MAWADDAH: Jurnal Hukum Keluarga Islam **p-ISSN 3031-5247**
DOI: https://doi.org/10.52496/mjhki.v4i1.87 **e-ISSN 3026-6076**

Socioeconomic Inequality and Judicial Disparities In Drug Sentencing: A Mixed-Methods Study on Rehabilitation vs Imprisonment In Indonesia

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Received:	Revised:	Accepted:	Available Online:	Published:
13/12/2025	04/05/2026	19/05/2026	19/05/2026	19/05/2026

Abstract

Drug-related arrests in Indonesia frequently result in disparate legal outcomes influenced by extralegal determinants, raising concerns about fairness and consistency within the national drug policy framework. This study examines the factors shaping judicial decisions between rehabilitation and imprisonment within the Indonesian legal system. Employing a mixed-methods design, the research integrates quantitative analysis of secondary data derived from judicial decisions and reports of the National Narcotics Agency (BNN) covering the period 2019–2024, with qualitative insights obtained through in-depth interviews, analyzed using NVivo 12. The analysis is grounded in critical criminology and Islamic legal principles, particularly maqāṣid al-sharī'ah. Within this framework, "systemic bias" is operationalized as patterned disparities in sentencing outcomes associated with extralegal factors, including socioeconomic status and drug type. The findings indicate that individuals from lower socioeconomic backgrounds and those involved with synthetic drugs are significantly more likely to receive custodial sentences, whereas defendants from higher socioeconomic groups or associated with traditional substances are more frequently directed toward rehabilitation programs. These disparities reflect structural inequalities that undermine both legal rationality and the normative objectives of justice, including the protection of life, intellect, and social welfare as emphasized in maqāṣid al-sharī'ah. To address these issues, the study advocates for comprehensive legal reforms, including the standardization of sentencing guidelines, expanded access to rehabilitation services, strengthened inter-agency coordination, and a shift toward a harm-reduction approach to promote a more equitable system of drug law enforcement in Indonesia.

Keywords: Narcotics Law Enforcement; Systemic Bias in Criminalization; Rehabilitation vs Incarceration; Maqāṣid Al-Sharī'ah.

Abstrak

Penegakan hukum kasus narkotika di Indonesia sering kali menghasilkan putusan hukum yang berbeda-beda, yang didorong oleh faktor non-hukum alih-alih keadilan murni. Hal ini berpotensi merusak tujuan kebijakan narkotika nasional. Penelitian ini mengkaji faktor-faktor yang membentuk keputusan peradilan antara rehabilitasi dan pemenjaraan dalam sistem hukum Indonesia. Dengan menggunakan desain mixed-

methods, penelitian ini mengintegrasikan analisis kuantitatif terhadap data sekunder yang bersumber dari putusan pengadilan serta laporan Badan Narkotika Nasional (BNN) pada periode 2019–2024, dengan temuan kualitatif yang diperoleh melalui wawancara mendalam dan dianalisis menggunakan NVivo 12. Analisis ini didasarkan pada perspektif kriminologi kritis serta prinsip-prinsip hukum Islam, khususnya maqāṣid al-sharī'ah. Dalam kerangka ini, "bias sistemik" dioperasionalkan sebagai pola ketimpangan dalam hasil pemidanaan yang berkaitan dengan faktor-faktor di luar hukum, termasuk status sosial ekonomi dan jenis narkotika. Hasil penelitian menunjukkan bahwa individu dari latar belakang sosial ekonomi rendah serta yang terlibat dengan narkotika sintetis secara signifikan lebih mungkin dijatuhi hukuman penjara, sementara terdakwa dari kelompok sosial ekonomi lebih tinggi atau yang terkait dengan zat tradisional lebih sering diarahkan ke program rehabilitasi. Ketimpangan ini mencerminkan adanya ketidaksetaraan struktural yang melemahkan rasionalitas hukum sekaligus tujuan normatif keadilan, termasuk perlindungan terhadap jiwa, akal, dan kesejahteraan sosial sebagaimana ditekankan dalam maqāṣid al-sharī'ah. Untuk mengatasi permasalahan tersebut, penelitian ini merekomendasikan reformasi hukum yang komprehensif, termasuk standarisasi pedoman pemidanaan, perluasan akses terhadap layanan rehabilitasi, penguatan koordinasi antar lembaga, serta pergeseran menuju pendekatan harm reduction guna mewujudkan sistem penegakan hukum narkotika yang lebih adil di Indonesia

Kata Kunci: Penegakan Hukum Narkotika; Bias Sistemik Pemidanaan; Rehabilitasi vs Pemenjaraan; Maqāṣid Al-Sharī'ah.

INTRODUCTION

The National Crime Information Center data in 2023 showed that on average, 100 drug cases were entering the court system every day in Indonesia, reflecting that a drug emergency had not abated.[1] Paradoxically, with thousands of eradication operations, police enforcement of drug offenders has demonstrated inconsistencies; some offenders are referred to rehabilitation and some are straightly imprisoned without clear guidelines, with the same case profile.[2] This contradiction begs the question of the fairness and impartiality of police officers. Here is where we begin to see law enforcement bias at play and the extent to which decisions about rehabilitation and imprisonment are affected by non-legal considerations, such as class and subjective police views.

Indonesia's legal framework formally recognizes rehabilitation as a central component of drug policy. Under Law of the Republic of

[1] Pusiknas Polri, "Rata-Rata Seratus Kasus Narkoba Ditindak Tiap Hari," *Pusiknas.Polri.Go.Id*, 2023, https://pusiknas.polri.go.id/detail_artikel/rata-rata,_seratus_kasus_narkoba_ditindak_tiap_hari.

[2] Zora A. Sukabdi and Kim J. Wheeler, "Rehabilitation of People Who Have Offended in Indonesia," *Approaches to Offender Rehabilitation in Asian Jurisdictions*, no. May (2024): 145–62, https://doi.org/10.4324/9781003360919-12.

Indonesia Number 35 of 2009 concerning Narcotics, particularly Articles 54 and 103, individuals categorized as drug users or addicts are mandated to undergo medical and social rehabilitation rather than imprisonment. These provisions grant judges discretionary authority to order rehabilitation based on the offender's condition and level of dependency. However, despite this normative foundation, inconsistencies persist in judicial practice, where similar cases often result in divergent outcomes. This gap between legal norms and implementation raises critical concerns regarding the coherence and fairness of drug law enforcement in Indonesia.[3]

The problem of unequal law enforcement against drug-related cases is a very severe one, particularly for those who have turned out to be classified as users in reality. These users should be entitled to rehabilitation rather than to irreversibly compulsive criminal punishment.[4] As long as the repressive tack is emphasized over a more humane, health-focused approach, the primary objective of drug policy saving and treating users is perverted.[5] Uncertainty regarding where the lines should be drawn between those read to be deserving of rehabilitation and those to be counted among the human refuse is not only illustrative of poor legal coherence, but more generally of a failure of the criminal law to properly interface with the health service.6 Therefore, attempts to rehabilitate prisoners are not the best, and prisons are even a place to produce new social problems, such as overpopulation.[7]

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[3] Wahyudi, Mohamad Riyad Mintarja, Nuryamin, Diana Farid, Muhammad Husni Abdulah Pakarti, and Ais Surasa , trans. 2024. "Tanggungjawab Hukum Institusi Rehabilitasi Medis Bagi Penyalahguna Narkoba". Al-Battar: Jurnal Pamungkas Hukum 1 (3): 164-75. https://doi.org/10.63142/5ez93a65.

[4] Noor Saptanti et al., "Claim of Rehabilitation and Treatment of Narcotic Patients in Article 53 and Article 54 of Law Number 35 of 2009 Concerning Narcotics," *Journal of Drug and Alcohol Research* 12, no. May (2023): 236-219, https://doi.org/10.4303/JDAR/236219.

[5] Wijaya Dewabhrata et al., "Mental Health, Environmental, and Socioeconomic Geographic Factors of Severe Drug Addiction: Analysis of Rehabilitation Center Data in Indonesia," *Substance Abuse: Research and Treatment* 17, no. May (2023): 2025, https://doi.org/10.1177/11782218231203687.

[6] Dr Jenni Ward and Dr Anna Kawalek, "The Return of Drugs Courts: Some Important Considerations," *International Journal of Drug Policy* 127, no. May (2024): 104418, https://doi.org/10.1016/j.drugpo.2024.104418.

[7] Vikra, Zulfa Asma , trans. 2024. "Efektivitas Penjatuhan Pidana Mati Terhadap Pelaku Tindak Pidana Narkotika". Al-Battar: Jurnal Pamungkas Hukum 1 (3): 192-97. https://doi.org/10.63142/ysyrfc61.

Drug rehabilitation centers continue to advocate that a public health model is more effective in treating drug use and addiction than is a criminalization approach.[8] Several investigations have demonstrated that drug addicts are not only criminals, but instead they are sick persons and have to receive medical and psychosocial treatment to quit addiction.[9] Portugal has implemented a policy of decriminalization of drug users and a shift in focus to community-based rehabilitation since 2001, which has been shown to reduce rates of use and ease the burden on their criminal justice system.[10] This approach shows that the success of drug treatment is greatly influenced by how the legal system treats users as patients, not prisoners.

The prison draws attention to the effect of a criminal justice system focused on incarceration for people who use drugs.[11] There is ample evidence that long-term imprisonment does not reform drug users, that drug addiction is not solved by punishment, but is exacerbated by it (as a result of the risks of recidivism and participation in other crimes).[12] Prisons are frequently regarded as a part of the problem, rather than a solution, as drug convicts have had little access to rehabilitation programmes.[13] Moreover, in nations like Thailand, where the drug laws are draconian, research reveals very high rates of drug relapse among

[8] Bambang Tri Bawono, Dwi Wahyono, and Andri Winjaya Laksana, "Implementation of Rehabilitation for Drug Abuses According To Law Number 35 of 2009 Concerning Narcotics," *Jurnal Hukum Unissula* 38, no. 1 (2022): 1–11, https://doi.org/10.26532/jh.v38i1.20869.

[9] A. R. Jayamaha et al., "Implementing Therapeutic Community as a Rehabilitation Intervention for the Imprisoned Narcotic Drug Offenders with Substance Use Disorder: Special Reference to Sri Lanka," *Journal of Offender Rehabilitation* 61, no. 4 (2022): 188–206, https://doi.org/10.1080/10509674.2022.2062519.

[10] Joana Moniz, Viviana Nunes, and Carla Cunha, "Forgiveness and Rehabilitation of Portuguese Incarcerated Individuals: What Do They Think about Forgiveness?," *Journal of Offender Rehabilitation* 63, no. 5 (2024): 328–46, https://doi.org/10.1080/10509674.2024.2353568.

[11] Stephen Tippell, "Drug-Users and the Prison System," *Drugs and British Society: Responses to a Social Problem in the Eighties*, no. May (2025): 116–28, https://doi.org/10.4324/9781003615149-8.

[12] R. J. Winter et al., "Resumption of Injecting Drug Use Following Release from Prison in Australia," *Drug and Alcohol Dependence* 168, no. May (2016): 104–11, https://doi.org/10.1016/j.drugalcdep.2016.08.640.

[13] Andrés Marco et al., "Reinfection in a Large Cohort of Prison Inmates with Sustained Virological Response after Treatment of Chronic Hepatitis C in Catalonia (Spain), 2002–2016," *International Journal of Drug Policy* 72, no. May (2019): 189–94, https://doi.org/10.1016/j.drugpo.2019.05.014.

former prisoners.[14] On the other hand, countries that follow a rehabilitation approach, such as Canada, have seen a lower rate of reoffending amongst drug users.[15]

In this case, the approach of critical criminology offers a significant view in studying the law enforcement bias against drug offenses. DeKeseredy (2021) also underscores the need to situate crime within power relations and social inequalities. He takes to task the orthodox scholarship of the 'Culture of Control', which largely overlooks power relations in understanding crime and justice.[16] In another related work, Glynn and Breen (2024) draw attention to the need to decolonize criminology as the colonial past affects how we perceive and react to crime committed, particularly by people of the global majority.[17]

Additionally, other research demonstrates that a critical criminology of race and racism, which is informed by both decolonial perspectives and race, allows a further understanding of how the criminal justice system reproduces social inequality. For example, Glynn and Breen (2024) point out how power structures and the legacies of colonialism shape contemporary criminological practice, and the need to build more inclusive and egalitarian counter-narratives in crime and policy.[18] These findings underscore that overcoming biases in society and the law is core to achieving a just legal system.

The comparison between previous studies and this study emphasizes social inequality and structural bias in law enforcement. DeKeseredy's (2021) and Glynn & Breen's (2024) work reminds us that we must understand crime in terms of power structures and colonial residuals so that we do not become blind to the criminal justice system as simply a result of broad social unevenness. In the meantime, studies on law enforcement of drugs in Indonesia are mainly concentrated on the disparity of rehabilitation and incarceration, and how non-legal aspects

[14] Nadia Fairbairn et al., "Compulsory Drug Detention and Injection Drug Use Cessation and Relapse in Bangkok, Thailand," *Drug and Alcohol Review* 34, no. 1 (2015): 74–81, https://doi.org/10.1111/dar.12206.

[15] Emily van der Meulen and Jackie Omstead, "The Limits of Rehabilitation and Recidivism Reduction: Rethinking the Evaluation of Arts Programming in Prisons," *Prison Journal* 101, no. 1 (2021): 102–22, https://doi.org/10.1177/0032885520978477.

[16] Walter S. DeKeseredy, *Contemporary Critical Criminology*, 2nd ed. (Routledge, 2021), https://doi.org/10.4324/9781003009429.

[17] Martin Glynn and Damian Breen, "Towards a Critical Race Criminology: Decolonising Criminological Practice," *Critical Criminology*, no. May (2024): 10612, https://doi.org/10.1007/s10612-024-09758-4.

[18] Glynn and Breen.

affect the legal decision by focusing on social status and officers' subjective perception. There is an important change in the setting. While this research connects drug law bias to material obstacles in the Indonesian legal system, other research has concentrated more on structural and decolonial theories about how power and social inequality influence responses to crime in the world.

In addition to criminological perspectives, this study is also informed by Islamic legal philosophy, particularly the framework of *maqāṣid al-sharī'ah. Maqāṣid al-sharī'ah* (the objectives of Islamic law) refer to the fundamental purposes underlying Islamic legal rulings, which aim to promote human welfare and prevent harm in both individual and social life. Classical scholars identify core protections within this framework, including the preservation of religion (ḥifẓ al-dīn), life (ḥifẓ al-nafs), intellect (ḥifẓ al-'aql), lineage (ḥifẓ al-nasl), and property (ḥifẓ al-māl).[19] In contemporary legal analysis, maqāṣid al-sharī'ah provides a normative foundation for evaluating policies based on their social impact, particularly in areas such as public health and criminal justice.

Within this perspective, drug use is understood as a threat to *ḥifẓ al-'aql* (the protection of intellect), one of the fundamental objectives of Islamic law. Consequently, responses to drug-related offenses should prioritize iṣlāḥ (social rehabilitation and moral reform) rather than purely punitive measures. Furthermore, the concept of *ta'zīr* provides discretionary authority to judges to determine appropriate sanctions based on the specific circumstances of the offender, allowing flexibility between punishment and rehabilitation. Integrating this perspective enables a more normative and ethical evaluation of law enforcement practices in drug cases.

Previous studies on drug law enforcement in Indonesia have largely examined the disparity between rehabilitation and imprisonment or the influence of extralegal factors such as socioeconomic status. However, these studies tend to treat the issue either from a criminological or policy-oriented perspective, without integrating normative legal analysis. Moreover, limited attention has been given to the intersection between structural bias in law enforcement and Islamic legal philosophy, particularly *maqāṣid al-sharī'ah*. Therefore, this study addresses this gap

[19] Marluwi, M., Baihaqi, B., Musadad, A., Zahro, U. I., & Pujiati, T. (2025). Maqāṣid al-Sharīʿah as a Governance Framework: Institutionalizing Child Protection in Pontianak. *Mawaddah: Jurnal Hukum Keluarga Islam*, *3*(2), 305-334.

by combining critical criminology with Islamic legal principles to examine how legal, social, and normative dimensions interact in shaping judicial decisions on drug cases in Indonesia. This study's novelty lies in using secondary data from government institutions and descriptive statistical analysis to identify biases in law enforcement and contribute to the development of more effective drug policies in Indonesia.

This study proposes three main research questions: (a) What factors influence the legal decision between rehabilitation and imprisonment in drug cases in Indonesia? (b) How does bias in law enforcement affect the effectiveness of drug policies in Indonesia, particularly in the context of rehabilitation versus imprisonment? (c) What steps should the Indonesian government take to reduce bias in drug law enforcement, so that rehabilitation and imprisonment policies can be implemented more effectively and fairly for all perpetrators, regardless of social status or type of drug used? These questions aim to identify inequalities in policy implementation and evaluate factors that can improve Indonesia's drug law enforcement system.

This study employs a mixed-methods approach to examine the factors influencing judicial decisions between rehabilitation and imprisonment in drug-related cases in Indonesia. The quantitative component utilizes secondary data derived from court decisions and reports of the Badan Narkotika Nasional (BNN) covering the period 2020–2024. The unit of analysis consists of drug-related judicial decisions, with key variables including defendants' socioeconomic status and type of narcotics involved. The data are analyzed using descriptive and frequency analysis to identify patterns in sentencing outcomes.

The qualitative component is based on in-depth interviews with 15 informants, including law enforcement officers, rehabilitation practitioners, and individuals involved in the drug justice system. Informants were selected using purposive and snowball sampling techniques to ensure relevance and depth of information. The qualitative data were analyzed using thematic analysis to identify recurring patterns related to judicial decision-making and potential bias in law enforcement.

To ensure validity and reliability, this study applies both source and method triangulation by integrating findings from quantitative data, legal documents, and interview results. All the data thus collected were analyzed on NVivo 12 to code for the frequencies of key terms in legal decisions against drug offenders. This analysis will help researchers

identify dominant patterns in the judge's consideration and terms related to socio-economic status and drug type. Utilizing the frequency and text search features in NVivo 12 can extract the narratives that emerged from the legal documents, selectives, and official reports, providing a qualitative understanding of how the factors matter in the legal decision-making on drug cases in Indonesia. Results of NVivo were brought into Microsoft Excel for visualization.

RESEARCH METHODS

This study uses a mixed-methods design that integrates quantitative and qualitative approaches in a complementary manner to analyze the disparity of verdicts in narcotics cases in Indonesia. The quantitative approach is used to identify the general pattern of criminalization between rehabilitation and incarceration, while the qualitative approach aims to explore in depth the non-legal (extralegal) factors that influence judges' considerations. Conceptually, this research is based on the perspective of critical criminology and Islamic legal principles, especially maqāṣid al-sharī'ah, in order to assess the extent to which law enforcement practices reflect substantive justice and protection of basic human values.

The data sources in this study consist of primary and secondary data. Primary data was obtained through in-depth interviews with stakeholders, such as judges, prosecutors, advocates, and narcotics rehabilitation practitioners. Meanwhile, secondary data is sourced from court decisions related to narcotics cases and official reports from the National Narcotics Agency (BNN) in the 2019-2024 period. Data collection techniques are carried out through documentation studies for secondary data and semi-structured interview techniques for primary data, which allow in-depth exploration of legal and non-legal considerations in the judicial process.

Quantitative data analysis was carried out using descriptive and inferential statistical techniques to identify trends and relationships between variables such as socioeconomic status, type of narcotics, and type of verdict. The qualitative data analysis was carried out using NVivo 12 software with a thematic approach to identify narrative patterns and the construction of meaning that emerged from the interview results. The integration of the results of the analysis was carried out through triangulation techniques to increase the validity of the findings, so as to obtain a comprehensive understanding of the phenomenon of systemic bias in the criminalization of narcotics cases and its implications for legal justice and the normative goals of maqāṣid al-sharī'ah.

RESULT AND DISCUSSION

Factors Influencing the Legal Decision between Rehabilitation or Imprisonment

Various factors often influence the decision between rehabilitation and imprisonment in drug cases in Indonesia. The following data illustrates the percentage of legal decisions between rehabilitation and imprisonment based on the factors that influence.

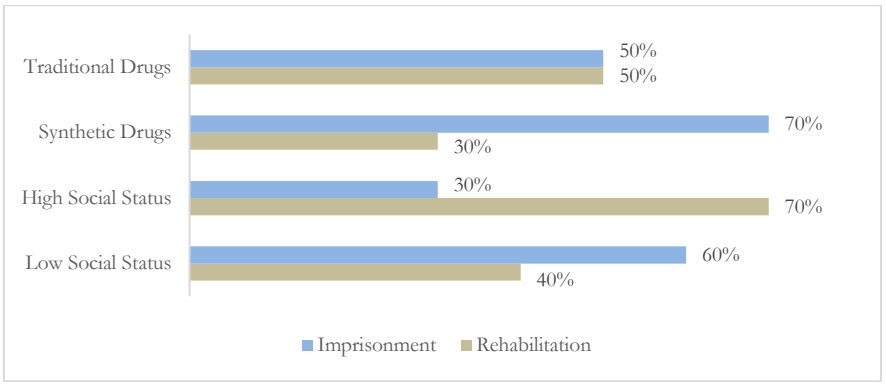


Figure 1. Percentage of Legal Decisions between Rehabilitation or Prison Based on Influencing Factors
Sources: Processed by researchers, 2025

Figure 1 shows the percentage of decisions between rehabilitation and prison that are influenced by factors such as social status and the type of drug used. For low-status offenders, the prison sentence is seen more often (60%) than rehabilitation (40%). For high-status offenders, rehabilitation is more common (70%) than a prison sentence (30%). It might indicate one of the inequities of law enforcement that finds favor with individuals from higher social strata. Moreover, only 30% of offenders using synthetic drugs were sentenced to rehabilitation, whereas for all traditional drugs, the sentences remained equitable (50% rehabilitation and 50% prison). This phenomenon suggests that law enforcement may place more emphasis on punishment for drug use that is considered more dangerous. However, other research suggests that a public health-based approach is more effective for drug addiction rehabilitation.[20]

[20] Teguh Hartono, Vadira Hanami, and Fanniya Dyah Prameswari, "Drug Abuse Rehabilitation Policies in Indonesia: A Comparison with Vietnam, Australia and Portugal," *Wacana Hukum* 29, no. 2 (2023): 163–80, https://doi.org/10.33061/wh.v29i2.9576.

To further clarify the relationship between key variables, this study proposes a conceptual model in which socioeconomic status influences access to legal resources (such as legal representation and social capital), which in turn shapes judicial outcomes between rehabilitation and imprisonment. In addition, the type of drug functions as a moderating variable that strengthens punitive responses, particularly in cases involving synthetic substances. This model highlights that legal decisions are not solely determined by formal legal criteria, but are mediated by structural and contextual factors.

Those of lower social-class background are more likely to be imprisoned rather than rehabilitated because their access to quality legal aid is restricted, they are less able to apply social pressure on the justice system, and their lower social-class standing enables the justice system to prescribe harsher penalties.[21] Moreover, adverse stereotypes about low-income populations often affect the decision-making of law enforcement officers in such a way that the imposition of sentences is more retributive than rehabilitative.[22] There are already some studies that prove that the criminal justice system in several countries, including Indonesia, has a social bias that tends to be harsher on vulnerable groups, including those in lower socio-economic layers.[23] This disparity is one of the systemic elements that bolster injustice in the enforcement of anti-drug regulations.

High-society offenders are afforded rehabilitation mainly due to resource availability, such as professional legal services, strong social groups, and the ability to sway legal decisions through informal approaches.[24] This reflects a social and economic vantage on the justice system where an upper class or good person receives more lenient or

[21] Le Shae Henderson, "Lifetimes of Vulnerability: Childhood Adversity, Poor Adult Health, and the Criminal Legal System," *Journal of Health and Social Behavior*, no. May (2023): 2025, https://doi.org/10.1177/00221465231214830.

[22] Brandy F. Henry, "Adverse Experiences, Mental Health, and Substance Use Disorders as Social Determinants of Incarceration," *Journal of Community Psychology* 48, no. 3 (2020): 744–62, https://doi.org/10.1002/jcop.22289.

[23] Rudy Suyanto, Bambang Santoso, and Oksidelfa Yanto, "Hilangnya Hak Persamaan Di Mata Hukum Dalam Sistem Peradilan Pidana Di Indonesia Bagi Masyarakat Miskin Pengguna Narkotika," *Jurnal Lex Specialis* 1, no. 1 (2020): 11–20, http://openjournal.unpam.ac.id/index.php/jlsp/article/download/6497/4296.

[24] Queenter Ondigo and Henry Rono, "The Role of Prison Inmates' Socio-Economic Characteristics on Rehabilitation Outcomes," *IRA-International Journal of Management & Social Sciences (ISSN 2455-2267)* 16, no. 4 (2020): 121, https://doi.org/10.21013/jmss.v16.n4.p1.

alternative sentences based on their position and legal treatment regarding their misconduct. In other studies, the practices of discriminatory law enforcement in Indonesia are closely related to the perpetrators' economic and political power, which opens up the opportunity for perpetrators to receive better decisions, such as rehabilitation or probation instead of imprisonment.[25] This affirms that the justice piece in the legal system is still not equal, and remains contingent on socio-economic forces.

These findings can be further understood through the lens of critical criminology, which emphasizes that legal outcomes are not neutral but are shaped by power relations and structural inequalities. The disproportionate imprisonment of lower-class offenders reflects how access to legal resources, social capital, and institutional influence mediates judicial outcomes. Rather than functioning as an objective system, law enforcement operates within broader socio-political structures that privilege certain groups while marginalizing others. This aligns with critical criminological arguments that the criminal justice system often reproduces existing social hierarchies under the guise of legal rationality.

On the other hand, perpetrators who use synthetic drugs tend to be sentenced to prison more often than those who use traditional drugs because synthetic drugs are generally categorized as substances with more severe psychological and physiological impacts and are more difficult to rehabilitate.[26] In Indonesia, synthetic drugs such as crystal methamphetamine or ecstasy are often associated with international drug trafficking networks. They are considered more dangerous, so law enforcement officers tend to take repressive action in the form of imprisonment.[27] In contrast, users of traditional drugs such as marijuana or natural-based sedatives are often seen as having a lower risk of

[25] Muhammad Arif Agus and Ari Susanto, "The Optimization of the Role of Correctional Centers in the Indonesian Criminal Justice System," *Jurnal Penelitian Hukum De Jure* 21, no. 3 (2021): 369, https://doi.org/10.30641/dejure.2021.v21.369-384.

[26] Lesbeth Vandam et al., "New Psychoactive Substances in Prison," *European Monitoring Centre for Drugs and Drug Addiction*, no. June (2018): 1–20, https://www.emcdda.europa.eu/publications/rapid-communications/nps-in-prison_en.

[27] Fathurrohman and Gisela Bichler, "Explaining the Positional Importance of Actors Involved in Trafficking Methamphetamine into Indonesia," *Global Crime* 22, no. 2 (2021): 93–122, https://doi.org/10.1080/17440572.2020.1819249.

dependence and greater rehabilitation potential.[28] This explains why legal decisions against traditional drug users are more balanced between rehabilitation and imprisonment, because the approach tends to be more humanistic and considers the recovery aspect.

This research demonstrates an inequity in legal decisions between rehabilitation and incarceration that is attributed to social characteristics and the type of drug consumed. This discrepancy marks the structural bias in the legal process; individuals with low levels of social status are likely to be imprisoned, and individuals with high social well-being are likely to be rehabilitated. This is unlike what was observed in the prior studies, which were silent on the impact of socio-economic factors in the delivery of justice. DeKeseredy's (2021) study found that such social inequality occurs in Indonesia and numerous other countries, where pervasive power relations and inequalities do not infrequently influence court decisions.[29]

Furthermore, this paper also distinguishes the type of drug abused; synthetic drug users are more likely to receive a prison sentence than traditional substance users. Hegazy (2021) has previously reported that the public health approach is more successful in treating addiction.[30] However, even in cases where there is proof of rehabilitation, policies in Indonesia are more inclined to impose jail terms for synthetic drug cases due to what they perceive as the higher risk and connections to international syndicates. This difference highlights the gap between the public health-based philosophy underlying rehabilitation and the law enforcement model that focuses on punitive responses to synthetic drug users.

On the other hand, this study revealed that socio-economic factors and the type of drug used play a significant role in the legal decision between rehabilitation and imprisonment in Indonesia. Inequality in the administration of justice, from which the high social circles profit and the lower social categories suffer, is a structural bias that does justice to the formal justice system. While a public health-oriented approach is

[28] Aryo Galih Saloko and Asfi Manzilati, "Examining The Gateway Hypothesis of Drug Use In Indonesia," *Indonesian Journal of Health Administration* 9, no. 1 (2021): 95–106, https://doi.org/10.20473/jaki.v9i1.2021.95-106.

[29] DeKeseredy, *Contemporary Critical Criminology*.

[30] Shady Mohamed Arafa Hegazy, "Terminating The Public Employee's Service Due to Lack of Health Fitness and Proven Drugs Abuse or Addiction in The Light of The Criminal and Civil Service Laws in Egypt and Saudi Arabia," *International Journal of Criminal Justice Sciences* 16, no. 2 (2021): 49–68.

more widely supported by previous research, law enforcement in Indonesia is more inclined towards imprisonment, particularly for synthetic drugs, which are perceived as more harmful. This shows a rift between theory based on rehabilitation and law enforcement practice, which tends more to suppressive arbitrations that must be examined. A balance must be struck between effective rehabilitation and fair and objective law enforcement.

From an Islamic legal perspective, drug use can be analogically linked (qiyās) to *khamr* (intoxicants), as both impair العقل (‘aql, intellect), which is protected under the principle of *ḥifẓ al-‘aql* within *maqāṣid al-sharī‘ah*. However, unlike classical offenses subject to ḥudūd punishments, drug-related offenses fall within the domain of *ta‘zīr*, where judges are granted discretionary authority to determine appropriate sanctions based on the circumstances of the offender. Within this framework, rehabilitation may be understood as a form of iṣlāḥ (social and moral reform) and ta’dīb (educative correction), emphasizing recovery rather than punishment. Therefore, the observed preference for imprisonment over rehabilitation particularly for lower socioeconomic groups and synthetic drug users raises normative concerns, as it reflects a departure from the restorative and corrective orientation embedded in Islamic legal philosophy.

The Impact of Bias in Law Enforcement on the Effectiveness of Drug Policy in Indonesia

Bias in law enforcement can create inconsistencies in the handling of drug cases, which impacts the effectiveness of overall drug policy. This section discusses how such bias affects the implementation of rehabilitation and detention policies, and its impact on the success of rehabilitation programs in Indonesia.

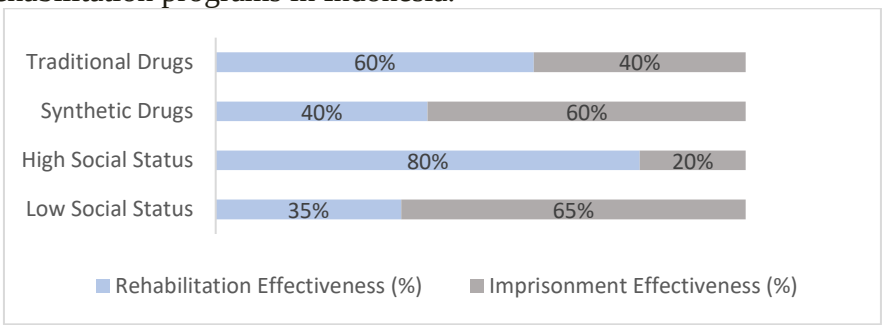


Figure 2. Effectiveness of Rehabilitation and Prison Based on Social Factors and Type of Drug
Sources: Processed by researchers, 2025

Figure 2 shows data on the comparison of the effectiveness between rehabilitation and prison based on social factors and the type of drugs used. Based on this table, it can be seen that the effectiveness of rehabilitation is higher for offenders with high social status and traditional drug use, while the effectiveness of prison is higher for offenders with low social status and synthetic drug use.

To clarify the mechanism underlying these disparities, this study proposes a conceptual model in which socioeconomic status influences access to legal resources, such as legal representation, social capital, and institutional support, which subsequently shapes judicial decisions between rehabilitation and imprisonment. Additionally, the type of drug acts as a moderating variable that intensifies punitive responses, particularly in cases involving synthetic substances. This model suggests that legal outcomes are not solely determined by formal legal criteria, but are mediated by structural inequalities and contextual perceptions of risk.

In low-social-status offenders, rehabilitation effectiveness was only 35%, while prison recorded an effectiveness of 65%. This suggests that, although rehabilitation should be the primary option for drug users, low social factors can influence outcomes. Previous research has shown that low-social-status offenders often face barriers in accessing adequate rehabilitation facilities,[31] as well as stigmatization that makes them more likely to experience difficulties in undergoing the rehabilitation process.[32] This may contribute to the low level of rehabilitation effectiveness in this group.

Conversely, for high-status offenders, the success rate of rehabilitation was raised to 80%, while prison only obtained 20%. High status offenders are more likely to have better access to higher quality treatment, and members of their larger social networks may be more capable of providing more effective support. Other studies also confirm this, as people of a higher social status often have the possibility of active options for medical services, psychosocial assistance, and thus a better

[31] Mark Olfson et al., "Healthcare Coverage and Service Access for Low-Income Adults with Substance Use Disorders," *Journal of Substance Abuse Treatment* 137, no. March 2021 (2022): 108710, https://doi.org/10.1016/j.jsat.2021.108710.

[32] Mary M. Levi et al., "An Exploratory Study of Overlapping Stigmas and Substance Use Stigma Among Women With Substance Use Histories Who Are Incarcerated," *Journal of Drug Issues*, no. May (2024): 2025, https://doi.org/10.1177/00220426241269992.

use of rehabilitation in the long run.[33] This indicates that the rehabilitation success is highly affected by the social status.

From the perspective of critical criminology, primarily through the thinking of Taylor, Walton, and Young (2013), law enforcement that is biased towards social class reflects how the legal system works to maintain the existing power structure.[34] They argue that the criminal justice system is not a neutral one, but reflects economic and political relations that locate the poor as those most susceptible to criminalization. This corresponds to patterns in drug control in Indonesia, whereby lower-class individuals are sentenced to prison rather than rehabilitation. On the other hand, crimes of the upper class are presumed to receive more lenient sentences, as these criminals may rely on legal knowledge, resources, and networks of power. This class-based bias lends itself to the perception of the law as a means of social control of the lower class, not an impartial arbiter of justice.

Rather than merely illustrating inequality, these findings empirically confirm the core proposition of critical criminology that law functions as an instrument of power embedded within socio-economic structures. The differential effectiveness of rehabilitation and imprisonment across social classes demonstrates that legal outcomes are mediated by access to resources, institutional capital, and social positioning. In this sense, bias in drug law enforcement is not incidental, but systemic reflecting how the criminal justice system selectively distributes punitive and restorative responses. This reinforces the argument that drug policy in Indonesia operates within a stratified system where justice is contingent upon social hierarchy rather than purely legal considerations.

Reiman and Leighton (2020) also noted this fact, that the criminal justice system is structured to perpetuate social inequality by displaying its lower-class crimes more conspicuously and obscuring its structural crimes committed mainly by the upper class.[35] In Indonesia, the

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[33] Wenyu Zhang and Hui Wu, "The Relationship of Socioeconomic Factors and Substance Abuse Treatment Dropout," *Healthcare (Switzerland)* 13, no. 4 (2025): 1–17, https://doi.org/10.3390/healthcare13040369.

[34] Ian Taylor, Paul Walton, and Jock Young, *The Rich Get Richer and the Poor Get Prison: Thinking Critically about Class and Criminal Justice: Twelfth Edition*, 2013, https://doi.org/10.4324/9780203730157.

[35] Jeffrey Reiman and Paul Leighton, *The Rich Get Richer and the Poor Get Prison: Thinking Critically about Class and Criminal Justice: Twelfth Edition*, 12nd ed. (Taylor and Francis, 2020), https://doi.org/10.4324/9780429278679.

repressive treatment of poor people who use drugs serves to demonstrate that when it comes to the most vulnerable, the law is more of a tool for stigmatization and social exclusion than a means of recovery and well-being. If rehabilitation is accessible only to the economically privileged, drug policies serve to legitimize inequality and to perpetuate exclusion. For this reason, the recognition of class bias in policing is essential in spurring more equitable and radical changes in drug policy reform.

Critical criminology is a very suitable theoretical framework for explaining law enforcement bias in drug cases in Indonesia. Critical criminology challenges the assumption that the criminal justice system is neutral, but instead argues that the law and criminal justice institutions tend to reflect and perpetuate social inequality and power relations. This is evidenced by continued occurrences of discriminatory practices, where two drug offenders whose cases are similar can experience extreme divergences in their legal treatment one is rehabilitated, while the other is incarcerated. Glynn & Breen (2024) directly support this, demonstrating that what is generally passed off as the criminal justice system does so without reference to socio-economic status, race, and colonialism that make up the landscape of responses to crime.[36]

This condition indicates that policing when it comes to drug users is not merely a juridical-formal matter, but is also and possibly more importantly, connected to the social definition of who is going to be previously thought "eligible" for rehabilitation and who will be fated to prison. This critique is bolstered by Glynn and Breen's introduction of Critical Race Criminology, asking criminology to adopt a perspective that looks beyond the master narrative and incorporates the local and historical inequalities, the context of the case in Indonesia. Discrimination towards users from the low or marginal classes in Indonesia itself will make more obvious the need to change repressive policies with more social justice and public health policies. As such, this research contributes to the empirical analysis of drug law bias and calls attention to the necessity of policy reform with a critical criminology lens as the foundation for understanding and advocating for systemic change.

In addition to social status, the type of drug also has a significant impact on the effectiveness of rehabilitation or imprisonment. In the case of substance abusers who abuse synthetic drugs, rehabilitation has an

[36] Glynn and Breen, "Towards a Critical Race Criminology: Decolonising Criminological Practice."

effectiveness of only 40%, whereas the effectiveness of imprisonment is 60%, or even higher. The use of synthetics, which tend to be more hazardous and have more complicated health effects, complicates rehabilitation and demands more intensive medical intervention. It has been demonstrated in other work that the use of synthetic drugs leads to more health problems, which can hinder rehabilitation success unless managed appropriately.[37] By contrast, imprisonment is seen as a more pragmatic approach, even if it fails to solve the underlying problem of addiction.[38]

The following is a table summarizing the types of synthetic drugs, seen in Table 1.

Table 1. Types of Synthetic Drugs

Substance Name	**Form**
Methamphetamine (Crystal Meth)	**Crystal / Powder**
MDMA (Ecstasy / Molly)	Pill / Capsule
Synthetic Cannabinoids (K2)	Chemically Sprayed Herbal Material
LSD	Blotter Paper / Liquid
Fentanyl	Powder / Tablet / Patch
Bath Salts (Synthetic Cathinones)	Powder / Crystal
Ketamine	Liquid / Powder
PCP (Phencyclidine)	Powder / Liquid
N-BOMe	Tablet / Blotter Paper

Sources: Summarized by the author from literature studies, 2025

Synthetic narcotics are created using chemicals and sold as an alternative to drugs such as marijuana, opium, or psilocybin. Some other synthetic drugs you can smoke include Methamphetamine (crystal meth), MDMA (ecstasy) or what is called Synthetic Cannabinoids (K2). Methamphetamine typically comes in crystal or powder form, and users

[37] Abenaa A. Jones, Sienna Strong-Jones, and Hannah B. Apsley, "The Role of Polysubstance Use on Criminal Justice Involvement in the United States," *Current Opinion in Psychiatry* 36, no. 4 (2023): 290–300, https://doi.org/10.1097/YCO.0000000000000873.

[38] Ross Deuchar and James Densley, "Exploring the Intersection of Drug Addiction and Mental Ill-Health in Scottish Prisons: A Qualitative Study of Incarcerated Men," *Journal of Drug Issues* 54, no. 3 (2024): 326–45, https://doi.org/10.1177/00220426231161282.

would experience powerful euphoria, heightened energy, and a strong sense of confidence.[39] MDMA is available as pills or capsules. It gives a sense of empathy and overwhelming excitement.[40] Synthetic Cannabinoids are herbs sprayed with chemicals that have a similar feeling to marijuana but with a much more extreme chance of hallucinations.[41]

Some other names to be aware of are LSD, Fentanyl, and Bath Salts (Synthetic Cathinones). LSD, which is typically consumed in blotter or liquid form, can induce visual hallucinations and affect time perception.[42] Fentanyl, an extremely potent painkiller, is often sold in the form of a powder, a pill, or a patch, and even small amounts can be fatal.[43] Bath Salts, on the other hand, have been in powder or crystal form, producing euphoric effects and increased aggression, and can also lead to a scary state of psychosis and even death.[44]

Moreover, drugs like Ketamine, PCP, and N-BOMe are also on the list of hazardous synthetic drugs. A medical anesthetic, ketamine, when abused, can induce dissociation and dependence.[45] PCP also appears to cause dissociation and often results in aggression and

[39] Hümeyra Hançer Tok and Makbule Tokur Kesgin, "Reasons for Using Methamphetamine: Systematic Review," *Archives of Psychiatric Nursing* 52, no. May (2024): 147–54, https://doi.org/10.1016/j.apnu.2024.07.007.

[40] Abuelgasim Elrasheed et al., "Synthetic Cannabinoid Detection in Patients Admitted for Drug Rehabilitation in the United Arab Emirates," *Drug Testing and Analysis*, no. May (2024): 3653, https://doi.org/10.1002/dta.3653.

[41] Vasiliki Karadima et al., "Multiple Casualty Poisoning Event in Dogs after Exposure to Synthetic Drugs of Abuse in a Public Park," *Veterinary Record Case Reports*, no. May (2025): 2025, https://doi.org/10.1002/vrc2.1092.

[42] Joseph J. Palamar, "Increasing Willingness to Use Synthetic Drugs If Offered among Electronic Dance Music Party Attendees, 2017–2019," *Journal of Psychoactive Drugs* 52, no. 4 (2020): 324–33, https://doi.org/10.1080/02791072.2020.1761574.

[43] Thomas Coombs et al., "Understanding Synthetic Drug Analogues among the Homeless Population from the Perspectives of the Public: Thematic Analysis of Twitter Data," *Journal of Substance Use* 29, no. 4 (2024): 501–8, https://doi.org/10.1080/14659891.2023.2173092.

[44] Luis M. Colon-Perez et al., "Functional Connectivity, Behavioral and Dopaminergic Alterations 24 Hours Following Acute Exposure to Synthetic Bath Salt Drug Methylenedioxypyrovalerone," *Neuropharmacology* 137, no. May (2018): 178–93, https://doi.org/10.1016/j.neuropharm.2018.04.031.

[45] Xue Bing Liu et al., "The Synergistic Effect of Dual Use of Amphetamine-Type Stimulants and Ketamine on Drug-Induced Psychotic Symptoms in Chinese Synthetic Drug Users," *Oncotarget* 8, no. 39 (2017): 66569–75, https://doi.org/10.18632/oncotarget.16474.

powerful hallucinations.[46] N N-BOMe is a highly potent and harmful hallucinogenic drug, as it does not require a large amount to produce a fatal overdose.[47] With all these, there is generally a temporary moment of joy. However, the long-term damage to the brain and body is highly destructive and can result in death.

From an Islamic legal perspective, drug use can be analogically linked (qiyās) to *khamr* (intoxicants), as both *impair* العقل (‘aql, intellect), which is protected under the principle of *ḥifẓ al-‘aql* within *maqāṣid al-sharī‘ah*. However, drug-related offenses are not classified under fixed ḥudūd punishments, but rather fall within the domain of *ta‘zīr*, where judges exercise discretionary authority in determining appropriate sanctions. Within this framework, rehabilitation may be interpreted as a form of *iṣlāḥ* (social reform) and *ta’dīb* (moral and educational correction), emphasizing recovery rather than retribution. Therefore, the dominance of imprisonment particularly for lower socioeconomic groups reflects a deviation from the ethical orientation of Islamic law, which prioritizes restoration, proportionality, and social welfare.

On the other hand, for perpetrators who use traditional drugs, the effectiveness of rehabilitation reaches 60%, while imprisonment is only 40%. The use of traditional drugs such as marijuana may be easier to manage in the context of rehabilitation because it does not cause as severe dependence as synthetic drugs. Other studies have shown that traditional drug users are more likely to have better rehabilitation outcomes than synthetic drug users, due to fewer medical side effects and easier therapeutic approaches. However, although rehabilitation is more effective for this group, imprisonment is often the dominant option in the Indonesian legal system, potentially reducing overall effectiveness in the long term.[48]

Hence, the bias in law enforcement regarding the effectiveness of drug policy in Indonesia can be seen through the inconsistency in terms

[46] F. Schifano et al., “Stimulant and Hallucinogenic Novel Psychoactive Substances; an Update,” *Expert Review of Clinical Pharmacology* 16, no. 11 (2023): 1109–23, https://doi.org/10.1080/17512433.2023.2279192.

[47] Rahul Das, “A Concise Review on Designer Drugs - Synthetic Drugs Affecting Mankind in Disguise,” *International Journal of Medical Toxicology and Legal Medicine* 26, no. 1–2 (2023): 89–91, https://doi.org/10.5958/0974-4614.2023.00015.3.

[48] Alfredo Risano, Ayu Dian Ningtias, and Rosnia Yurita, “Restotative Justice Policy of Class I Drug Convicts of Marijuana in Dealing With Over-Capacity Correctional Institutions in Indonesia,” *Jurnal Independent* 9, no. 2 (2021): 13–21, https://doi.org/10.30736/ji.v9i2.338.

of the implementation of rehabilitation or imprisonment, which is very much influenced by the social class and the type of drug. It follows from the data that persons of lower social standing are more likely to be sent to prison, where rehabilitation is supposed to be the main recipe against drug addiction. This reflects the systemic injustice that takes place whereby the poorer the social class of an individual, the less access they will have to proper rehabilitation centers, which eventually leads to them getting jail sentences. Conversely, high-status offenders, who have the advantage of being better able to access effective rehabilitation, show the chasm between policy and practice as a result of social prejudices within the legal system.

This bias is also shown when considering the effects of drug type on rulings. Use of synthetic drugs, which are more harmful, tends to lead to prison decisions with less effectiveness of rehabilitation, whilst traditional drugs, e.g., cannabis, have greater success in rehabilitation. While the legal policies should be primarily about rehabilitation for all sorts of drug offenders, the fact that prison is a massive part of society makes things biased and makes the policy less efficient. So, the current irrelevant drug control system necessarily requires more equitable correction and more balance in the general knowledge of what factors cause the decisions of magistrates and the over-the-border access to rehabilitation facilities, open to all who need them, regardless of social stigma.[49]

Bias towards drug offenders among law enforcement has an impact on the effectiveness of drug policy in Indonesia, as seen when the prison overcapacity reaches 95.34 percent (2023), which is approximately 267,672 persons with a prison capacity of 137,031, and the majority of prisoners are convicted of drug cases.[50] The disparity, clearly evident in sentencing, is that people of the lower social order are sent to jail more than others, which shows that the regime is focused on repression and not rehabilitation. Rather than decreasing drug abuse rates, therefore, the current policies only further increase the strain on our criminal justice system and the state budget. This failure to produce results should serve to demonstrate that as long as bias and inequality continue to exist, drug

[49] N. A.Mohd Salleh and Balasingam Vicknasingam, "A Step Forward or a Missed Opportunity? Malaysia's Recent Amendment to the Drug Dependants (Treatment and Rehabilitation) 1983 Bill," *International Journal of Drug Policy* 140, no. May (2025): 104806, https://doi.org/10.1016/j.drugpo.2025.104806.

[50] Sutarto Hadi, "Menimbang Pengampunan Napi Narkoba," *Detik.Com*, January 22, 2025.

policies will not reach their primary objective, which is the cure, social reintegration, and a decrease in recidivism.

As for 2021, the number of drug convicts and detainees in prisons exceeding capacity can be seen in Table 2 as follows.[51]

Table 2. Number of Narcotics Convicts and Detainees in Overcrowded Prisons (2021)

Prison Facility	Number of Inmates	Capacity
Class IIA Jakarta	1.893	1.084
Class IIA Sungguminasa	1.122	360
Class IIB Banyuasin	1.098	484
Class IIA Samarinda	968	352
Class IIB Muara Sabak	820	362
Class IIA Pangkal Pinang	872	450
Class IIA Tanjung Pinang	668	620
Class IIA Muara Beliti	657	289
Class IIA Jayapura	532	308
Class IIA Kasongan	476	200
Class IIA Gunung Sindur	426	160
Class IIB Rumbai	389	198
Class IIA Sawah Lunto	315	210

Sources: National Narcotics Agency (BNN), 2021

The overcapacity of prisoners impacts budget inflation, due to the need for additional resources for their handling and maintenance.[52] A total budget of around IDR 1.3 to 1.4 trillion is allocated only for food for prison inmates.[53] The Indonesian government's budget burden for corrections is hefty because most of the prison population consists of

[51] Erlina F. Santika, "Ini Jumlah Narapidana Dan Tahanan Narkotika, Banyak Lapas Kelebihan Kapasitas," Databoks, 2023, https://databoks.katadata.co.id/demografi/statistik/4f0ebd2308644f1/ini-jumlah-narapidana-dan-tahanan-narkotika-banyak-lapas-kelebihan-kapasitas.

[52] Henny Nuraeny and Tanti Utami, "The Impact of Over Capacity on Fulfilling The Basic Rights of The Assisted Citizen In Prison In The Perspective of Human Right," in *First International Conference on Progressive Civil Society (ICONPROCS 2019)*, vol. 317, 2019, 149–52, https://doi.org/10.2991/iconprocs-19.2019.30.

[53] Kumparan, "Komisi III Ke Menkumham: Uang Makan Napi Rp 20 Ribu Buat 3 Kali, Apa Lauknya?," *Kumparan.Com*, August 23, 2023, https://kumparan.com/kumparannews/komisi-iii-ke-menkumham-uang-makan-napi-rp-20-ribu-buat-3-kali-apa-lauknya-23NoPeS6ajb.

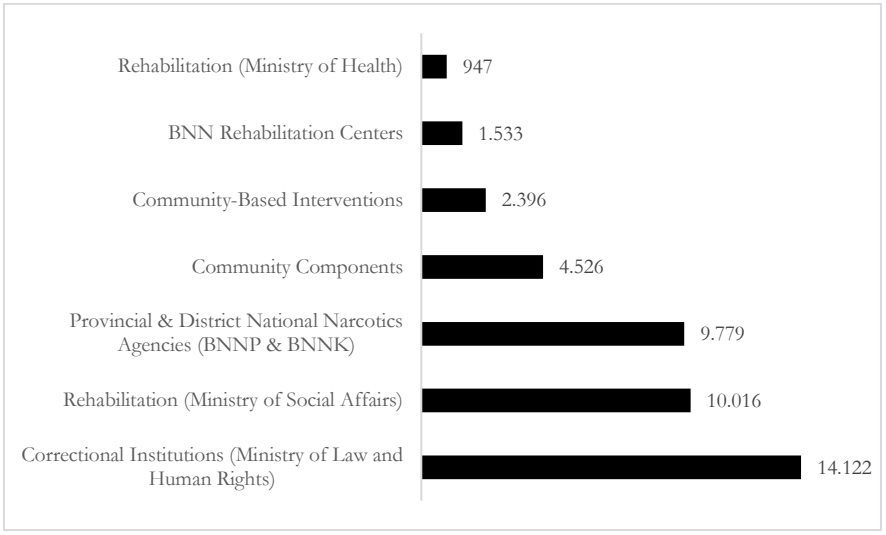
narcotics convicts. This funding should be reallocated toward better policies for dealing with the drug problem (like making it easier for people to go into recovery, or a welfare state). However, due to the biased law enforcement system, where drug users with low social status are more often sentenced to prison, significant funds are used to maintain a system that emphasizes a punitive approach rather than rehabilitation. This further exacerbates the inefficiency of drug policies, which should involve elements of rehabilitation.

Bias in drug law enforcement in Indonesia shows inconsistencies in the implementation of policies that should be oriented towards rehabilitation. From the analysis above, social factors, including the perpetrator's social status, affect legal decisions, by which lower social status individuals are more likely to be sent to prison rather than for treatment. Meanwhile, individuals of high social status have more opportunities to access better and more effective rehabilitation resources. Moreover, the type of substance also influences the effectiveness of rehabilitation and imprisonment, and the more potent the synthetic drug, the less effective the penalty of imprisonment will be. The very reference to this inequality demonstrates the need for more progressive drug policy reforms based on public health principles, which protect all offenders, irrespective of social status or drug choice, and enable them to access effective rehabilitation.

Hence, there needs to be increased attention on the social and economic biases that pervade the Indonesian legal system, particularly related to the implementation of drug policies. To combat the current ineffectiveness, policy changes based on tenets of social justice and public health must be implemented. One of the principal steps to be taken needs to be to make sure that rehabilitation is a service that is available to all sections of society without discrimination, and to pay more attention towards prevention and recovery rather than a punitive approach that only sends people to prison. Therefore, it is expected that drug policies in Indonesia are optimal in reaching their primary goals: recovering, curing, socializing, and minimizing recidivism, to contribute positively to the development of society and the well-being of society in general.

On the other hand, the number of drug rehabilitation patients in Indonesia in 2021 can be seen in Figure 3 as follows:

Figure 3. Number of Drug Rehabilitation Patients in Indonesia 2021



Sources: National Narcotics Agency (BNN), 2021

The number of drug rehabilitation patients in Indonesia in 2021 is depicted in Figure 3, which demonstrates that there were 42,323 patients undertaking rehabilitation in a number of related institutions.[54] From this data, the Ministry of Law and Human Rights' Correctional Institution (LP) recorded the highest number of patients, namely 14,122 people, which illustrates that most drug users in Indonesia are still receiving prison sentences rather than rehabilitation. This figure highlights the imbalance in law enforcement policies for drug cases in Indonesia, where more drug users are imprisoned than those who have access to rehabilitation. As discussed earlier, this exacerbates the burden on the already overcrowded correctional system and raises the urgent need to improve more inclusive rehabilitation policies.

Subsequently, the other ministries and institutions related to rehabilitation, e.g., the Ministry of Social Affairs, BNNP, BNNK, and community intervention, contribute to combating drug abuse. However, more intensive rehabilitation for patients in such institutions is still vastly lower than the number of drug convicts who fill the jails. This justifies the need to reinforce rehabilitation policies and access to rehabilitation for drug users in Indonesia. It should be clear that it is the combined

[54] Cindy Mutia Annur, "Ini Jumlah Pasien Rehabilitasi Narkoba Di Indonesia Tahun 2021," databoks.katadata.co.id, 2022, https://databoks.katadata.co.id/Datapublish/2022/10/20/Ini-Jumlah-Pasien-Rehabilitasi-Narkoba-Di-Indonesia-Tahun-2021.

teamwork of government officials and community leaders, and increased budget for rehabilitation services, that can minimize the use of prison sentences and enable drug policies to focus on realistic and sustainable recovery.

BNN's data in 2021 recorded up to 14,122 of the total drug rehabilitation participants cited in 42,323 recorded cases of handling in Correctional Institutions (LP), which indicates that the management of drug cases in Indonesia still tends to be repressive. Instead of working to put drug users on a more humane and effective path to sobriety, the state continues to punish them as criminals who deserve prison. It produces a contradiction in the law, so the rationale of punishment subverts recovery. However, quite to the contrary, rehabilitating gang members tends to be more successful and simply a state of release, and much lower recidivism rates are recorded. The individual is reintroduced to society as a more redeemable person.

The discrepancy in the distribution of rehabilitation patients between correctional institutions and non-correctional institutions of the Ministry of Social Affairs, such as BNNP, BNNK, and the community society, also reflects failing capacity and integration outside the prison rehabilitation system. This indicates that non-custodial forms of rehabilitation have still not established themselves as the dominant model of drug misuse. Also, aside from insufficient budget and/or professional human resources and poor access to information and facilities, drug users are reluctant to or cannot access rehabilitation services. This creates a vicious spiral of an absence where prison is the only 'way out' when in reality it exacerbates the disease and further burdens correctional institutions.

Thus, the policymakers must change the drug management from criminal to public health and social. Catalysing the role of non-correctional rehabilitation institutions should be an immediate priority via enhanced capacity, funding, and intersectoral collaboration. Furthermore, policies that move toward decriminalization of drug users not involved with trafficking networks should be seriously considered to reduce the influence of the criminalization agenda. In this way, Indonesia can develop a rehabilitation system that is more inclusive, fair, and focused on long-term recovery, rather than punishment that is merely stagnant and ineffective.

Policy Recommendations to Reduce Bias in Drug Law Enforcement in Indonesia

From the standpoint of critical criminology, law enforcement operates mainly as a mechanism of reproducing social and power differentials within society. This position is premised upon the view that law is not something neutral in and of itself but a mechanism that frequently serves to mirror and reproduce the interests of powerful groups. According to Taylor, Walton, and Young (2013), the legal system is structurally biased toward the ruling class and the status quo. The Legal and judicial systems are structured to serve the ruling class's interests.[55] In Indonesia, this is evidenced in the disparate treatment of drug offenders according to social and economic status. Elite circle users get access to rehab and legal protection, while drug use down the food chain means prison and little regard for recovery or socio-economic status. This means that the drug law system not only results in substantive justice, but also enhances the exclusion of already vulnerable groups.

The critical criminology perspective also emphasizes examining who benefits while who is being harmed by current policies. This resonates with evidence that most of the jailed drug offenders stem from poor social strata. At the same time, the biggest dealer networks can afford not to be severely punished because of their strong political or economic influence. Indeed, as Reiman and Leighton (2020) emphasize, the operation of the justice system is structured so that "poor people's crimes" are more obvious and punished more swiftly, while "rich people's crimes" are frequently concealed or compromised.[56] This is evidence that the repressive policy in drug cases produces more policy victims than it saves from any damage caused by drug abuse. Hence, a radical change is essential to transform the unjust power relations within the Indonesian drug law system.

From this perspective, drug policy should aim to destroy the house of injustice and pave the way for a more just world, including social justice and restorative justice. Recovery programs must be available to all regardless of class, and legal systems should be focused on healing, not revenge. Critical criminology requires that the state go beyond enforcing the law to be an agent of social change, supporting victims of structural injustice. This is a matter of legal reform incorporating a combination of inclusion, accountability, and political will to root out

[55] Taylor, Walton, and Young, *The Rich Get Richer and the Poor Get Prison: Thinking Critically about Class and Criminal Justice: Twelfth Edition*.

[56] Reiman and Leighton, *The Rich Get Richer and the Poor Get Prison: Thinking Critically about Class and Criminal Justice: Twelfth Edition*.

law enforcement discrimination. Toward this end, Indonesia will be able to establish a more equitable, humane, and impactful drug policy regime.

Prejudices in the enforcement of drug laws in Indonesia are regularly a cause of injustice that not only harms offenders, but also society and the effectiveness of drug policy as a whole. One of the most frequent reforms suggested for combating this bias is systematic changes within the law enforcement apparatus.[57] This involves training to consider fairer, evidence-based responses to drug cases. It is also critical that there is training on unconscious bias, which could affect a judge's decision-making, for example, in whether the criminal is poor or wealthy, the drug they sold.[58] Findings of Wulandari (2022) indicate that drug addicts are responding to actions taken by law, which are dependent on their social status.[59] Therefore, extra training and education should be conducted for the officers to minimize the influence of this bias.

There is also a need to enhance equal rehabilitation opportunities for all strata of society.[60] Rehabilitation services should be available not only to the upper ranks of society, but also to the weaker. Conversely, in some countries, Indonesia included, rehabilitation is frequently available as a quality service to middle and upper-class people, with greater difficulty faced by those lower down the social ladder. By contrast, nations like Portugal have led the way by making the use of drugs something that cannot be legislated against and ploughed vast resources into rehabilitation that is available to all who need it, not just the rich.[61]

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[57] Amanda Butler, Naomi Zakimi, and Alissa Greer, "Total Systems Failure: Police Officers' Perspectives on the Impacts of the Justice, Health, and Social Service Systems on People Who Use Drugs," *Harm Reduction Journal* 19, no. 1 (2022): 1–13, https://doi.org/10.1186/s12954-022-00629-1.

[58] Walter Campbell, Elizabeth Griffiths, and Joshua Hinkle, "The Behavior of Police: Class, Race, and Discretion in Drug Enforcement," *Police Practice and Research* 23, no. 3 (2022): 337–54, https://doi.org/10.1080/15614263.2021.2022482.

[59] Yuli Wulandari, "The Impact of Legal and Extra-Legal Factors on Severity of Judges Sentencing Regarding Narcotics Offenders," *Jurnal Hukum Dan Peradilan*, 2022, https://doi.org/10.25216/jhp.11.2.2022.219-256.

[60] Marina Viktorovna Vinogradova et al., "Approaches to the Study of the Status and Trends of Drug Abuse, Rehabilitation and Reintegration of Drug Users," *Biosciences Biotechnology Research Asia* 11, no. 3 (2014): 1505–14, https://doi.org/10.13005/bbra/1545.

[61] Catherine Moury and Mafalda Escada, "Understanding Successful Policy Innovation: The Case of Portuguese Drug Policy," *Addiction* 118, no. 5 (2023): 967–78, https://doi.org/10.1111/add.16099.

In addition to judicial reform and rehabilitation, the drug policy in Indonesia also has to follow the economic aspects that affect the rate of drug policy success. One way to achieve this might be to expand collaboration between the government and the private sector on economic support provision for rehabilitation or post-sentence. This will help them be reintegrated into society and minimize the chance of returning to crime.[62] Research in countries like Canada has demonstrated that when men and women who are recovering from addiction to drugs are given supportive jobs to do, relapse is lower and recovery goes better.[63] Other research indicates that economic reintegration programs are key to weaning users off drugs.[64]

Furthermore, by dealing with bias in law enforcement, a strict controlling and evaluating system of drug cases can also be a solution to keep the decisions made as objective and evidence-based.[65] Monitoring could involve examining legal decisions and mapping them against the long-term aims of drug policy, decreasing the criminalisation and dependence of drug users.[66] In countries with well-established legal systems, like the Netherlands, this oversight can be very stringent, including a process to second-guess the fairness of the legal decisions made by officers.[67]

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[62] Paula Mayock and Shane Butler, "Pathways to 'Recovery' and Social Reintegration: The Experiences of Long-Term Clients of Methadone Maintenance Treatment in an Irish Drug Treatment Setting," *International Journal of Drug Policy* 90 (2021): 103092, https://doi.org/10.1016/j.drugpo.2020.103092.

[63] Lindsey Richardson et al., "Employment Cessation, Long Term Labour Market Engagement and HIV Infection Risk Among People Who Inject Drugs in an Urban Canadian Setting," *AIDS and Behavior* 23, no. 12 (2019): 3267–76, https://doi.org/10.1007/s10461-019-02472-1.

[64] Mayock and Butler, "Pathways to 'Recovery' and Social Reintegration: The Experiences of Long-Term Clients of Methadone Maintenance Treatment in an Irish Drug Treatment Setting."

[65] Munire Mohetaer et al., "Drug Review and Approval Policies Based on Real-World Evidence in China and the United States: A Comparative Study," *Clinical Therapeutics*, no. May (2024): 2025, https://doi.org/10.1016/j.clinthera.2024.09.009.

[66] Ole Rogeberg et al., "A New Approach to Formulating and Appraising Drug Policy: A Multi-Criterion Decision Analysis Applied to Alcohol and Cannabis Regulation," *International Journal of Drug Policy* 56, no. May (2018): 144–52, https://doi.org/10.1016/j.drugpo.2018.01.019.

[67] Machteld Busz et al., "Reframing Dutch Drug Policies: A New Era for Harm Reduction," *Harm Reduction Journal* 21, no. 1 (2024): 1–7, https://doi.org/10.1186/s12954-024-01071-1.

It is also crucial for Indonesia to draw from the lessons of other countries that have developed more coherent drug policies. For instance, Australia has embraced a "harm reduction" approach that stresses minimizing drugs' detrimental impact through counseling and treatment, rather than simply locking up users.[68] This model can be used in Indonesia as well to decrease drug use more humanely and effectively. Studies have shown that the "harm reduction" approach leads to more effective drug addiction reduction and a better quality of life for drug users while still producing social justice.[69]

From an Islamic legal perspective, the principle of *sadd al-dharā'i* (blocking the means to harm) supports preventive and rehabilitative approaches in drug policy, rather than purely punitive measures. [70]Drug-related offenses can be understood through the framework of maqāṣid al-sharī‘ah, which emphasizes the protection of intellect (ḥifẓ al-‘aql) and the prevention of harm. The principle of sadd al-dharā'i (blocking the means to harm) further supports the need for preventive and rehabilitative approaches rather than purely punitive sanctions. Contemporary Islamic legal scholarship also highlights that legal decisions should prioritize social welfare and justice, indicating that rehabilitation can be viewed as a form of iṣlāḥ (social reform) and ta'dīb (moral correction) within the discretionary domain of ta‘zīr.[71] This perspective reinforces the argument that drug policy in Indonesia should shift toward a more humane and equitable system aligned with both legal and ethical objectives.

A fair and effective drug policy that involves broader reform in law enforcement, rehabilitation, healthcare delivery, and monitoring. Addressing bias in policing is not only critical to making drug policies effective, but also to granting justice to people in drug-related cases. Nations that have dealt with the issue have demonstrated that there are

[68] Liam B. Engel et al., "Positive Drug Stories: Possibilities for Agency and Positive Subjectivity for Harm Reduction," *Addiction Research and Theory* 29, no. 5 (2021): 363–71, https://doi.org/10.1080/16066359.2020.1837781.

[69] Mathieu Doucet and Lindsey Brooke Porter, "What Is the Harm in Addiction? Autonomy, Vulnerability, and the Case for Harm Reduction Drug Policy," *Cambridge Law Journal* 82, no. 2 (2023): 265–91, https://doi.org/10.1017/S0008197323000193.

[70] Tanzilulloh, M. I., & Agmar, K. N. A. (2024). Virality, Justice and the Principle of 'Blocking the Means to Evil.'. *De Jure: Jurnal Hukum Dan Syar'iah*, *16*, 317-35.

[71] Jalili, I., Syaifuddin, H., Ulfa, F., Gusmansyah, W., & Zaim, M. A. (2024). The legitimacy of abortion: A socio-legal analysis of Islamic jurisprudence and Indonesian law. *De Jure: Jurnal Hukum dan Syar'iah*, *16*(2).

more compassionate, evidence-based alternatives that fare better for those involved with drug cases and for society.

Finally, the critical criminology framework provides Indonesian drug policy reform advocates with a pathway to a more equitable, just, and compassionate drug law reform in Indonesia by illuminating a structural inequality in the law enforcement system. This transformation has to eradicate social class bias in policing, provide fair access to rehabilitation, improve socio-economic reintegration, and learn from the experience of other countries applying best practice, including from a harm reduction perspective. Only by dismantling unequal power structures and prioritizing social justice and rehabilitation over punishment can Indonesia build a drug policy system that not only reduces abuse rates but also guarantees the rights and dignity of every citizen without discrimination.

CONCLUSION

This study demonstrates that judicial decisions in drug-related cases in Indonesia are significantly shaped by extralegal factors, particularly socioeconomic status and the type of drug involved. Individuals from lower socioeconomic backgrounds are more likely to receive custodial sentences, while those from higher social strata tend to be directed toward rehabilitation. Similarly, cases involving synthetic drugs are more frequently punished with imprisonment compared to traditional substances. These findings confirm the presence of systemic bias in law enforcement practices. Theoretically, this study contributes by integrating critical criminology and Islamic legal principles, showing that legal outcomes are not neutral but are influenced by power relations, while also highlighting that such practices deviate from the normative framework of *maqāṣid al-sharī'ah*, which prioritizes the protection of intellect (*ḥifẓ al-'aql*) and supports rehabilitative approaches through *ta'zīr*, *iṣlāḥ*, and *ta'dīb*.

The implications of these findings are both structural and policy-oriented. From a criminological perspective, the persistence of class-based disparities reinforces the argument that the criminal justice system reproduces social inequality rather than delivering impartial justice. From an Islamic legal perspective, the dominance of punitive approaches over rehabilitative measures reflects a misalignment with the ethical objectives of justice, which emphasize restoration and social welfare. Practically, this study highlights that current drug policies in Indonesia remain ineffective, as they prioritize incarceration over recovery, contributing to prison overcrowding and limiting the long-term success

of rehabilitation. Therefore, addressing bias in law enforcement is not only a matter of fairness but also a prerequisite for improving the overall effectiveness of drug policy.

This study recommends several concrete policy reforms. First, the government should establish standardized sentencing guidelines to reduce judicial disparities, including clear criteria for determining eligibility for rehabilitation. Second, mandatory medical and psychological assessments should be implemented for all drug offenders to ensure that users are appropriately diverted to rehabilitation programs. Third, access to rehabilitation services must be expanded equitably across all socioeconomic groups, supported by increased funding and inter-agency coordination. Finally, law enforcement institutions should undergo systematic training to address unconscious bias and adopt evidence-based, harm-reduction approaches. These measures are essential to creating a more just, effective, and inclusive drug policy system in Indonesia.

ACKNOWLEDGMENT

The researcher would like to thank the Islamic University of Riau and all parties who have provided support in implementing this research.

FUNDING INFORMATION

This research was funded by the Islamic University of Riau through the institution's internal funding scheme.

CONFLICTING INTEREST STATEMENT

The authors state that there is no conflict of interest in the publication of this article.

PUBLISHING ETHICAL AND ORIGINALITY STATEMENT

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.

BIBLIOGRAPHY

Agus, Muhammad Arif, and Ari Susanto. "The Optimization of the Role of Correctional Centers in the Indonesian Criminal Justice System." *Jurnal Penelitian Hukum De Jure* 21, no. 3 (2021): 369. https://doi.org/10.30641/dejure.2021.v21.369-384.

Alfredo Risano, Ayu Dian Ningtias, and Rosnia Yurita. "Restotative Justice Policy of Class I Drug Convicts of Marijuana in Dealing With Over-Capacity Correctional Institutions in Indonesia." *Jurnal Independent* 9, no. 2 (2021): 13–21. https://doi.org/10.30736/ji.v9i2.338.

Annur, Cindy Mutia. "Ini Jumlah Pasien Rehabilitasi Narkoba Di Indonesia Tahun 2021." databoks.katadata.co.id, 2022. https://databoks.katadata.co.id/Datapublish/2022/10/20/Ini-Jumlah-Pasien-Rehabilitasi-Narkoba-Di-Indonesia-Tahun-2021.

Bawono, Bambang Tri, Dwi Wahyono, and Andri Winjaya Laksana. "Implementation of Rehabilitation for Drug Abuses According To Law Number 35 of 2009 Concerning Narcotics." *Jurnal Hukum Unissula* 38, no. 1 (2022): 1–11. https://doi.org/10.26532/jh.v38i1.20869.

Busz, Machteld, Katrin Schiffer, Ancella Voets, and Alice Pomfret. "Reframing Dutch Drug Policies: A New Era for Harm Reduction." *Harm Reduction Journal* 21, no. 1 (2024): 1–7. https://doi.org/10.1186/s12954-024-01071-1.

Butler, Amanda, Naomi Zakimi, and Alissa Greer. "Total Systems Failure: Police Officers' Perspectives on the Impacts of the Justice, Health, and Social Service Systems on People Who Use Drugs." *Harm Reduction Journal* 19, no. 1 (2022): 1–13. https://doi.org/10.1186/s12954-022-00629-1.

Campbell, Walter, Elizabeth Griffiths, and Joshua Hinkle. "The Behavior of Police: Class, Race, and Discretion in Drug Enforcement." *Police Practice and Research* 23, no. 3 (2022): 337–54. https://doi.org/10.1080/15614263.2021.2022482.

Colon-Perez, Luis M., Jose A. Pino, Kaustuv Saha, Marjory Pompilus, Sherman Kaplitz, Nafisa Choudhury, Darin A. Jagnarine, et al. "Functional Connectivity, Behavioral and Dopaminergic Alterations 24 Hours Following Acute Exposure to Synthetic Bath Salt Drug Methylenedioxypyrovalerone." *Neuropharmacology* 137, no. May (2018): 178–93. https://doi.org/10.1016/j.neuropharm.2018.04.031.

Coombs, Thomas, Amor Abdelkader, Tilak Ginige, Patrick Van Calster,

and Sulaf Assi. "Understanding Synthetic Drug Analogues among the Homeless Population from the Perspectives of the Public: Thematic Analysis of Twitter Data." *Journal of Substance Use* 29, no. 4 (2024): 501–8. https://doi.org/10.1080/14659891.2023.2173092.

Das, Rahul. "A Concise Review on Designer Drugs - Synthetic Drugs Affecting Mankind in Disguise." *International Journal of Medical Toxicology and Legal Medicine* 26, no. 1–2 (2023): 89–91. https://doi.org/10.5958/0974-4614.2023.00015.3.

DeKeseredy, Walter S. *Contemporary Critical Criminology*. 2nd ed. Routledge, 2021. https://doi.org/10.4324/9781003009429.

Deuchar, Ross, and James Densley. "Exploring the Intersection of Drug Addiction and Mental Ill-Health in Scottish Prisons: A Qualitative Study of Incarcerated Men." *Journal of Drug Issues* 54, no. 3 (2024): 326–45. https://doi.org/10.1177/00220426231161282.

Dewabhrata, Wijaya, Abdilah Ahsan, Adrianna Bella, Nadira Amalia, Dian Kusuma, and Yuyu Buono Ayuning Pertiwi. "Mental Health, Environmental, and Socioeconomic Geographic Factors of Severe Drug Addiction: Analysis of Rehabilitation Center Data in Indonesia." *Substance Abuse: Research and Treatment* 17, no. May (2023): 2025. https://doi.org/10.1177/11782218231203687.

Doucet, Mathieu, and Lindsey Brooke Porter. "What Is the Harm in Addiction? Autonomy, Vulnerability, and the Case for Harm Reduction Drug Policy." *Cambridge Law Journal* 82, no. 2 (2023): 265–91. https://doi.org/10.1017/S0008197323000193.

Elrasheed, Abuelgasim, Simon Elliott, Muneeb Venayikot, and Thomas Keller. "Synthetic Cannabinoid Detection in Patients Admitted for Drug Rehabilitation in the United Arab Emirates." *Drug Testing and Analysis*, no. May (2024): 3653. https://doi.org/10.1002/dta.3653.

Engel, Liam B., Stephen J. Bright, Monica J. Barratt, and Matthew M. Allen. "Positive Drug Stories: Possibilities for Agency and Positive Subjectivity for Harm Reduction." *Addiction Research and Theory* 29, no. 5 (2021): 363–71. https://doi.org/10.1080/16066359.2020.1837781.

Fairbairn, Nadia, Kanna Hayashi, Lianping Ti, Karyn Kaplan, Paisan Suwannawong, Evan Wood, and Thomas Kerr. "Compulsory Drug Detention and Injection Drug Use Cessation and Relapse in Bangkok, Thailand." *Drug and Alcohol Review* 34, no. 1 (2015): 74–81. https://doi.org/10.1111/dar.12206.

Fathurrohman, and Gisela Bichler. "Explaining the Positional Importance of Actors Involved in Trafficking Methamphetamine into Indonesia." *Global Crime* 22, no. 2 (2021): 93–122. https://doi.org/10.1080/17440572.2020.1819249.

Glynn, Martin, and Damian Breen. "Towards a Critical Race Criminology: Decolonising Criminological Practice." *Critical Criminology*, no. May (2024): 10612. https://doi.org/10.1007/s10612-024-09758-4.

Hadi, Sutarto. "Menimbang Pengampunan Napi Narkoba." *Detik.Com*. January 22, 2025.

Hançer Tok, Hümeyra, and Makbule Tokur Kesgin. "Reasons for Using Methamphetamine: Systematic Review." *Archives of Psychiatric Nursing* 52, no. May (2024): 147–54. https://doi.org/10.1016/j.apnu.2024.07.007.

Hartono, Teguh, Vadira Hanami, and Fanniya Dyah Prameswari. "Drug Abuse Rehabilitation Policies in Indonesia: A Comparison with Vietnam, Australia and Portugal." *Wacana Hukum* 29, no. 2 (2023): 163–80. https://doi.org/10.33061/wh.v29i2.9576.

Hegazy, Shady Mohamed Arafa. "Terminating The Public Employee's Service Due to Lack of Health Fitness and Proven Drugs Abuse or Addiction in The Light of The Criminal and Civil Service Laws in Egypt and Saudi Arabia." *International Journal of Criminal Justice Sciences* 16, no. 2 (2021): 49–68.

Henderson, Le Shae. "Lifetimes of Vulnerability: Childhood Adversity, Poor Adult Health, and the Criminal Legal System." *Journal of Health and Social Behavior*, no. May (2023): 2025. https://doi.org/10.1177/00221465231214830.

Henry, Brandy F. "Adverse Experiences, Mental Health, and Substance Use Disorders as Social Determinants of Incarceration." *Journal of Community Psychology* 48, no. 3 (2020): 744–62. https://doi.org/10.1002/jcop.22289.

Jalili, I., Syaifuddin, H., Ulfa, F., Gusmansyah, W., & Zaim, M. A. (2024). The legitimacy of abortion: A socio-legal analysis of Islamic jurisprudence and Indonesian law. *De Jure: Jurnal Hukum dan Syar'iah*, *16*(2).

Jayamaha, A. R., H. M.N.D.M. Herath, H. N.N.D. Dharmarathna, N. D.K. Ranadeva, P. N. Amarabandu, B. Senanayake, A. T. Darshana, A. N. Renuka, K. L. Samarasinghe, and S. S.N. Fernando. "Implementing Therapeutic Community as a Rehabilitation Intervention for the Imprisoned Narcotic Drug

Offenders with Substance Use Disorder: Special Reference to Sri Lanka." *Journal of Offender Rehabilitation* 61, no. 4 (2022): 188–206. https://doi.org/10.1080/10509674.2022.2062519.

Jones, Abenaa A., Sienna Strong-Jones, and Hannah B. Apsley. "The Role of Polysubstance Use on Criminal Justice Involvement in the United States." *Current Opinion in Psychiatry* 36, no. 4 (2023): 290–300. https://doi.org/10.1097/YCO.0000000000000873.

Karadima, Vasiliki, Poppy Sharpley, Andre Brenn, Shannon Ward, and Nicola Bates. "Multiple Casualty Poisoning Event in Dogs after Exposure to Synthetic Drugs of Abuse in a Public Park." *Veterinary Record Case Reports*, no. May (2025): 2025. https://doi.org/10.1002/vrc2.1092.

Kumparan. "Komisi III Ke Menkumham: Uang Makan Napi Rp 20 Ribu Buat 3 Kali, Apa Lauknya?" *Kumparan.Com*, August 23, 2023. https://kumparan.com/kumparannews/komisi-iii-ke-menkumham-uang-makan-napi-rp-20-ribu-buat-3-kali-apa-lauknya-23NoPeS6ajb.

Levi, Mary M., J. Matthew Webster, Martha Tillson, Jaxin Annett, Carrie B. Oser, Laura C. Fanucchi, and Michele Staton. "An Exploratory Study of Overlapping Stigmas and Substance Use Stigma Among Women With Substance Use Histories Who Are Incarcerated." *Journal of Drug Issues*, no. May (2024): 2025. https://doi.org/10.1177/00220426241269992.

Liu, Xue Bing, Yao Zhang, Xu Yi Wang, and Wei Hao. "The Synergistic Effect of Dual Use of Amphetamine-Type Stimulants and Ketamine on Drug-Induced Psychotic Symptoms in Chinese Synthetic Drug Users." *Oncotarget* 8, no. 39 (2017): 66569–75. https://doi.org/10.18632/oncotarget.16474.

Marco, Andrés, Rafael A. Guerrero, Mercedes Vergara, Carlos Gallego, Concepció Solé, Ramón Planella, M. Elisa Vaz, et al. "Reinfection in a Large Cohort of Prison Inmates with Sustained Virological Response after Treatment of Chronic Hepatitis C in Catalonia (Spain), 2002–2016." *International Journal of Drug Policy* 72, no. May (2019): 189–94. https://doi.org/10.1016/j.drugpo.2019.05.014.

Marluwi, M., Baihaqi, B., Musadad, A., Zahro, U. I., & Pujiati, T. (2025). Maqāṣid al-Sharīʿah as a Governance Framework: Institutionalizing Child Protection in Pontianak. *Mawaddah: Jurnal Hukum Keluarga Islam*, *3*(2), 305-334.

Mayock, Paula, and Shane Butler. "Pathways to 'Recovery' and Social

Reintegration: The Experiences of Long-Term Clients of Methadone Maintenance Treatment in an Irish Drug Treatment Setting." *International Journal of Drug Policy* 90 (2021): 103092. https://doi.org/10.1016/j.drugpo.2020.103092.

Meulen, Emily van der, and Jackie Omstead. "The Limits of Rehabilitation and Recidivism Reduction: Rethinking the Evaluation of Arts Programming in Prisons." *Prison Journal* 101, no. 1 (2021): 102–22. https://doi.org/10.1177/0032885520978477.

Mohetaer, Munire, Adili Tuersun, Pei Li, Su Wang, Xingyan Zhang, and Yuwen Chen. "Drug Review and Approval Policies Based on Real-World Evidence in China and the United States: A Comparative Study." *Clinical Therapeutics*, no. May (2024): 2025. https://doi.org/10.1016/j.clinthera.2024.09.009.

Moniz, Joana, Viviana Nunes, and Carla Cunha. "Forgiveness and Rehabilitation of Portuguese Incarcerated Individuals: What Do They Think about Forgiveness?" *Journal of Offender Rehabilitation* 63, no. 5 (2024): 328–46. https://doi.org/10.1080/10509674.2024.2353568.

Moury, Catherine, and Mafalda Escada. "Understanding Successful Policy Innovation: The Case of Portuguese Drug Policy." *Addiction* 118, no. 5 (2023): 967–78. https://doi.org/10.1111/add.16099.

Nuraeny, Henny, and Tanti Utami. "The Impact of Over Capacity on Fulfilling The Basic Rights of The Assisted Citizen In Prison In The Perspective of Human Right." In *First International Conference on Progressive Civil Society (ICONPROCS 2019)*, 317:149–52, 2019. https://doi.org/10.2991/iconprocs-19.2019.30.

Olfson, Mark, Christine Mauro, Melanie M. Wall, C. Jean Choi, Colleen L. Barry, and Ramin Mojtabai. "Healthcare Coverage and Service Access for Low-Income Adults with Substance Use Disorders." *Journal of Substance Abuse Treatment* 137, no. March 2021 (2022): 108710. https://doi.org/10.1016/j.jsat.2021.108710.

Ondigo, Queenter, and Henry Rono. "The Role of Prison Inmates' Socio-Economic Characteristics on Rehabilitation Outcomes." *IRA-International Journal of Management & Social Sciences (ISSN 2455-2267)* 16, no. 4 (2020): 121. https://doi.org/10.21013/jmss.v16.n4.p1.

Palamar, Joseph J. "Increasing Willingness to Use Synthetic Drugs If Offered among Electronic Dance Music Party Attendees, 2017–2019." *Journal of Psychoactive Drugs* 52, no. 4 (2020): 324–33.

https://doi.org/10.1080/02791072.2020.1761574.

Pusiknas Polri. "Rata-Rata Seratus Kasus Narkoba Ditindak Tiap Hari." *Pusiknas.Polri.Go.Id*, 2023. https://pusiknas.polri.go.id/detail_artikel/rata-rata,_seratus_kasus_narkoba_ditindak_tiap_hari.

Reiman, Jeffrey, and Paul Leighton. *The Rich Get Richer and the Poor Get Prison: Thinking Critically about Class and Criminal Justice: Twelfth Edition*. 12nd ed. Taylor and Francis, 2020. https://doi.org/10.4324/9780429278679.

Richardson, Lindsey, Mitchell Mammel, M. J. Milloy, and Kanna Hayashi. "Employment Cessation, Long Term Labour Market Engagement and HIV Infection Risk Among People Who Inject Drugs in an Urban Canadian Setting." *AIDS and Behavior* 23, no. 12 (2019): 3267–76. https://doi.org/10.1007/s10461-019-02472-1.

Rogeberg, Ole, Daniel Bergsvik, Lawrence D. Phillips, Jan van Amsterdam, Niamh Eastwood, Graeme Henderson, Micheal Lynskey, et al. "A New Approach to Formulating and Appraising Drug Policy: A Multi-Criterion Decision Analysis Applied to Alcohol and Cannabis Regulation." *International Journal of Drug Policy* 56, no. May (2018): 144–52. https://doi.org/10.1016/j.drugpo.2018.01.019.

Salleh, N. A.Mohd, and Balasingam Vicknasingam. "A Step Forward or a Missed Opportunity? Malaysia's Recent Amendment to the Drug Dependants (Treatment and Rehabilitation) 1983 Bill." *International Journal of Drug Policy* 140, no. May (2025): 104806. https://doi.org/10.1016/j.drugpo.2025.104806.

Saloko, Aryo Galih, and Asfi Manzilati. "Examining The Gateway Hypothesis of Drug Use In Indonesia." *Indonesian Journal of Health Administration* 9, no. 1 (2021): 95–106. https://doi.org/10.20473/jaki.v9i1.2021.95-106.

Santika, Erlina F. "Ini Jumlah Narapidana Dan Tahanan Narkotika, Banyak Lapas Kelebihan Kapasitas." Databoks, 2023. https://databoks.katadata.co.id/demografi/statistik/4f0ebd2308644f1/ini-jumlah-narapidana-dan-tahanan-narkotika-banyak-lapas-kelebihan-kapasitas.

Saptanti, Noor, Anita Kusuma Dewi, Vani Wirawan, Felix Julca-Guerrero, Kemal Idris Balaka, and Willya Achmad. "Claim of Rehabilitation and Treatment of Narcotic Patients in Article 53 and Article 54 of Law Number 35 of 2009 Concerning Narcotics." *Journal of Drug and Alcohol Research* 12, no. May (2023):

236219. https://doi.org/10.4303/JDAR/236219.

Schifano, F., A. Vento, N. Scherbaum, and A. Guirguis. "Stimulant and Hallucinogenic Novel Psychoactive Substances; an Update." *Expert Review of Clinical Pharmacology* 16, no. 11 (2023): 1109–23. https://doi.org/10.1080/17512433.2023.2279192.

Sukabdi, Zora A., and Kim J. Wheeler. "Rehabilitation of People Who Have Offended in Indonesia." *Approaches to Offender Rehabilitation in Asian Jurisdictions*, no. May (2024): 145–62. https://doi.org/10.4324/9781003360919-12.

Suyanto, Rudy, Bambang Santoso, and Oksidelfa Yanto. "Hilangnya Hak Persamaan Di Mata Hukum Dalam Sistem Peradilan Pidana Di Indonesia Bagi Masyarakat Miskin Pengguna Narkotika." *Jurnal Lex Specialis* 1, no. 1 (2020): 11–20. http://openjournal.unpam.ac.id/index.php/jlsp/article/download/6497/4296.

Tanzilulloh, M. I., & Agmar, K. N. A. (2024). Virality, Justice and the Principle of 'Blocking the Means to Evil.'. *De Jure: Jurnal Hukum Dan Syar'iah*, *16*, 317-35.

Taylor, Ian, Paul Walton, and Jock Young. *The Rich Get Richer and the Poor Get Prison: Thinking Critically about Class and Criminal Justice: Twelfth Edition*, 2013. https://doi.org/10.4324/9780203730157.

Tippell, Stephen. "Drug-Users and the Prison System." *Drugs and British Society: Responses to a Social Problem in the Eighties*, no. May (2025): 116–28. https://doi.org/10.4324/9781003615149-8.

Vandam, Lesbeth, Prem Borle, Linda Montanari, Surmont Tim, Alessandro Pirona, Dagmar Hedrich, Ana Gallegos, Nicola Singleton, Jane Mounteney, and Paul Griffiths. "New Psychoactive Substances in Prison." *European Monitoring Centre for Drugs and Drug Addiction*, no. June (2018): 1–20. https://www.emcdda.europa.eu/publications/rapid-communications/nps-in-prison_en.

Vikra, Zulfa Asma , trans. 2024. "Efektivitas Penjatuhan Pidana Mati Terhadap Pelaku Tindak Pidana Narkotika". Al-Battar: Jurnal Pamungkas Hukum 1 (3): 192-97. https://doi.org/10.63142/ysyrfc61.

Vinogradova, Marina Viktorovna, Elena Mihaylovna Kryukova, Olga Sergeevna Kulyamina, Olga Igorevna Vapnyarskaya, and Antonina Pavlovna Sokolova. "Approaches to the Study of the Status and Trends of Drug Abuse, Rehabilitation and Reintegration

of Drug Users." *Biosciences Biotechnology Research Asia* 11, no. 3 (2014): 1505–14. https://doi.org/10.13005/bbra/1545.

Ward, Dr Jenni, and Dr Anna Kawalek. "The Return of Drugs Courts: Some Important Considerations." *International Journal of Drug Policy* 127, no. May (2024): 104418. https://doi.org/10.1016/j.drugpo.2024.104418.

Winter, R. J., J. T. Young, M. Stoové, P. A. Agius, M. E. Hellard, and S. A. Kinner. "Resumption of Injecting Drug Use Following Release from Prison in Australia." *Drug and Alcohol Dependence* 168, no. May (2016): 104–11. https://doi.org/10.1016/j.drugalcdep.2016.08.640.

Wulandari, Yuli. "The Impact of Legal and Extra-Legal Factors on Severity of Judges Sentencing Regarding Narcotics Offenders." *Jurnal Hukum Dan Peradilan*, 2022. https://doi.org/10.25216/jhp.11.2.2022.219-256.

Wahyudi, Mohamad Riyad Mintarja, Nuryamin, Diana Farid, Muhammad Husni Abdulah Pakarti, and Ais Surasa , trans. 2024. "Tanggungjawab Hukum Institusi Rehabilitasi Medis Bagi Penyalahguna Narkoba". Al-Battar: Jurnal Pamungkas Hukum 1 (3): 164-75. https://doi.org/10.63142/5ez93a65.

Zhang, Wenyu, and Hui Wu. "The Relationship of Socioeconomic Factors and Substance Abuse Treatment Dropout." *Healthcare (Switzerland)* 13, no. 4 (2025): 1–17. https://doi.org/10.3390/healthcare13040369.

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