

1-10 IJJ 1371.pdf

by Seffianidwiazmi@gmail.com 1

Submission date: 27-May-2025 09:33AM (UTC+0300)

Submission ID: 2681973577

File name: 1-10_IJJ_1371.pdf (247.02K)

Word count: 4950

Character count: 28734

Legal Policy as a Tool to Control the Circulation of Illegal Drugs and Their Impact on Public Health

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Received: March 27, 2025

Revised: April 01, 2025

Accepted: April 20, 2025

Published: April 27, 2025

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Abstract: The circulation of illegal drugs in Indonesia continues to increase quantitatively and qualitatively, targeting not only urban areas but also rural areas and educational institutions. Law Number 35 of 2009 concerning Narcotics should be the main foundation in controlling narcotics trafficking, but its implementation has not been effective. This study uses a normative juridical method by analyzing laws and regulations and law enforcement practices in the field. It was found that weak coordination between institutions, overlapping authority, and lack of rehabilitation facilities were the main obstacles. The legal approach that is still dominant is repressive in nature, but it actually worsens the condition, because it emphasizes more punishment for users than rehabilitation as a health approach. In addition, public awareness of the dangers of illegal drugs is still low due to the lack of community-based education. This condition shows that the existing legal policy has not been able to answer the complexity of the narcotics problem as a public health crisis. Comprehensive reforms in policy design, strengthening institutional synergies, and a more humanistic and preventive approach are needed to protect public health in a sustainable manner. This study recommends the transformation of the narcotics law paradigm from a punitive approach to a recovery and education-oriented public health protection approach.

Keywords: Drugs-Illegal; Narcotics Law; Public Health.

INTRODUCTION

The circulation of illegal drugs in Indonesia continues to show an alarming trend, both in terms of quantity and quality of substances in circulation. According to data from the National Narcotics Agency (BNN), every year there is an increase in the number of users and networks of narcotics dealers, including drugs that are categorized as psychotropic and certain hard drugs that are traded illegally. Ironically, this circulation does not only occur in urban areas, but has also reached rural areas, even schools. This phenomenon shows that there are large gaps in the supervision of pharmaceutical distribution and weak control from upstream to downstream in the health system and the law. In this context, Law Number 35 of 2009 concerning Narcotics should be the main legal instrument in tackling the circulation of illegal drugs,



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but its implementation in the field is often not optimal due to limited capacity of the apparatus, overlapping policies, and lack of synergy between relevant agencies.¹

Furthermore, Law No. 35 of 2009 has strictly regulated the prohibition, sanctions, and supervision mechanisms for the circulation of certain narcotics and drugs that have the potential to be abused. In practice, however, the effectiveness of these laws is often hampered by weak law enforcement systems, a lack of public understanding of the dangers of illegal drugs, and increasing demand on the black market that encourages perpetrators to continue operating. Failure to suppress the circulation of illegal drugs is also a serious threat to public health, as the consumption of these substances can lead to addiction, mental disorders, organ damage, and even death.² Therefore, there is a need to strengthen consistent law implementation, more effective cross-sector supervision, and massive education to the public to break the supply chain and demand for these illegal drugs.

Drug abuse not only impacts individual users, but also carries far-reaching social consequences. Illegal use of psychoactive substances is directly linked to an increase in psychiatric disorders such as major depression, psychosis, and chronic anxiety disorder.³ In Indonesia, data from Basic Health Research (Riskesdas) shows that substance abuse is also one of the contributors to the increase in suicide and domestic violence. This condition makes it clear that the problem of illegal drugs is not only a legal or criminal issue, but also a public health crisis that requires multidisciplinary handling from medical, psychological, and social aspects.⁴

In addition, drug abuse places a huge burden on the national health system. Uneven rehabilitation services, limited detoxification facilities, and social stigma against victims of substance abuse hinder their recovery and social reintegration process. According to the BNN Annual Report (2023), most victims of drug abuse do not receive proper rehabilitation services, either due to limited access or due to a legal system that focuses more on criminalization than public health approaches.⁵ In fact, Law No. 35 of 2009 explicitly opens up space for a rehabilitative approach, especially for users who are proven to be non-dealers. This imbalance between repressive and rehabilitative approaches reinforces the argument that current legal

¹ Pangaribuan, A. (2024). Dinamika Kebijakan Ganja Dalam Politik Hukum Global dan Indonesia. *Jurnal Hukum & Pembangunan*, 54(1), 31-50.

² Saputro, D. (2021). Efektivitas Hukuman Penjara Bagi Penyalahgunaan Narkotika Sesuai Dengan Undang-Undang Republik Indonesia Nomor 35 Tahun 2009 Tentang Narkotika. *Journal of Law (Jurnal Ilmu Hukum)*, 6(2), 453-473.

³ Leni, N. M., Aryani, L. N. A., & Westa, I. W. (2021). Mengenal New Psychoactive Substances (NPS): sebuah tinjauan pustaka. *Intisari Sains Medis*, 1(21), 275-284.

⁴ Siregar, Y., & Erma, Z. (2022). Sosialisasi Penanggulangan Penyalahgunaan Narkotika pada Remaja di SMA Perguruan Kebangsaan Medan. *Jurnal Liaison Academia and Society*, 2(2), 92-100.

⁵ ANDRIA, A. (2023). *ANALISIS YURIDIS PEMIDANAAN DAN REHABILITASI TERHADAP PENGEDAR DAN PELAKU PENYALAHGUNAAN NARKOTIKA DALAM PENEGAKAN HUKUM DI INDONESIA (STUDI PENELITIAN DI BNNP KEPRI)* (Doctoral dissertation, Universitas Islam Sultan Agung Semarang).

policies need to be strengthened not only in terms of enforcement, but also in policy design in order to address the root causes of health problems caused by illicit drug trafficking.

However, the effectiveness of legal policies as a tool to control the circulation of illicit drugs still faces serious structural challenges. Although Law Number 35 of 2009 has provided a fairly strong legal framework, its implementation is often inconsistent. The inequality between the central and regional governments in law enforcement capacity exacerbates the situation. In many areas, law enforcement officials do not have adequate resources to conduct comprehensive surveillance and enforcement. In addition, corruption practices and abuse of authority are still found that make legal policies lose legitimacy in the eyes of the public. This phenomenon reinforces the assumption that without strong political commitment and institutional reform, existing regulations will remain symbolic and unable to address the root causes of illicit drug trafficking.⁶

Furthermore, legal approaches that focus too much on repressive aspects such as giving severe criminal penalties to users have the potential to worsen the problem. In many cases, users who should have undergone rehabilitation are instead processed as criminals, thus not having access to adequate health services. This kind of approach is contrary to the spirit of article 54 of Law No. 35 of 2009 which states that narcotics addicts are obliged to undergo medical and social rehabilitation.⁷ Countries such as Portugal and Switzerland have proven that public health-based approaches to decriminalization and recovery are more effective in lowering abuse rates and improving users' quality of life. Therefore, Indonesia needs to revise its legal policy paradigm: not only as a tool of punishment, but as an instrument for the protection and restoration of public health.

Evaluation of the current legal policy is very crucial, especially in the context of its implementation which has not been able to accommodate the complexity of the problem of illegal drugs in Indonesia. Coordination between institutions such as BNN, the Police, the Ministry of Health, and law enforcement officials at the regional level is often not synergistic, and even overlaps in authority and responsibility. This is exacerbated by the weak internal supervision system and the lack of data integration between agencies, thus causing confusion in the implementation of narcotics countermeasures programs nationally. In a study by the Research Center of the Expertise Agency of the House of Representatives of the Republic of Indonesia (2021), it was stated that one of the main causes of weak narcotics control policies is the lack of evidence-based evaluation (evidence-based policy) which should be the basis for public decision-making. As a result, policies are often reactive and do not touch the root of structural problems.

In addition, low public awareness of the dangers of illegal drugs is an indicator of the failure of preventive approaches in existing legal policies. Public education efforts are still very limited and tend to be

⁶ Mostyn, B. (2025). Chasing the financial success of drug traffickers: Australia's role in the development of the 1988 UN Drug Convention's financial provisions. *Current Issues in Criminal Justice*, 37(2), 287-307.

⁷ Laksono, S. D., Sambas, N., & Purnomo, H. (2024). Implementasi Pasal 54 Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika Dalam Melakukan Tindakan Rehabilitasi Medis dan Rehabilitasi Sosial. *Iustitia Omnibus: Jurnal Ilmu Hukum*, 5(2), 165-185.

formalistic, such as counseling that is not based on community needs or does not target vulnerable groups such as adolescents and informal workers. In fact, a community-based participatory approach has proven effective in preventing substance abuse in various countries. For example, a community-based approach implemented in Iceland has been successful in significantly reducing the rate of narcotics use among adolescents through collaboration between the government, schools, and parents. This shows that strengthening legal policies is not enough just by tightening sanctions or expanding the authority of the authorities, but must also be accompanied by risk communication strategies and active community involvement in prevention efforts. Without comprehensive reforms, both in institutional design and legal culture in favor of public health, the main objectives of Law No. 35 of 2009 will not be achieved substantively

11 **METHOD**

This research uses a normative juridical method, which is an approach based on analysis of applicable laws and regulations, legal doctrines, and relevant legal principles. This approach was chosen because the main focus of the research is to examine how legal policies, especially those contained in Law Number 35 of 2009 concerning as an instrument to control the circulation of illegal drugs and their implications for the protection of public health.

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The data used in this study is secondary data, which includes primary legal materials such as laws, government regulations, and court decisions, as well as secondary legal materials such as scientific journals, legal textbooks, and official reports from related institutions such as the National Narcotics Agency (BNN), the Ministry of Health, and Komnas HAM. The analysis was carried out qualitatively by examining the suitability between the applicable legal norms and their implementation practices in the field, including the structural and institutional obstacles faced in law enforcement. The goal is to evaluate the effectiveness of existing regulations and formulate recommendations for improving legal policies in order to protect public health from the impact of illicit drug abusers.

RESULTS AND DISCUSSION

The Effectiveness of Law Number 35 of 2009 in Controlling the Circulation of Illegal Drugs

1. Incompatibility between Legal Norms and Enforcement Practices in the Field

The above statement regarding the incompatibility between legal norms and law enforcement practices in the context of Law No. 35 of 2009 concerning Narcotics is supported by various studies and scientific research that reveal that although many countries have established laws regulating narcotics, their implementation is often hampered by structural and systemic problems. According to research, laws oriented towards the eradication of narcotics often fail to strike a balance between harsh law enforcement and protection of human rights, especially for narcotics users.⁸ They note that a legal system that prioritizes

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⁸ Laksana, A. W. (2023). The Protection of Human Rights in the Case of Non-Criminal Narcotics Users. *SASI*, 29(4), 790-801.

criminal punishment without giving adequate attention to the rehabilitation of drug users can exacerbate social and health problems, as well as exacerbate overpopulation in prisons. This is in line with the findings that criminalization policies against narcotics users can actually worsen dependence, cause social stigma, and hinder the rehabilitation process, which should be the main focus in handling narcotics abuse cases.⁹

Further research reveals that although many countries, including Indonesia, have clear regulations on the supervision of the circulation of hard drugs, these controls are often ineffective due to limited resources, lack of coordination between agencies, and inconsistent enforcement of laws.¹⁰ They also identified that weak oversight of the distribution of hard drugs can open up loopholes for abuse, ultimately harming communities. In this context, suboptimal supervision of the circulation of hard drugs such as tramadol and PCC contributes to the increase in cases of abuse of these drugs among the public.

Furthermore, studies show that improper law enforcement in dealing with narcotics users can create a gap between legal theory and practice on the ground.¹¹ They argue that, while laws often provide room for rehabilitation, their implementation is often hampered by a lack of awareness and training among law enforcement officials on how to distinguish between drug dealers and drug users in need of rehabilitation. The results of this study underscore the importance of education and training for law enforcement officials in implementing more humane and health-based policies, so that the law can be more responsive to rehabilitation needs.

Thus, these scientific studies provide empirical evidence that supports the assertion that although the law has established adequate norms for the handling of narcotics, its implementation is still far from hopeful. This is due to a number of factors, including weak supervision, lack of training for law enforcement officials, and legal practices that are still dominated by a punitive approach, rather than rehabilitation.

2. Structural Barriers in Coordination Between Law Enforcement Agencies

Structural obstacles in coordination between law enforcement agencies that hinder the effectiveness of Law No. 35 of 2009 concerning Narcotics have become a concern for many researchers and legal practitioners. Several studies show that data missynchronization between law enforcement agencies is a major problem in efforts to eradicate narcotics. According to the research conducted, this data insynchronization causes gaps in decision-making and the determination of the right strategy in handling the narcotics problem.¹² Each institution, such as the BNN, the Police, the Prosecutor's Office, and the Ministry of Health, uses

⁹ Robekha, J., Prianggono, S., Mutiara, A., Ratna, F., & Yuwafi, R. (2024). Analisis Kebijakan Hukum terhadap Strategi Rehabilitasi Pecandu Narkotika. *IBLAM LAW REVIEW*, 4(2), 211-216.

¹⁰ Wijaya, A., & Ruslie, A. (2024). Kendala dan Permasalahan dalam Rehabilitasi Pelaku Tindak Pidana Narkotika menurut Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika. *Journal Evidence Of Law*, 3(3), 302-313.

¹¹ Nordgren, J., Richert, T., & Stallwitz, A. (2022). Police officers' attitudes and practices toward harm reduction services in Sweden—A qualitative study. *International journal of drug policy*, 104, 103672.

¹² Utama, S. A. (2021). *Rekonstruksi Pengaturan Rehabilitasi Bagi Tersangka Pemakai Narkotika Pada Tahap Penyidikan Berbasis Nilai Keadilan* (Doctoral dissertation, Universitas Islam Sultan Agung (Indonesia)).

different information systems, which not only hinders collaboration between agencies, but also slows down the response to the ever-growing threat of narcotics.

In addition, the difference in priorities between these institutions is also a significant obstacle. The difference in perspective between institutions that focus more on criminal prosecution and institutions that pay more attention to rehabilitation aspects create policies that are not well coordinated.¹³ The police and prosecutor's office focus more on law enforcement against perpetrators, while the BNN is more involved in rehabilitation and prevention, which is often at odds with the repressive approach taken by other law enforcement agencies. This difference in priorities often leads to policies that are not integrated and ineffective in reducing the prevalence of narcotics.

Overlapping authority is also a problem faced by the Indonesian legal system in handling narcotics. The lack of clear division of authority between law enforcement agencies in investigation and prosecution can lead to inconsistent enforcement of the law and can lead to the neglect of individual rights in the legal process.¹⁴ For example, in many narcotics cases, investigations can be carried out by the Police, but prosecution must go through the Prosecutor's Office, which often leads to delays in legal proceedings.

In addition, the approach that is too dominant in the aspects of repression and criminal punishment also often ignores the importance of preventive and rehabilitative approaches. Criticism of an approach that prioritizes law enforcement too much and often forgets rehabilitation efforts for drug users who actually need more attention in terms of their mental and physical health.¹⁵ This criminal-based approach, according to Setiawan, actually worsens the problem by increasing the number of inmates, while not providing a long-term solution to narcotics abuse.

For this reason, it is important to reform coordination between law enforcement agencies, which suggests the establishment of a shared data-based coordination system that can integrate the roles of each institution more efficiently.¹⁶ This will allow for more coordinated policies, better monitoring of narcotics distribution, and the development of more effective rehabilitation programs. Without a more integrated system and institutional reforms, Law No. 35 of 2009 will still experience limitations in achieving its main goal, which is to reduce the prevalence of narcotics in Indonesia.

¹³ Venerdi, A. J., & Edrisy, I. F. (2025). Pendekatan hukum pidana terhadap pecandu narkoba: Antara pembedaan¹⁵ dan kewajiban rehabilitasi. *Journal Evidence Of Law*, 4(1), 300-309.

¹⁴ Islam, F. (2024). Human trafficking law enforcement over the victims and offenders: The perspective of anti-trafficking stakeholders. *Victims & Offenders*, 19(8), 1512-1540.

¹⁵ Zahryo, A. M. (2024). TINJAUAN YURIDIS PERLINDUNGAN HUKUM BAGI PENCANDU¹³ NARKOTIKA DALAM TINDAK PIDANA PENYALAHGUNAAN NARKOTIKA (STUDI PERKARA Nomor 555/Pid. sus/2023/PN Smg) (Doctoral dissertation, Universitas Islam Sultan Agung Semarang).

¹⁶ Choirunnisa, L., Oktaviana, T. H. C., Ridlo, A. A., & Rohmah, E. I. (2023). Peran Sistem Pemerintah Berbasis Elektronik (SPBE) Dalam Meningkatkan Aksesibilitas Pelayanan Publik di Indonesia. *Sosio Yustisia: Jurnal Hukum dan Perubahan Sosial*, 3(1), 71-95.

Thus, the problem of coordination between law enforcement agencies not only hinders the effectiveness of the law, but also shows the urgent need for structural changes in narcotics management that are more coordinated and based on valid and systematic data.

Legal Policy Implications for Public Health Protection

1. Weak Implementation of Rehabilitation as an Instrument of Health Protection

Although Article 54 of Law No. 35 of 2009 clearly regulates the obligation of medical and social rehabilitation for narcotics addicts, the implementation of this policy in the field is still very weak. Most narcotics users are criminally processed and do not have adequate access to rehabilitation services, especially in areas with minimal facilities and experts. Budget constraints are a major obstacle to the provision of adequate rehabilitation facilities, while the social stigma attached to drug addicts further exacerbates the situation. In addition, the lack of coordination and integration between the legal and health sectors exacerbates efforts to implement rehabilitation as the main solution in countering narcotics abuse. According to research conducted by the World Health Organization (WHO), rehabilitation approaches based on health principles are more effective in dealing with narcotics addiction, because they treat users as patients who need medical and social care, not as criminals who should be punished. This approach not only helps the physical and mental recovery of narcotics users, but also reduces the burden on the justice system and overall health..

However, on the ground, there are many challenges that hinder the implementation of this policy. A study by the Indonesian Drug Control Agency (BNN) in 2020 showed that rehabilitation facilities in Indonesia are still very limited, with only about 100 rehabilitation centers spread across the region, while the need for rehabilitation services is much higher, especially in remote areas (BNN, 2020). In addition, the social stigma against narcotics users who are often perceived as criminals, rather than as individuals in need of medical care, exacerbates the integration between the legal and health sectors. This leads to discrimination in access to health services for narcotics users, which further prolongs the cycle of criminalization and relapse.

As a result, rehabilitation policies, which should be the main solution in dealing with the problem of narcotics addiction, are hampered and cannot be implemented optimally. Research by the National Institute on Drug Abuse (NIDA) shows that, without access to proper rehabilitation, narcotics users tend to return to illicit substances after serving their sentences, known as "relapses". This not only creates a burden on the justice system, but also burdens the health system, as narcotics users who do not receive adequate medical care are at high risk of developing long-term health problems, such as mental disorders, infections, and other chronic diseases.¹⁷

For this reason, policy reform is needed that emphasizes a more integrated rehabilitative approach and focuses on health protection, in order to achieve the goal of effective recovery for drug addicts. An approach that combines the legal and health sectors in dealing with drug users can reduce stigma, improve access to

¹⁷ Subandri, A., & Widyarsono, T. (2021). *Menumpas Bandar Menyongsong Fajar: Sejarah Penanganan Narkotika di Indonesia*. Prenada Media.

rehabilitation services, and ultimately reduce the rates of criminalization and relapse that burden the justice and health systems in Indonesia.

2. Lack of Community-Based Education and Prevention in Legal Policy

Legal policies that prioritize a repressive approach in dealing with drug abuse tend to be less effective in the long term when compared to preventive approaches based on education and community empowerment. This is supported by research that shows that prevention strategies that involve education, awareness-raising, and community strengthening have a more significant impact on reducing the rate of narcotics abuse. According to the Global Commission on Drug Policy (2014), a law-based approach that prioritizes law enforcement without being balanced with comprehensive prevention programs actually exacerbates social problems, increases stigma, and exacerbates public health impacts. In contrast, approaches that involve community-level education and counseling have greater potential in shaping preventive behaviors among individuals, particularly among vulnerable young people.

A study conducted by the National Institute on Drug Abuse (NIDA) in the United States also shows that education-based prevention programs can reduce a person's chances of engaging in drug abuse. Effective education should include clear information about the risks of narcotics use as well as strategies for coping with social or psychological distress. This research shows that knowledge-based information-based approaches can have a significant impact in shaping individual attitudes and behaviors in preventing narcotics abuse.¹⁸

The examples of countries such as Iceland and Portugal also reinforce the importance of community-based prevention. In Iceland, Reykjavik's Youth Programme, which prioritizes the involvement of parents, teachers, and the community in educating children and creating positive activities, has been proven to be successful in reducing the rate of drug abuse among adolescents. The European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) reports that community-based prevention policies in Iceland have reduced the rate of alcohol, drug and tobacco use among adolescents by 50% in recent years. Meanwhile, Portugal, which adopted a drug decriminalization policy in 2001, focuses on providing rehabilitation and rehabilitation services for drug users, as well as introducing public education about narcotics. As a result, the rate of drug abuse in Portugal has decreased significantly, and many people who were previously involved in drug use now have better access to health and rehabilitation services, and have opportunities for social reintegration.

Broader research also shows that the success of drug prevention policies depends on a holistic approach involving a variety of sectors, including education, health, and social. According to a World Health Organization (WHO) report, successful prevention programs must involve an evidence-based approach, working with families, schools, and communities to create an environment that supports healthy adolescent

¹⁸ Asyujuti, M. F., Pertiwi, F. H., Adawiyah, S. L., Mulyanti, E., Mustika, Y., & Latifah, A. (2025). Pendekatan Integratif dalam Pencegahan Korupsi: Studi Kasus dan Solusi Berbasis Transparansi dan Partisipasi Publik. *Jurnal Penelitian Inovatif*, 5(1), 791-802.

development and reduces the risk of drug abuse. Education that involves a deeper understanding of the risks of narcotics abuse, as well as improving life skills, is part of a proven preventive effort to reduce drug use rates in the long term.

Thus, preventive approaches that prioritize community-based education, clear information, and community empowerment are not only more effective in prevention, but can also reduce the broader public health impact. Relying solely on repressive legal approach without educational and empowerment efforts will not be enough to address the problem of narcotics abuse as a whole.

CONCLUSIONS

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Law Number 35 of 2009 concerning Narcotics has not been effective in controlling the circulation of illegal drugs due to various obstacles in its implementation. The incompatibility between legal norms and enforcement practices in the field leads to drug users being convicted more often than rehabilitated, even though health approaches are more appropriate to deal with addiction. In addition, weak coordination between institutions, overlapping authority, and lack of data integration worsen the effectiveness of narcotics handling. The implementation of rehabilitation is also hampered by the lack of facilities, budget, and social stigma. On the other hand, overly repressive legal approaches ignore the importance of community-based education and prevention, which has proven to be more effective in the long run. For this reason, policy reform that is more coordinated, humane, and based on health and prevention is needed.

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IPSO JURE

Journal

Vol.2. No.4, May 2025

DOI : <https://doi.org/10.62872/6p6kgm44>

E-ISSN : 3032-7644
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