicts.

2. METHODS

In this study, the descriptive analysis method is applied to describe questions related to the effectiveness of Article 54 of Law No. 35 of 2009 concerning the rehabilitation of drug addicts and victims of drug violence. The approach used is a legal standard to examine secondary data in the form of positive law related to the research problem and improve the analysis to complete the secondary data, field research was conducted to obtain primary data. In addition, qualitative analysis, which means not using formulas, but presented in the form of descriptions and concepts. Secondary data obtained by examining the relevant regulations for this study, namely the effectiveness of Article 54 of Law No. 35 of 2009 related to drugs to recover drug addiction and victims of drug abuse.

3. FINDINGSANDDISCUSSION

Effectiveness of the Implementation of Article 54 of Law Number 35 of 2009 concerning Narcotics on the Rehabilitation of Addicts and Victims of Narcotics Abuse

Rehabilitation of the norms stipulated in Article 54 of the Republic of Indonesia No. 35 2009 related to drugs, according to this question, the highest circular (SEMA) no. 4 in 2010 involves the arrangement of occupiers and victims of violence, health and social organizations. To consolidate this, the government has also issued Government Regulation (PP) No. 25 in 2011 concerning the implementation of mandatory drug addicts to receive therapy and rehabilitation services (Lunze et al, (2018).

Functional rehabilitation is considered a more severe form of rehabilitation than imprisonment, aiming to reduce the number of finalists and increase opportunities for social recovery for long-term drug addicts (Shaver et al, 2023). However, the implementation of rehabilitation still faces numerous obstacles, such as a lack of facilities, inadequate coordination of contacts, and community discrimination against drug addicts. Therefore, optimizing functional rehabilitation policies must be implemented by

strengthening regulations, enhancing the capacity of rehabilitation organizations, and integrating post-consumption monitoring systems to ensure the sustainability of recovery programs (Carlos et al, 2024).

Criminal acts involving specific criminal offenses in this case will discuss specific crimes related to drugs. In fact, drugs are not a threat to society, as they work very well in the medical world to treat certain diseases that require their medicinal properties (Kruisbergen et al, 2019). Until now, violations have been surprising to those who don't understand the purpose and intent of these drugs to corrupt generations or simply exploit illegal goods, thus resulting in numerous drug abuse violations.

There are two factors that drive someone to use drugs: internal factors, including attitude, personality, gender, age, the desire for excitement, curiosity, and escape from problems. External factors include the surrounding environment, such as the workplace, disruptive family situations, and the economic and social status of the group. Drug-related regulations are created to ensure the availability of drugs for the public interest in health and science, preventing inappropriate drug use. Interestingly, the trend of threatening criminal sanctions in the gym is between imprisonment and fines. This system is unknown in the criminal threat to the Criminal Code, because in prison and criminal sanctions are the main culprits.

The Impact of the Effectiveness of the Implementation of Article 54 of Law Number 35 of 2009 Concerning Narcotics on the Rehabilitation of Addicts and Victims of Narcotics Abuse

The implementation of Article 54 of Law No. 35 of 2009 concerning narcotics has a significant impact on the recovery of drug addicts and victims of drug abuse. This article clearly stipulates that drug addicts and victims of drug abuse must undergo health and social rehabilitation. Rehabilitation is for the purpose of restoring them to be able to return to being members of the productive community. As an example from the case of decision No. 140 / pid.sus / 2022 / pn.bks, the defendant Santa Als Gondrong Bin (ALM) Micang, began when receiving information from the community that could be trusted in the Pondok Gede area of Roaro-Jacobut, Sumitty, Tolak Ramdhani, from Roaro Jac. The three members conducted verification, confession, and observation in the Pondok Gede area in Bekasi City, when he arrived in the Pondok Gede area in Bekasi City, The witnesses received information that the man was outside the Pondok Gede area, namely in the jurisdiction of Bogor Regency, specifically in Kebon Kopi, Pabuaran Subdistrict, Cibinong District, Bogor Regency, and conducted a search on the roadside in the area of Jl. Al-Baliyah Mosque, Kebon Kopi RT. 004/001, Pabuaran Subdistrict, Cibinong District, Bogor Regency.

On Saturday, November 27, 2021, at approximately 4:30 p.m., the witness was arrested and the defendant was taken into custody. A search of the defendants failed to find any evidence. However, during a search of the area, evidence was found in the form of a package in a banana tree, two meters from the defendant's headquarters. The defendant and the evidence were then taken to the police station for further processing (Haworth, 2020).

The positive impacts are: 1) increasing the ability to access functional rehabilitation; Article 54 encourages the provision of functional rehabilitation services, both organized by the government and the community, such as functional rehabilitation centers, functional rehabilitation homes and rehabilitation homes and functional homes. 2) Legal Protection; The existence of this article provides a legal basis for police forces to rehabilitate drug users, not only sentenced to prison. 3) Comprehensive Recovery; Required rehabilitation includes medical and social aspects, so that the recovery of drug users is more complete and instructed. 4) Paradigm Change; The implementation of this article changes public opinion where drug users are not only criminals but also victims in need of help. 5) Dependence Prevention; By undergoing rehabilitation, it is hoped that drug users can be excluded and not return to drug abuse later.

Challenges in Implementation: 1) Budget Limitations; The rehabilitation function requires a significant budget, both for infrastructure and experts. 2) Quality and Availability of Services; The quality and availability of functional rehabilitation services are not evenly distributed across all areas, so access rights are not equal. 3) Public Understanding; Public understanding of rehabilitation and reporting obligations still needs to be improved. 4) Effectiveness of the Integrated Assessment Team

(TAT); There is a need to increase the role of the TAT in carrying out assessments and providing recommendations for rehabilitation. 5) Limited Facilities and Human Resources; There is a shortage in the number and quality of facilities and professional staff (such as doctors, psychologists, etc.) who have special training in drug abuse rehabilitation.

Improvement Efforts: 1) Funding Increase: The government must provide adequate funding for drug rehabilitation, both for the construction of facilities and operational activities. 2) Improving the Standards and Number of Services: Efforts must be made to improve both the quantity and quality of rehabilitation services in various locations. 3) Socialization and Education: Extensive public outreach and education efforts are needed regarding drug rehabilitation and the obligation to report.

4. CONCLUSION

The effectiveness of the implementation of Article 54 of Law Number 35 of 2009 concerning Narcotics on the rehabilitation process for drug abusers and victims of drug abuse is normatively regulated in the article. As a follow-up, the Supreme Court Circular Letter (SEMA) Number 4 of 2010 was issued, which regulates the placement of drug abusers and victims of drug abuse in medical and social institutions. To emphasize this, the government has also issued Government Regulation (PP) Number 25 of 2011, which regulates the reporting obligation for drug addicts so they can access therapy and rehabilitation services. Rehabilitation has proven to be more effective than imprisonment in reducing the rate of reoffending and increasing the opportunity for social reintegration for former drug users. However, the implementation of rehabilitation still faces several challenges, such as limited facilities, lack of cooperation between institutions, and negative public perceptions of drug addicts. Therefore, it is necessary to increase the effectiveness of rehabilitation policies by strengthening regulations, improving the capacity of rehabilitation institutions, and unifying post-rehabilitation monitoring systems to ensure the continuity of the recovery program.

The Impact of the Implementation of Article 54 of Law Number 35 of 2009 concerning Narcotics on the Rehabilitation Process of Drug Users and Victims of Drug Abuse shows that the implementation of the article, which requires rehabilitation for addicts and victims, has a positive effect on their recovery efforts. This article emphasizes that individuals who are addicted to drugs and victims of drug abuse are required to participate in medical and social rehabilitation programs, with the aim of restoring their condition and reintegrating them into society. The following are some of the positive benefits resulting from the implementation of Article 54: Increased access to rehabilitation, Legal protection for addicts, Increased awareness among the community, Reduction of stigma against addicts, Recovery of physical and social health, The rehabilitation period is calculated as the time of serving the sentence. Rehabilitation is seen as a more appropriate approach to dealing with the problem of drug abuse. The provisions regarding the judge's decision to implement rehabilitation measures for defendants involved in narcotics abuse are contained in Article 54, Article 55, and Article 103 of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics.

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