

Legal disparities in handling narcotics abuse among teenagers in Indonesia

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Abstract

This study aims to identify obstacles in law enforcement affecting the effectiveness of protection and rehabilitation of adolescents involved in drug cases. It also highlights the discrepancy between the principle of restorative justice and the application of the law in distinguishing the treatment of drug users and dealers. The approach used is normative juridical with library research method. The analysis is conducted using normative legal interpretation techniques, including systematic and historical interpretation of relevant legislation, such as Law No. 35/2009 on Narcotics and Law No. 11/2012 on the Juvenile Justice System. This research examines legal doctrine and court decisions relating to the rehabilitation of drug abusers. The results show that although regulations have emphasised rehabilitation as the main approach in dealing with adolescent drug abusers, its implementation still faces various obstacles, such as the limitations of the justice system, the lack of rehabilitation facilities, and social stigma that prioritises punishment over rehabilitation. In addition, discrepancies in the application of the law often lead to drug users being categorised as dealers, so they are more often sentenced to criminal penalties rather than receiving rehabilitation, which should be a priority. This research is limited to normative analysis of the applicable regulations and has not empirically examined the implementation of rehabilitation policies in various regions. The implication of this research is the need for policy revisions that emphasise rehabilitation for adolescent drug abusers as well as increased understanding of law enforcement officials in applying restorative justice consistently. This study provides a fresh perspective that highlights the inconsistency between the repressive legal approach and the rehabilitative spirit that should be prioritized in the protection of children.

Keywords: *legal inequality, narcotics, teenagers, Indonesia*

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1. Introduction

Drug abuse in Indonesia is a serious issue that continues to grow and target various levels of society, especially teenagers. Indonesia, which was previously known as a transit country for the international narcotics trade, has now become one of the main markets for illicit drug trafficking (Tanaya & Apriyani, 2023). This phenomenon has resulted in an increasingly massive distribution of narcotics to reach rural and remote areas (Humas BNN, 2024). In fact, according to a report by the National Intelligence Agency (BIN), the value of money laundering from narcotics transactions reached IDR 99 trillion in the last two years (2022-2024), showing the strength of the narcotics network in Indonesia (PPATK, 2024).

This situation has a significant impact on the productive age group, particularly adolescents. According to the 2023 National Survey on Drug Abuse Prevalence, approximately 3.3 million Indonesians aged 15–64 were involved in drug abuse, with the largest proportion coming from the adolescent age group (Saba, 2024). The abuse of narcotics, psychotropics, and other addictive substances (NAPZA) not only leads to physical and psychological disorders but also causes social dysfunction and addiction, ultimately threatening the future of the nation's younger generation. This problem is even more complex when viewed from a legal perspective. Despite the existence of legal instruments such as Law No. 35/2009 on Narcotics and Law No. 11/2012 on the Juvenile Criminal Justice System, their implementation in the field still leaves many obstacles. One of the main problems is the mismatch between the rehabilitative spirit in the legislation and judicial practice, which emphasizes punishment (Laksana et al., 2025; Siahaan et al., 2025). Article 127 of Law No. 35/2009 explicitly states that drug users are victims who are entitled to rehabilitation. However, in practice, children who are victims of drug abuse are more often sentenced to heavy prison sentences, even more severe than the drug dealers themselves (Marbun & Ismed, 2023; Zakun et al., 2025).

The gap between legal norms and practices reflects the weak understanding of law enforcement officials on the principles of restorative justice. In many cases, officials fail to distinguish between users and dealers, leading to disproportionate legal treatment of children (Siahaan et al., 2025). Limited availability of rehabilitation facilities, as well as a shortage of skilled personnel in the juvenile justice sector, further compound the situation (Utomo & Barthos, 2024). Furthermore, the social stigma against drug users compounds the psychological burden, making the process of recovery and social reintegration for adolescents more challenging (Zakun et al., 2025). Meanwhile, Law No. 11 of 2012 has emphasized the

importance of a restorative justice approach for children in conflict with the law. This approach focuses on the recovery of victims, offenders, and the community through mediation and non-punitive efforts. However, in practice, its implementation is still hindered by various structural and cultural factors. One of them is the lack of training and technical guidance for officials in consistently applying restorative justice principles (Wardika et al., 2024).

The global practices in rehabilitating adolescents are highly diverse, contingent upon international guidelines and the legal frameworks of individual countries. The United Nations (UN) advocates for a rights-based approach in adolescent health, emphasizing the importance of inclusive, non-discriminatory, and voluntary services, particularly for high-risk adolescent groups such as drug users. Nonetheless, the implementation of these guidelines is often hindered by inconsistencies with national laws. In Asia, for example, while countries like Thailand and the Philippines have begun to integrate social welfare models into the juvenile justice system, there remains significant work to be done in aligning these efforts with legal protocols (Galván-Moya & Durán-Palacio, 2019), challenges such as limited access to rehabilitation services, social stigma, and criminalization of youth behavior that requires a rehabilitative approach are still the main obstacles in implementing restorative justice (Roapinto, 2020). This situation reflects the circumstances in Indonesia, particularly in regions like Seruyan, where the principle of restorative justice that should serve as the legal protection basis for drug-using children is still difficult to consistently apply. Therefore, it is crucial to delve deeper into how national policies are implemented in local contexts and to what extent global principles can be adapted to local realities.

This study examines the implementation of a juvenile justice system based on restorative justice in Seruyan Regency, Central Kalimantan, facing challenges such as limited rehabilitation facilities, lack of understanding among officials, and the influence of local social structures that hinder the recovery of children involved in drug use. Unlike urban areas, Seruyan has scant academic studies on this issue. The research highlights the mismatch between rehabilitative policies and existing repressive practices, using a qualitative approach to explore the experiences of affected adolescents. The aim of the study is to analyze the implementation of restorative justice in Seruyan, identify legal obstacles, and formulate policy recommendations that favor the protection and rehabilitation of children. The significance of this research lies in its contribution to the development of a more humanistic and contextual

juvenile justice system, as well as strengthening the role of local actors in fair and recovery-focused juvenile justice.

2. Methodology

This study employs a normative juridical approach with a literature review method to analyze legal norms related to restorative justice and child protection. The research location was Seruyan Regency, Central Kalimantan, due to the high number of drug abuse cases involving children and a unique trend in handling adolescent drug cases in that area.

The research method prioritizes analysis of restorative justice theory, criminal law, and child protection, with the aim of emphasizing rehabilitation, rather than punishment, for drug-involved youth. The approach uses systematic and historical interpretation of relevant legislation.

Table 1

Sources of law and related literature in the analysis of law enforcement against drug abuse by teenagers

Document Type	References/Summary Content
Law	Law No. 35/2009 on Narcotics (Articles 54, 127, 103, 112) Law No. 11 of 2012 on the Juvenile Criminal Justice System (SPPA)
Book of Law	Criminal Code (KUHP) and Criminal Procedure Code (KUHAP) - Material and formal legal basis in criminal law enforcement.
Supreme Court Decision	Decision No. 1071/K/Pid.Sus/2012 Decision No. 30 K/Kr./1969
Statistical Data	Data of Seruyan District Police 2022-2024 - Increasing trend of drug cases and volume of evidence
Legal Literature	Mertokusumo (2005); Hartono (2012); Mulyadi (2013); Moeljatno (2002) - Theoretical basis of criminal procedure law
Criminology Literature	Sahetapy, Reid (1997), Hiariej (2016), Susanto (2011), Barnes (1959) - Criminology and victimology approaches

This research also analyzes court decisions to assess the application of the law in drug cases involving children, as well as comparing the treatment of drug users and drug dealers. A limitation of this study is the lack of an empirical component and comparative analysis with other jurisdictions, which may affect the rigor and practical relevance of the findings.

This research has limitations, including not integrating an empirical component to describe implementation in the field and limited comparative analysis with other jurisdictions, which may affect the methodological rigor and practical relevance of the research findings.

3. Findings and Discussion

3.1. Presentation of Field Data

Legal inequality in the treatment of drug abuse among adolescents in Indonesia remains a complex issue. Despite regulations that emphasise rehabilitation as the main approach, implementation often faces various obstacles in law enforcement.

Table 1 shows the increase in the number of drug abuse cases in the Seruyan District Police area from 2022 to 2024. The number of cases, suspects, and evidence experienced a significant spike, indicating that drug trafficking is increasingly complex. However, this increase has not been matched by a rehabilitative approach, so it needs to be studied more deeply through the following thematic findings:

Table 1

Drugs cases in Seruyan Police from 2022 to 2024

Category	2022	2023	2024
Number of Cases	20 cases	23 cases	31 cases
Number of Suspects	23 people	28 people	41 people
Methamphetamine Evidence	172,28 gram	207,57 gram	596,61 gram
Marijuana Evidence	–	1,62 gram	167,7 gram
Illegal Drugs (Carnophen/Zenit)	–	875 items	–
Cash Seized	–	–	Rp 53.000.000,-

Data on the handling of drug cases in Seruyan Regency shows an alarming trend. In the last three years, the number of drug abuse cases has continued to increase. In 2022, Seruyan Police recorded 20 cases with 23 suspects. This number increased to 23 cases with 28 suspects in 2023, and jumped significantly to 31 cases with 41 suspects throughout 2024. This surge reflects that drug trafficking and abuse in the Seruyan region is not only ongoing, but also increasingly widespread and complex.

The increase not only occurred in the number of cases and suspects, but also in the volume of evidence seized. In 2022, the evidence in the form of methamphetamine that was

successfully secured was 172.28 grams. This figure rose to 207.57 grams in 2023, and jumped sharply to 596.61 grams of methamphetamine in 2024. In addition, in 2023, 1.62 grams of marijuana and 875 items of carnophen (zenit) were also found, while in 2024, the marijuana seized reached 167.7 grams and Rp 53 million in cash from drug crimes was also secured. This increasing trend in the number of cases and volume of evidence can be analyzed from two sides. Firstly, it may indicate the expansion of drug trafficking networks, both on a local and inter-regional scale, given that the types of evidence found are also increasingly varied. Secondly, it could also indicate an increase in the effectiveness of surveillance and law enforcement by Seruyan District Police, which has succeeded in identifying and arresting more perpetrators. Even so, these findings still reflect the level of vulnerability of the region to drug crime, and indicate that a repressive approach alone is not enough to reduce the rate of drug trafficking.

The high number of drug cases indicates two things. First, there is an intensification of illicit drug trafficking in the area, either by land, sea or air. Second, there may be an increase in disclosure efforts by law enforcement officials. However, in the absence of comparative data from the previous year, it is difficult to assess whether this increase is a reflection of improved reporting and surveillance, or instead indicates a worsening drug abuse situation. This phenomenon demands an approach that is not only repressive, but also preventive and rehabilitative, because handling drug cases is not enough with punishment alone. A holistic and integrated policy is needed between the police, local government, and rehabilitation institutions in tackling drug abuse in a sustainable manner. Thus, addressing the drug problem in Seruyan demands a more comprehensive and sustainable policy response. In addition to law enforcement, preventive and rehabilitative approaches are also needed, such as community education, involving traditional and religious leaders in anti-drug campaigns, and providing adequate access to rehabilitation for users. The police's commitment must be supported by synergy between agencies so that drug eradication efforts do not stop at the number of arrests, but are able to suppress the root of the problem and build community social resilience to the dangers of drugs.

3.2. Thematic Findings and Discussion

Misinterpretation of the Law. The legal disparity in the treatment of drug abuse among teenagers in Indonesia remains a complex issue. While regulatory norms emphasize

rehabilitation as the primary approach, its implementation often faces various obstacles in law enforcement. These obstacles include limitations in the judicial system, lack of resources, and a societal preference for punishment over recovery. In the context of restorative justice, the approach should prioritize the recovery and social reintegration of adolescent offenders rather than mere punishment. Unfortunately, the retributive nature of the criminal justice system often impedes the optimal application of this concept. The legal system that still categorizes teenagers as criminals has a negative impact on their development and rehabilitation (Duarif & Saleh, 2024). Furthermore, ambiguity in regulations such as Article 82 in the Child Criminal Justice System Act (CCJSA) also hinders the implementation of restorative justice (Pratiwi, 2023). The lack of training for law enforcement officials is also a constraining factor in policy enforcement for rehabilitation (Utomo & Barthos, 2024). Therefore, policy revision is necessary to emphasize a more rehabilitative and participatory approach in the juvenile justice system.

From a legal interpretation perspective, the differentiation in treatment between drug users and traffickers is often unclear. Although Article 54 of Law No. 35/2009 stipulates rehabilitation for users, and Article 103 grants judges the authority to replace criminal penalties with rehabilitation, these provisions are not effectively implemented. Many users continue to be charged under Article 112, often referred to as the 'world sweeper article'. The use of this article tends to criminalize users as traffickers without assessing intent or purpose. The Supreme Court itself, in Decision Number 1071/K/Pid.sus/2012, acknowledged errors in the application of Article 112, but this decision has not had a significant impact on law enforcement practices in the field.

The implementation of restorative justice as mandated in Law No. 11/2012 is also not optimal due to the limitations of the diversion provisions, which only apply to cases with a sentence of less than 7 years. This complicates the application of restorative justice principles in most drug cases, which typically carry higher penalties. Ambiguous legal frameworks and inconsistent law enforcement practices lead to different interpretations of the law by various parties, ultimately resulting in injustice.

Criminal law enforcement in the narcotics sector follows the same procedures as criminal law enforcement in general, as outlined in the Criminal Procedure Code. While narcotics and psychotropic substances are considered unique offenses and have their own special laws, the Criminal Code may still take precedence. According to the legal principle of

Lex specialis derogate legi generalis, narcotics laws must also adhere to the Criminal Code and Criminal Procedure Code as both material and formal sources of criminal law. This perspective is supported by the doctrinal opinion articulated by Wirjono Prodjodikoro (Hartono, 2012):

"The content of criminal law is firstly the designation and description of acts which are threatened with criminal penalties, secondly the designation of general conditions that must be fulfilled so that the act constitutes an act whose perpetrator can be punished criminally, thirdly the designation persons or legal entities that can generally be punished with criminal penalties, and the fourth designation of the types of criminal penalties that can be imposed. In other words, criminal law determines when and how a judge can impose a criminal sentence."

Even though drugs have their own procedural laws, the Criminal Procedure Code is still used if they are not regulated in the drug law. Narcotics law enforcement itself must not be separated from the Indictment, Exceptions and Judicial Decisions. In some cases, sometimes at the investigation level, there are still law enforcement processes that deviate slightly from the rules of the Criminal Procedure Code. The stages in a criminal case always start with investigation and inquiry. In general, investigation or in other words often called research, is the first step or effort to identify whether or not a criminal incident occurred. In criminal cases, investigation and research are steps to carry out research based on laws and statutory regulations to ascertain whether the criminal incident actually occurred or did not occur. Article 1, point 2 of the Criminal Procedure Code outlines the concept of investigation as any activity conducted by an investigator to gather evidence that validates the occurrence of a criminal offense or an act prohibited by law (Mertokusumo, 2005).

Collecting evidence to prove that the crime did take place requires a thorough examination of the true legal purpose, within the context of whether the crime goes against societal values. Legal rules are usually defined as rules of life that determine how humans should behave and behave in society so that their interests and the interests of other people are protected. Rules are essentially the formulation of an objective view regarding attitudes that should be carried out or not carried out, which are prohibited or recommended to be carried out.

The relationship between criminal procedural law and criminal law is significant as it dictates how government entities exercise authority. The police, prosecutors, and courts are responsible for implementing criminal law to fulfill the State's goals, many of which are

outlined in the Criminal Code (*wetboek van strafrecht*) and some are included in various regulations, both from central legislation and other laws (Mulyadi, 2013). The challenges and issues of enforcing narcotics laws are always present due to varying perspectives among investigators, prosecutors, judges, and legal advisors during trials. In the initial phase of the narcotics criminal process, investigators and prosecutors typically include details from Article 112 of Law no. 35 of 2009 in their charges against individuals suspected of drug trafficking, based on strong evidence. According to the Narcotics Law, possessing illegal goods does not necessarily make an individual guilty of being a dealer or addict. Proof of drug use through tests is required to determine the culprit. Article 112 of Law no. 35 of 2009 elaborates on this matter.

Anyone found in possession of Class I non-plant narcotics illegally will face imprisonment between 4 to 12 years, along with a fine ranging from Rp. 800,000,000.00 to Rp. 8,000,000,000.00. If someone is found with more than 5 grams of Class I non-plant narcotics, they could face a sentence of either life imprisonment or a minimum of 5 years and a maximum of 20 years, as well as a fine equal to one third of the maximum amount. The aspects of "possession, maintenance, authority, and providing", specifically "possession and authority," the regulations related to the elements of article 112 should not be seen as equivalent to the regulations on "bezit" or authority as stipulated in Book II, Chapter II of the Civil Code regarding Bezit article 529 in conjunction with Article 1977 Civil Code. Article 529 of the Civil Code explicitly defines a position of authority as the position of an individual who exercises control over an object, either personally or through a third party, and who upholds or enjoys it as the rightful owner of the object. According to Article 529 of the Civil Code, the person who has control over an object is considered its owner, whether directly or through someone else, by possessing or enjoying the object. This means that if someone has possession of an object and uses it for consumption or enjoyment according to its intended purpose, then they are deemed to have control over it. The same concept is reflected in Article 1977 of the Civil Code, which states that whoever controls movable objects or non-interest-bearing receivables is considered the owner. In terms of criminal liability outlined in Article 112 paragraph (1), the Supreme Court of Indonesia emphasized the importance of examining the intent and purpose behind actions involving narcotics, rather than solely relying on the literal interpretation of the law.

In a criminal case evidence hearing, it is necessary for either the investigator or the public prosecutor to establish the "intent" or identity of the individual in possession of illegal substances. The Supreme Court clarified that an individual should not be convicted solely for possessing illegal goods, as this does not necessarily make them a dealer. Nevertheless, it is essential for investigators or prosecutors to establish whether the accused is truly guilty of the crime, or if they are in fact innocent or even being wrongly accused. This is why the Supreme Court labeled Article 112 as a "catch-all" or flexible provision in decision number 1071/K/Pid.sus/2012. In the ruling by MARI in case no. 1071/K/Pid.Sus/2012, it was emphasized:

"That the provisions of article 112 are waste basket provisions or rubber articles. The actions of users or addicts who control or possess narcotics for the purpose of their own consumption or use will not be separated from the trap of Article 112, even though this kind of thinking is wrong in applying the law, because it does not take into account the circumstances or things that underlie the defendant's control or possession of the goods. with the intent or intention (oogmerk) of the defendant."

Therefore, it is necessary to first prove that there is an element of guilt (*schuld*) in the alleged perpetrator. In the criminal justice process, in order for a person to be declared a suspect or accused, the extent of his fault (*schuld*) must first be measured, which can then also be measured for his responsibility. Prof. Moeljatno in his book Principles of Criminal Law states that "it is impossible for a person to be held responsible (sentenced to a crime) if he has not committed a criminal act" (Moeljatno, 2002).

Proving cases involving narcotics crimes follows the same procedures as other criminal trials. Before someone can be convicted, evidence must be presented. The rules of evidence govern the use of valid evidence and special procedures to establish facts in court proceedings. These rules dictate the methods and requirements for presenting evidence in legal proceedings; how to submit evidence and the judge's authority to accept, reject and evaluate evidence (Lamintang & Lamintang, 2022). Evidence is a crucial element in the legal process of a court trial. It is through evidence that the fate of the accused is ultimately determined. According to Article 191 paragraph (1) of the Criminal Procedure Code, if the evidence presented in court is deemed insufficient to prove the guilt of the accused, then the defendant will be acquitted.

However, if the evidence is strong enough to establish the defendant's guilt as per Article 184, then the accused will be found guilty and sentenced accordingly.

Moreover, revisiting the wording of article 112 paragraph (1) of the Narcotics Law, it mentions the presence of the aspect of "unlawful and against the law." Van Hattum argues that there are conflicting views on the interpretation of *wederechtelijkheid*, with some referring to it as *matrieele wederechtelijkheid* and others distinguishing between formal and material *wederechtelijkheid*. As per the concept of illegality in a legal context, an action can be classified as illegal if it meets all the requirements specified in the definition of a crime according to the law. On the other hand, under the concept of illegality in a broader sense, the determination of whether an action constitutes illegality or not should not only be based on explicit legal regulations but also on fundamental legal principles that are not explicitly outlined in the law.

For adherents of the *wederechtelijkheid* ideology in the formal sense, the problem is not that difficult, because to determine whether a person's actions are *wederrechtelijkheid* or not, it is enough if one sees whether the person's actions fulfill all the elements contained in the formulation of an offense or not. If it turns out that the act actually fulfills all the elements contained in the formulation of an offense and there is no basis contained in positive law which negates the unlawful nature of the act, then they will definitely say that the person's act is *wederrechtelijkheid* and therefore the person can be punished. Meanwhile, for adherents of the *wederrechtelijkheid* ideology in the material sense, the problem is not as easy as the opinion of those who adhere to the *wederrechtelijkheid* ideology in the formal sense, because according to this understanding, even though a person has fulfilled all the elements of an offense formula, it is still necessary to determine what the act is. Whether it is *wederrechtelijkheid* or not, one must look into both written law and unwritten law about the possibility of there being provisions or principles of general law which negate the *wederrechtelijkheid* nature of the person's actions. If the judge is of the opinion that it is true that there is a basis that negates the unlawful nature of the act that has been carried out by a person, then that person will not automatically be punished.

The truth of the explanation can be tested by the opinion of the Supreme Court in its cassation decision dated 6 June 1970 No. 30 K/Kr./1969 which states, among other things: in every criminal act there is always an element of "against the law" of the alleged act, although in the formulation of the offense the element "against the law" is not always included. Even

though in the formulation of the offense of detention the element "against the law" is not included, this does not mean that the alleged act is an offense of detention, even if the nature of "against the law" does not exist at all.

One of the main problems causing the mismatch between regulation and practice in the field is the unclear legal boundaries between users and dealers. Under the current legal system, a person can be categorised as a dealer if they possess a certain amount of drugs or if additional evidence is found such as scales, small packages, or communication devices that indicate a transaction. However, the limit on the amount of drugs possessed to be considered a user is often interpreted differently by law enforcement officials. As a result, drug users who buy larger quantities for personal consumption over a period of time are often categorised as dealers and sentenced to much harsher penalties. In addition, legal provisions that allow investigators to charge a person with a more severe article based on additional evidence often do not consider the social and psychological conditions of the drug users themselves, so that the judicial process prioritises a repressive approach over a rehabilitative approach that should be a priority in dealing with drug abuse cases.

Specifically speaking about victims, addicts and drug offenders, as stated in the existing regulations, it should be stated explicitly so that in the law enforcement process there is no debate. The consequences of not being clearly explained in the law mean that law enforcers define victims, addicts and perpetrators individually. On the one hand, he can be seen as a perpetrator, but on the other hand, he can be seen as an addict or victim, and this then has implications for whether he wants to be punished (perpetrator) or rehabilitated (victim/addict).

From a restorative justice perspective, the mismatch between regulation and practice in the field is also evident in the limited application of rehabilitation mechanisms for drug users. Law No. 11/2012 on the Juvenile Criminal Justice System (SPPA) has actually adopted the principle of restorative justice for children in conflict with the law, including in drug abuse cases. However, in practice, rehabilitation and case diversion mechanisms are still not optimally implemented. One of the main obstacles in the implementation of restorative justice for drug users is the limitation of legal provisions regarding diversion, which only applies to cases with a criminal penalty of less than seven years. Many drug abuse cases are charged with articles that carry higher criminal penalties, so drug users cannot benefit from diversion mechanisms that should allow them to receive rehabilitation rather than imprisonment. In addition, the lack of resources for law enforcement officials in understanding and applying

restorative justice is also an obstacle to the implementation of rehabilitation mechanisms for drug users.

Institutional Capacity. Limited resources contribute to the low effectiveness of adolescent drug rehabilitation. Many juvenile justice programs lack funding and professionals, so interventions are limited to basic education about drugs, rather than comprehensive treatment (Ewing et al., 2012). In addition, limited rehabilitation facilities and poor inter-agency coordination cause the rehabilitation process to be suboptimal (Muslim et al., 2024). Institutional detention also contributes to high recidivism rates as adolescents lose the social support they need (Hughes, 2001).

The lack of rehabilitation for drug users also results in high recidivism rates, as they do not receive the necessary treatment to overcome their dependence on drugs. Without adequate rehabilitative interventions, many drug users return to drug abuse after they are released from prison, resulting in a cycle of drug abuse that continues without a long-term solution. Increasing the number and quality of rehabilitation facilities is also an important step that must be taken to ensure that all drug users who need treatment can easily access rehabilitation services. In addition, cooperation between the government, the community, and rehabilitation centres needs to be strengthened to reduce the stigma against drug users and encourage a more humane approach in dealing with drug abuse cases.

Law enforcement officers, judges and prosecutors also face capacity constraints in understanding and implementing restorative justice. Most of them have not received specialized training in applying rehabilitative approaches. These structural limitations undermine the capacity of the juvenile justice system to fulfill its mandate. Therefore, it is necessary to improve policies such as revising the Narcotics Law to align with the rehabilitation principles in the SPPA Law, increasing the capacity of legal officers in applying restorative justice, and strengthening cooperation between the government, NGOs, and communities in supporting rehabilitation programs.

Social Stigma. Societal attitudes and priorities that emphasize punishment over rehabilitation hamper the effectiveness of protection for adolescent drug users. Society's demand for repressive measures often ignores alternative community-based rehabilitation programs that have proven effective in reducing juvenile delinquency (Justice, 1976). In

addition, stigmatization of drug users hinders social acceptance of adolescents who have undergone rehabilitation (Utomo & Barthos, 2024). In addition, the social stigma still attached to drug users also contributes to the repressive approach applied in the justice system. Society and law enforcement officials often assume that drug users are individuals who must be punished to provide a deterrent effect, even though research has shown that rehabilitative approaches are far more effective in reducing recidivism rates than prison sentences.

To identify perpetrators and victims or addicts in narcotics crime cases, it is sometimes difficult to differentiate them, so the way to do this is through a criminology and victimology approach. What is meant by criminology is generally studying and understanding the causes of crime so that only then can the real perpetrator be identified. The origin of criminology can be traced back to the combination of the Latin words *crimen*, translating to crime, and *logos*, translating to knowledge, resulting in criminology being described as the study or understanding of criminal behavior (Lamintang & Lamintang, 2022). Furthermore, for the victim himself in this narcotics crime, to test whether the person arrested is the perpetrator who is also a victim of narcotics abuse or is actually the actual victim. To measure this, a victimology approach is used which is closely related to criminology and criminal law itself. Sahetapy (1997) defines victimology as a disciplinary science that discusses victims' problems in all their aspects and facets. The role of the victim in the occurrence of the crime can actually be inferred from the description of the types of victims. For example, in the definition of provocative victim, it appears that the victim plays a role in provoking the perpetrator (Reid, 1997). Likewise, in the wanton and the acquisitive types, it appears that there is a role of the victim himself in the crime. The role of the victim in the crime can be used as an argument by the perpetrator to further justify or rationalize the crime he committed. Usually the method used for this is by considering and placing oneself as the true victim of the victim's actions who are then considered the perpetrator. In this case the perpetrator tends to blame the victim (Susanto, 2011). When existing law enforcement institutions are deemed unable to function properly, perpetrators will position themselves as police, prosecutors and judges who have the authority to impose sanctions. Apart from that, the perpetrator also uses other methods to justify his actions, namely:

Rejection of the victim's existence. In this case the victim's existence as a human being is not recognized. Victims are only seen as objects or possessions that can be treated like property in general, or even the existence of victims is completely rejected. In society whose

members are divided into several strata, people in the lowest strata are often not recognized as complete human beings, so that when injustice or oppression occurs against them, society as a whole will not take issue with it. So, in this case there is depersonalization of the victim.

Rejection of the loss or suffering experienced by the victim. In this case, the existence of the victim is still acknowledged, but the loss experienced as a result of the crime. Looting the property of rich people is considered to cause suffering to the victims. Likewise, raping a prostitute is considered not to cause any harm to the person concerned. Socio-cultural factors also play a role in the occurrence of these rejections. Then, one must also need to know about the types of victims themselves. The classification or classification of types of victims cannot be separated from the suffering, harm or loss suffered by the victim. There are several types of victims, each of which really depends on the perspective in which the classification is carried out. Based on the type of victimization, Hiraiej (2016) divides victims into:

1. People affected by natural disasters or other events, specifically individuals who endure pain, damage, or harm due to occurrences not brought about by human intervention. For instance, those affected by landslides or those attacked by wild animals.
2. Individuals who have experienced harm due to criminal activity, specifically those affected by unlawful actions. The interpretation and extent of criminal acts vary greatly based on legal definitions, consequently influencing the understanding and reach of victims as outlined by the law.
3. Individuals who suffer harm due to the misuse of power, specifically those who are disadvantaged by powerful individuals or by the policies that benefit the privileged (Widiartana, 2017). An instance would be the displacement of slum dwellers due to the construction of a shopping mall in their neighborhood.

Victims are categorized by:

1. Individual victims who have personally experienced the repercussions of a particular incident or action.
2. Group victims who are affected by a situation or action as a group or can also be considered individual victims when looked at separately.
3. Victims of society/state encompassing a broader range than group victims. For instance, numerous incidents of forest fires in Kalimantan led to financial strife and bankruptcy for many individuals within the community, all due to the manipulation of wealthy speculators.

Based on their connection with the individual responsible for the harmful actions, victims are categorized as follows:

1. Direct victims are directly the targets or objects of the perpetrator's actions.
2. Indirect victims, although not directly the target of the perpetrator's actions, also experience suffering or sorrow. In the case of the murder of a man who was responsible for supporting his wife and children, the death of the man was a direct victim. Meanwhile, his wife and children were indirect victims.

Based on the degree of victim's fault in the form of the crime that occurred (Mendelsohn, 1963), victims consist of:

1. A completely innocent victim. This type is the "ideal victim". Included in this type are for example; children and those who become victims of crime because of their naivety. Likewise, village people who come to the big city for the first time, because of their innocence, become victims of fraud.
2. Victims by mistake and victims by their stupidity. For example, women who become victims of crime because they carelessly ride in a stranger's vehicle or people who believe in the ability of a "shaman" to multiply money supernaturally, end up becoming victims of fraud.
3. The victim has the same degree of guilt as the perpetrator. This type of victim occurs in cases of suicide with the help of others and euthanasia.
4. Victims with more fault than the perpetrator. This type is still divided into two, namely: Provocative victims, namely victims who deliberately provoke the perpetrator to commit the crime (the provoker victim) and the victim whose negligence stimulates the perpetrator to commit the crime (the imprudent victim). The victim's fault far exceeds that of the perpetrator and the victim is the only one at fault. For example: a person who is a perpetrator of violence is actually killed by his victim because of self-defense.
5. Simulative victims and imaginary victims. Victims who, through pretense or imagination, mislead the court in the hope of convicting the accused. Included in this type are paranoid, hysterical and senile sufferers. From a psychological aspect, especially their inner attitude, victims were negligent or careless (Barnes, 1959).

Then there are other types of victims, namely:

1. Unrelated victim. A victim who has no connection at all, either emotionally or behaviorally, with the perpetrator. There has never been any contact between the victim and the perpetrator other than through the criminal act that occurred.
2. Provocative victim. A victim who intentionally or consciously provokes the perpetrator, resulting in victimization. For example, someone who deliberately provokes a fight and becomes the victim of torture to death.
3. Precipitative victim. A victim whose attitudes and behavior have unconsciously stimulated the perpetrator to carry out his evil intentions. For example, being arrogant towards other people so that they become victims of beatings or a woman who wears jewelry excessively and inappropriately so that she becomes a victim of mugging.
4. Biological weak victims. Those who, because they are biologically or physically weak, have the potential to become victims. For example, children become victims of sexual abuse. Several provisions in the Criminal Code, for example Article 290-1, clearly indicate that for this crime to occur, a victim must be physically weak. Biological weak victims are usually correlated with young age or female gender.
5. Socially weak victims. Those who because of their weak social position, for example being a minority group, have the potential to become victims. The murder and rape cases of ethnic Chinese during the May 1998 riots in Jakarta are concrete examples of this type of victim.
6. Political victims. Those who become victims because there is a political background to the perpetrator's actions. Usually someone becomes a political victim because they hold different or opposing political beliefs to the perpetrator. An example of this type of victim is the murder of people suspected of being members of the Indonesian communist party in the 1960s.
7. Participating victims. Those who become victims precisely because they took an active role in the occurrence of the act that caused the victim. For example, pregnant women who die due to abortion.

Thus, the meaning of victim can be seen from several points of view.

The strong public perception that rehabilitation is a soft or ineffective approach serves as a major barrier in progressive legal reforms. This stigma not only persists in social narratives but also influences the discretion of judges and prosecutors in the judicial process. As a result,

many drug-abusing adolescents who should be rehabilitated end up in prison, exacerbating their conditions. With policy reforms and a legal system that supports rehabilitation, it is hoped that a more humane approach can be implemented in handling drug cases among adolescents, enabling them to reintegrate into society without stigma and with better prospects for the future.

Law Enforcement Behavior. In practice, the application of diversion for adolescent drug abusers is still limited because the law only allows diversion for cases with minor criminal charges. In addition, the lack of understanding of restorative justice among legal officers is also a major obstacle in the implementation of rehabilitation policies. Law enforcers often consider rehabilitation as a secondary option, rather than the primary step that should be taken in handling juvenile cases. Furthermore, the repressive approach in drug eradication policy is driven by operational targets that emphasize the number of arrests over rehabilitation outcomes. Many drug users are criminalized simply for possession, without in-depth investigation into intent or dependency. This practice is not only counterproductive, but also contradicts the restorative justice mandate in Law No. 11/2012.

The repressive approach in law enforcement is also a major factor that leads to many drug users being sentenced to criminal punishment rather than rehabilitation. Drug eradication policy in Indonesia is still very much orientated towards strict legal action against anyone involved in drug abuse, whether as a user or a dealer. In many cases, law enforcement officials prefer to put drug users in prison rather than refer them to rehabilitation centres. This is due to several factors, including operational targets in drug eradication that prioritise the number of arrests over the effectiveness of rehabilitation, as well as the lack of adequate rehabilitation facilities to accommodate all drug users who should receive treatment.

The mismatch between regulation and practice in the treatment of drug users and dealers also negatively impacts the effectiveness of the criminal justice system and drug policy as a whole. One of the main impacts of the repressive approach to drug users is overcrowding in prisons, which places an increasing burden on the prison system and worsens conditions for prisoners in prison. Data from the Ministry of Law and Human Rights shows that the vast majority of drug offenders in Indonesia are users, not dealers. This shows that the criminal justice system punishes drug users rather than drug dealers, who play a bigger role in drug trafficking.

To address this problem, policy reforms are needed that more clearly distinguish between drug users and dealers and strengthen the application of restorative justice principles in the drug justice system. One step that can be taken is to revise the Narcotics Law to provide clearer limits on the amount of drug possession that can be categorised as personal use, so that users are not automatically categorised as dealers based solely on the amount of drug possession. In addition, the government also needs to increase the capacity of law enforcement officials in applying the principles of restorative justice and rehabilitation, so that they can understand the importance of the rehabilitative approach in handling drug abuse cases.

With clearer policy reforms and a stronger application of restorative justice principles, it is hoped that the difference in treatment between drug users and dealers can be more in line with the main objectives of the drug law system, namely providing rehabilitation for users who need treatment and providing strict punishment for dealers who are the main actors in drug trafficking. This will not only improve the effectiveness of the criminal justice system in dealing with drug cases, but will also help to reduce drug abuse more effectively and sustainably.

Despite extensive documentation of implementation failures, research has not adequately examined how the ambiguous legal boundaries between users and dealers specifically impact adolescent rehabilitation outcomes. This research addresses this gap by analyzing case data from Seruyan Police (2022-2024) to demonstrate how quantitative enforcement metrics have created perverse incentives that undermine the rehabilitative intent of existing legislation.

The preference for imprisonment over rehabilitation reflects deeper problems in the institutional culture of law enforcement. Prosecutors and judges, whether due to lack of training or external pressures, tend to avoid applying rehabilitative alternatives even when legally possible. To change this pattern, thorough training of law enforcement officials as well as systemic reforms in performance indicators and accountability are essential so that the implementation of the law is aligned with the spirit of protection and restoration.

4. Conclusion

This research reveals that the main obstacle in enforcing the protection and rehabilitation of adolescent drug abusers in Indonesia lies in the imbalance between the repressive legal approach and the principle of rehabilitation that has been mandated in the

legislation. Although Law No. 35/2009 on Narcotics and Law No. 11/2012 on Juvenile Criminal Justice System (SPPA) have emphasized the importance of rehabilitation, its implementation still faces various obstacles. Factors such as limited resources, lack of training for law enforcement officials, as well as community preferences and a justice system that still prioritizes punishment over recovery are major obstacles to the implementation of restorative justice for adolescent drug users.

In addition, the lack of clarity on the legal boundaries between drug users and dealers has led to many users being categorized as dealers based solely on the amount of possession or additional evidence, without considering the social and psychological context of the users. This results in disproportionate application of criminal sanctions and lack of access to rehabilitation for users, which should be geared towards recovery, not imprisonment. The repressive approach has worsened overcrowding in prisons and increased recidivism rates as many users return to drug abuse after being released from prison without adequate rehabilitative interventions.

5. Recommendations

Law Reform. There is a need to establish a mandatory diversion program for first-time adolescent drug abusers. Similarly, the law needs to develop a clear quantity threshold to legally distinguish users from dealers. To address this, there is a need to revise the Narcotics Law to be more consistent with the principle of rehabilitation in the Juvenile Criminal Justice System (SPPA) Law.

Training Needs. The concern agencies need to organize special training for law enforcement officers on adolescent substance abuse assessment. Similarly, they can increase the capacity of judges and prosecutors to understand and apply restorative justice approaches.

Capacity and Facility Strengthening. Allocate a budget for the establishment of community-based rehabilitation centers in each province. In addition, increase the number and quality of rehabilitation services to make them easily accessible to all users in need.

Community Engagement. Develop a public education campaign to reduce stigma against drug users. At the onset, encourage the involvement of community leaders, religious leaders, and local organizations in supporting rehabilitative approaches.

With evidence-based policy reforms and stronger application of restorative justice principles, adolescent drug abusers can receive appropriate treatment. This will not only reduce

recidivism rates and prison overcrowding, but also strengthen drug eradication efforts in a more targeted and sustainable manner.

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