

The Adoption of the Drug Court Concept in the Reform of Narcotics Law in Indonesia

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Abstract

Indonesia continues to face serious problems related to drug abuse, especially among young people. The current legal system is considered ineffective because it still prioritizes imprisonment rather than rehabilitation for drug users and addicts. This study uses a normative juridical method with a post-positivist approach to analyze the urgency of adopting the Drug Court model, such as the one implemented in the United States since 1989. Drug Courts in the United States apply a rehabilitation-based approach that provides alternatives to prison sentences for drug offenders. The results of this study show that Indonesia's current drug policy still treats addicts and drug abusers as criminals who deserve imprisonment. Medical and social rehabilitation are only used to reduce prison sentences, not as the main effort for recovery. In addition, the existing double-track system has not clearly distinguished between drug users and drug dealers. This condition contributes to prison overcrowding and does not effectively reduce drug abuse. Therefore, reforming Indonesia's criminal law through a Drug Court model based on rehabilitation and the double-track system is necessary. Such reform is expected to improve the effectiveness of law enforcement, support prevention efforts, reduce prison overcrowding, and better protect human rights.

Keywords: Drug Court, Drug Abuse, Double Track System.

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INTRODUCTION

Article 54 of the Narcotics Law explicitly states that drug addicts and victims of drug abuse are required to undergo medical and social rehabilitation, and Article 103(1) of the Narcotics Law also essentially states that a judge hearing a case involving a drug addict may rule to order the person concerned to undergo treatment and/or care through rehabilitation. Meanwhile, Article 103(2) of the Narcotics Law states that the period spent undergoing treatment and/or care for drug addicts is counted as time served. This indicates that the criminal law policy contained in the Narcotics Law is an integrated policy that utilizes both penal and non-penal measures by providing treatment for both the convicted person (treatment of offenders) and society (treatment of society), thereby making rehabilitation a form of forward-looking sanction that rehabilitates the offender while simultaneously protecting society. [1] Given that the approach to sanctions under the Narcotics Act

includes both penal and non-penal measures, the underlying spirit of the Act is to employ a dual-track system in addressing narcotics-related crimes.

With regard to non-penal measures, the Narcotics Law actually provides quite clear provisions regarding sanctions in the form of rehabilitation; specifically, Article 4(d) of the Narcotics Law states that one of the purposes of the Narcotics Law is to ensure medical and social rehabilitation efforts for drug abusers and addicts. Furthermore, Article 54 and Article 103(1) of the Narcotics Law also mandate that drug addicts undergo rehabilitation. Article 127(2) of the Narcotics Law even stipulates that when adjudicating cases involving drug abusers, judges must take into account Articles 54, 55, and 103, and Article 127(3) of the Narcotics Law further mandates that victims of drug abuse undergo rehabilitation. Therefore, through this "double-track system" approach, the Narcotics Law has shifted the focus away from imprisonment as the primary

¹ Harris Y.P. Sibuea, 2015, "Kedudukan Pengguna Narkotika dan Kesiapan Fasilitas Rehabilitasi Bagi Penyalahguna Narkotika Berdasarkan Undang-Undang

Nomor 35 Tahun 2009 tentang Narkotika", *Jurnal Negara Hukum*, Vol.6, No.1, Juni, hlm. 54.

option for drug abuse cases, instead prioritizing rehabilitative measures as the primary sanction.

However, in practice, the spirit of the Narcotics Law—which prioritizes rehabilitation—does not appear to be working as intended, as data as of December 2020 indicates that there are still 167,607 drug offenders serving sentences in Indonesian prisons, a figure representing 96% of the total prison population for special inmates and 45% of the overall prison population. [2] This figure also indicates that drug offenders are the primary cause of the long-standing problem in Indonesia’s correctional institutions: overcapacity or overcrowding. According to data compiled by the Correctional Data System at the Directorate General of Corrections of the Republic of Indonesia, the issue of overcapacity in correctional facilities across Indonesia has reached 83% above existing capacity. [3]

Therefore, given the increasingly alarming state of drug abuse in Indonesia and its impact on the never-ending problem of overcrowding in correctional facilities, it seems that Indonesia needs to consider adopting the Drug Court model—or Specialized Drug Courts—such as those in the United States, which have successfully combated drug abuse by prioritizing rehabilitation as a sanction. This Drug Court model emerged because the United States fully recognizes that prison sentences only lead to recidivism and actually exacerbate drug abuse. Therefore, the drug court concept serves as a judicial system that handles drug abuse cases by integrating assessment and treatment processes for drug abusers into case management and the judicial process, where judges impose rehabilitation with strict supervision for the offenders. [4]

In this process, generally speaking, suspected drug abusers are brought directly by investigators before the drug court to have their initial evidence reviewed to determine whether they qualify as abusers; if they do, an assessment is conducted, with the assessment team examining the suspect operating directly under the drug court’s management. This allows the judge to confidently issue a ruling mandating rehabilitation treatment for drug abusers and/or addicts without relying on other stakeholders, and the judge can closely monitor the progress of the rehabilitation so that the treatment proceeds optimally. Based on experience in the United

States, McSweeney, Turnbull, and Hough have demonstrated evidence that several evaluations of drug courts in the U.S. show a reduction in recidivism rates and a decrease in drug use, leading to the conclusion that drug courts are successful in combating drug abuse. [5]

This concept can be said to align with the intended objectives of addressing drug abuse as outlined in the Narcotics Law, namely by prioritizing rehabilitation measures and reducing recidivism rates in drug-related criminal offenses in Indonesia. Therefore, it is hoped that the latest narcotics law will distinguish between criminal sanctions and decriminalization, given that narcotics-related criminal offenses fall into two categories: drug traffickers and drug addicts. By implementing a dual-track system, the narcotics law will be more objective and targeted in imposing penalties on both perpetrators and victims.

The concept of drug courts, which the author will examine in this study, treats drug users in a more humane manner, as this concept has been widely adopted in developed countries. This is because drug courts operate under a “double-track system,” which allows for the implementation of more objective sentencing and distinguishes between criminalization and decriminalization. Under the drug court concept itself, if a drug offender is proven during proceedings to be an addict and successfully completes rehabilitation, their legal sentence will be waived. This approach ensures greater objectivity in sentencing drug offenders and prevents the blurring of lines between criminalization and decriminalization—an issue where the concept of punishment remains unclear in current drug laws. This will help reduce overcrowding in correctional facilities and break the chain of drug distribution.

Therefore, this paper will describe and analyze the current state of drug abuse treatment in Indonesia and assess whether it has achieved its intended objectives. Based on this, the urgency of implementing legal reforms based on a double-track system in addressing drug abuse is analyzed by conducting a comparative study of drug abuse management in the United States, which employs the drug court model. Furthermore, the researcher will attempt to propose the drug court model, based on the double-track system, for implementation in Indonesia, given its effectiveness in countries that have already

² Sistem Data Pemasyarakatan pada Direktorat Jenderal Pemasyarakatan Republik Indonesia, <http://smslap.ditjenpas.go.id/public/krl/current/monthly/year/2020/month/12>, diakses pada 4 Januari 2021

³ Sistem Data Pemasyarakatan pada Direktorat Jenderal Pemasyarakatan Republik Indonesia, <http://smslap.ditjenpas.go.id/public/grl/current/monthly/year/2020/month/12>, diakses pada 4 Januari 2021.

⁴ Terrence Walton (Chief Operating Officer National Association of Drug Court Professionals), *The Problem, The Promise, The Practice: Pembelajaran dari*

Pengadilan Narkotika di Amerika, disampaikan pada *Seminar on Judicial Supervision of Drug Treatment: A Model for Alternatives to Imprisonment for People Who Use Drugs Who Come Into Contact with the Criminal Justice System* yang diselenggarakan oleh UNODC, BNN, dan Kedutaan Besar AS di Indonesia pada tanggal 26-27 April 2017.

⁵ McSweeney, T., Stevens, A., Hunt, N. and Turnbull, P., 2008a, “Drug Testing and Court Review Hearings: Uses and Limitations”, *Probation Journal*, No. 55(1). hlm.7.

adopted this concept. However, the implementation of the drug court model must be adapted to ensure that, when applied, it continues to reflect the awareness, sense of justice, and values enshrined in Pancasila as the source of all sources of law in Indonesia.

Therefore, this paper will describe and analyze studies on the urgency of reforming criminal law regarding the handling of drug abuse through a double-track system-based drug court model, as well as analyze the framework for addressing drug abuse through a double-track system-based drug court model.

DISCUSSION

1. The Purpose of Criminal Penalties for Drug Abuse Offenses

The handling of cases involving the distribution and abuse of narcotics—whether the perpetrator is a dealer, an abuser, or a victim of drug abuse—requires legal processing and enforcement as stipulated in Law No. 35 of 2009 on Narcotics. A thorough understanding by law enforcement officials is crucial, particularly for judges who hear cases and issue rulings. Judges may issue a ruling ordering drug abusers or addicts to undergo treatment and/or care through rehabilitation if found guilty, or may order them to undergo treatment and/or care through rehabilitation if not found guilty of a narcotics-related criminal offense, in accordance with Article 103(1) of the Narcotics Law.

Furthermore, Article 103(2) of the Narcotics Act stipulates that the period spent undergoing treatment and/or care for drug addicts as referred to in paragraph (1)(a) shall be counted as part of the sentence. Thus, drug abusers who are found guilty and sentenced to imprisonment must undergo rehabilitation, and the period of treatment and/or care is counted as part of the period of serving the sentence.

Drug abusers require recovery through both medical and social rehabilitation; Article 54 of the Narcotics Act stipulates that “Drug addicts and victims of drug abuse must undergo medical and social rehabilitation.”

Pursuant to the provisions of Article 54, drug addicts and victims of drug abuse are required to undergo medical and social rehabilitation. Judges’ understanding and courage in handling drug abuse cases, particularly when rendering verdicts, play a crucial role in the prevention and eradication of drug abuse. The verdicts handed down are based, among other things, on the evidence presented in court; therefore, when rendering a

verdict, judges must have the courage to deviate from or go against (*contra legem*) the prosecutor’s charges.

This is in accordance with the issuance of SEMA No. 03 of 2015 regarding the Implementation of the Formulation of the Results of the 2015 Plenary Session of the Supreme Court Chambers as a guideline for the performance of duties by the courts, specifically within the criminal chamber’s formulation, which grants judges the authority to deviate from specific minimum criminal penalties in drug-related criminal cases, which is expected to serve as a guide for judges in upholding justice in their legal rulings.

Supreme Court Circular Letter (SEMA) No. 03 of 2015 states that if the Public Prosecutor (JPU) charges a defendant under Article 111 or Article 112 of the Narcotics Law, but the defendant is merely a user and the quantity involved is relatively small, the judge may deviate from the specific minimum sentence. The term “relatively small amount” refers to SEMA No. 04 of 2010, namely: the methamphetamine (shabu) group 1 gram, the MDMA (ecstasy) group 2.4 grams (8 tablets), the heroin group 1.8 grams, the cocaine group 1.8 grams, the marijuana group 5 grams, coca leaves 5 grams, mescaline 5 grams, psilocybin group 3 grams, LSD group 2 grams, PCP group 3 grams, fentanyl group 1 gram, methadone group 0.5 grams, morphine group 1.8 grams, pethidine group 0.96 grams, codeine group 72 grams, buprenorphine group 32 mg.

These provisions are intended to minimize the tendency of law enforcement officials to consistently criminalize drug offenders by imposing prison sentences, which leads to overcrowding in correctional facilities. This view is supported by Inspector General (Irjen) Jhoni Ginting of the Ministry of Law and Human Rights, who stated that the overcrowding in prisons and detention centers is undeniably dominated by inmates convicted of drug-related offenses. Drug cases outnumber other types of cases; 60 percent of the inmates are there for drug offenses. [6]

Erasmus Napitupulu, Program Director at the Institute for Criminal Justice Reform (ICJR), stated that the guarantee of rehabilitation provided for in the Narcotics Law does not exempt drug users from the threat of imprisonment. Ironically, prisons and detention centers in Indonesia are often overcrowded, with most of the inmates being drug users. [7]

This indicates that sentencing or imprisonment of drug offenders plays a significant role as a contributing factor to overcrowding in correctional

⁶ Mukhlis Dinillah, Napi Narkoba Dominasi Penjara, Kemenkumham Dorong Revisi PP 99, <https://news.detik.com/berita-jawa-barat/d-4615415/napi-narkoba-dominasi-penjara-kemenkumham-dorong-revisi-pp-99>, diakses 14 November 2023

⁷ Rofiq Hidayat, Pentingnya Dekriminalisasi terhadap Pengguna Narkotika, <https://www.hukumonline.com/berita/baca/lt5c7faa428034f/pentingnya-dekriminalisasi-terhadap-pengguna-narkotika/>, diakses 14 November 2023

facilities. Not to mention that rehabilitation has not been effective so far; the proof is that there are still many repeat drug offenders who, after leaving rehabilitation, return to drug use, given the lack of serious coordination and supervision in the implementation of such rehabilitation. Many former drug users fall back into the cycle of drug-related problems after undergoing rehabilitation. This indicates that the existing rehabilitation system is not yet effective, and innovative measures are needed to improve its success.

2. Construction of Drug Abuse Handling Through a Drug Court Model Based on a Double Track System

Meanwhile, in the context of dealing with drug addicts or abusers through imprisonment, the objectives of criminal punishment cannot be achieved because these individuals are essentially victims who will not fully recover simply by being imprisoned. Moreover, if they are placed in the same prison cell as other criminals, they are likely to be exposed to further negative influences in the future. In other words, the recovery/rehabilitation process in prison will not be optimal and full recovery will be difficult, a situation further exacerbated by interaction among inmates, which makes it highly likely that they will actually deepen their involvement in drug abuse, making prison effectively a school where criminals share criminal knowledge. [8]

As a solution to optimize the decriminalization of drug abuse through rehabilitation, it is reasonable for Indonesia to consider adopting foreign legal frameworks for handling drug abusers, such as the Drug Court concept in the United States. This is also based on the phenomenon of globalization, which allows various foreign legal frameworks adhering to the common law system to be adopted or transplanted into civil law systems like Indonesia's. Such transplantation will indirectly lead to tensions caused by differences in legal systems. [9]

To that end, a legal amendment or reform is needed regarding the legal framework to be transplanted into Indonesia so that it can be implemented within the Indonesian legal system in accordance with the values of Pancasila.

According to Esin Orucu, such a transplant between legal systems can occur at the level of ideas,

concepts, and solutions, as well as at the level of structure, institutions, and methods. [10]

The transplantation of such a legal institution can be achieved by adopting a legal system that differs from the existing one, thereby incorporating specific legal norms from one country into another during the lawmaking process. In this regard, the legislature has two options for drafting regulations: either adopting those legal norms or developing its own norms that are deemed suitable and consistent with the country's legal system. [11]

The core concept of Drug Court is to assign direct oversight responsibility to the judge who issues the rehabilitation order. Once the rehabilitation order is issued, the judge actively monitors the drug user's progress and compliance with the rehabilitation program. This approach is based on the principle that direct oversight by the relevant law enforcement official can enhance accountability and the effectiveness of the rehabilitation process. [12]

The implementation of drug courts offers several benefits that can enhance the effectiveness of rehabilitation and reduce recidivism rates: [13]

a. Direct Supervision by a Judge: Drug Court allows judges to be directly involved in the rehabilitation process. This can foster a greater sense of responsibility and personal accountability among drug users, as they know there are legal consequences if they fail to comply with the rehabilitation program.

b. More Intensive Monitoring: With direct supervision, progress in rehabilitation can be monitored more closely. Judges can ensure that rehabilitation programs are tailored to individual needs and provide the necessary support to prevent recidivism.

c. Quick Decision-Making: If there is a violation or failure to complete rehabilitation, the judge may immediately decide on the next steps. This can prevent delays in responding to changes in the drug addict's circumstances.

d. Inclusion of Stakeholders: Drug Court involves various parties, such as rehabilitation officers, counselors, and medical personnel, thereby providing a

⁸ Ratri Novita Erdianti, 2017, "Alternatif Pemidanaan Terhadap Pelaku Penyalahgunaan Narkotika Dalam Kebijakan Kriminal di Indonesia", *Jurnal Legality*, Vol. 25, No.2, hlm. 264.

⁹ I Putu Rasmadi Arsha Putra, 2016, "Transplantasi Common Law System Ke Dalam Penyelesaian Sengketa Konsumen", *Jurnal Hukum Acara Perdata ADHAPER*, 2 (2), ISSN 2442-9090, hlm. 2.

¹⁰ Esin Orucu, 2000, *Critical Comparative Law: Considering Paradoxes for Legal System in Transition*,

Vol. 4.1 (June), Netherlands Comparative Law Association, hlm. 27.

¹¹ I Putu Rasmadi Arsha Putra, *Op.Cit.*, hlm 15.

¹² James L. Nolan, Jr, *Drug Courts In Theory And In Practice*, Published 2017 by Routledge, New York, hlm. 112

¹³ James E. Lessenger & Glade F. Roper, *Op.cit.*, hlm. 129

holistic approach to handling drug cases. The involvement of all relevant parties ensures that addicts receive full support for their recovery.

In addition, by adopting a dual-track system that separates minor and serious cases, Drug Court offers flexibility in handling each case individually. Cases involving personal drug use may be better handled through rehabilitation, while major cases involving distribution and production can be met with harsher penalties. This provides a more context-specific form of justice based on the severity of the criminal offense.

Drug courts offer a rehabilitative approach that differs from the conventional criminal justice system. By focusing on rehabilitation and recovery, drug courts can serve as a solution for addressing drug abuse cases in a more humane manner. This provides offenders with the opportunity to receive professional assistance, understand the root causes of their problems, and work toward recovery. Drug courts have the capacity to resolve cases more quickly and efficiently than the conventional criminal justice system. A faster judicial process can reduce the burden on correctional facilities, prevent case backlogs, and alleviate pressure on detention capacity. [14]

Drug courts also promote a preventive approach. By placing special emphasis on rehabilitation, drug courts can help prevent the recurrence of substance abuse and reduce the likelihood of reoffending within the criminal justice system. This can break the cycle of substance abuse and repeated incarceration. The establishment of drug courts can reduce the burden on correctional institutions by diverting drug abuse cases into a specialized track. This allows correctional institution resources to be used more effectively for inmates with more serious cases or those who pose a potential threat to the public. [15]

The design of a drug court model based on a double-track system—tailored to address drug abuse offenses—could offer a number of benefits in addressing the challenges posed by drug-dependent offenders when implementing such a system in Indonesia. However, it should be noted that Indonesia's legal and cultural context may require certain adjustments. The following is the model design that would be adopted if a drug court were implemented in Indonesia:

1. Investigation Phase

The process begins when a person is arrested on suspicion of a drug offense. An investigation is conducted to gather sufficient evidence related to the case. Investigators conduct a preliminary investigation to

gather enough evidence and information to determine whether there is sufficient grounds to designate a suspect. If there is sufficient evidence, investigators may designate a person as a suspect. If the suspect qualifies for the drug court program, that is:

- Caught with evidence of drug use for 1 (one) day;
- Not a repeat offender for drug-related crimes;
- Urine test results positive for narcotics.

Thus, within three (3) days of the completion of the interrogation report, the suspect charged with drug abuse is immediately brought by the investigator before the Drug Court, along with witnesses and evidence, for further review to determine whether the suspect qualifies for the drug court program;

2. Participant Commitment and Conditional Recognition Agreement:

Accepted participants must agree to participate in a rehabilitation program and submit to strict monitoring. A conditional admission agreement may involve the participant's conditional admission regarding the criminal acts they have committed. Offenders of drug-related crimes are given the option to participate in a rehabilitation program rather than face criminal penalties. The offender must accept this offer voluntarily and be willing to follow all rehabilitation procedures, during which the suspect admits to all their actions.

3. The Trial Phase in Drug Court:

The proceedings in Drug Court are similar to those for misdemeanor cases, with some specific modifications. Defendants suspected of drug abuse are brought before a judge in a more informal hearing focused on rehabilitation. Preliminary evidence indicating the defendant's involvement in drug abuse serves as the basis for the judge's decision.

Individuals suspected of being involved in drug abuse are brought to Drug Court following their arrest by law enforcement authorities. They then undergo the initial trial proceedings before a Drug Court judge.

The Chief Judge then appoints a single judge to preside over the Drug Court proceedings. Before the Drug Court judge, evidence—including witness testimony, the suspect's statements, and seized evidence—is examined to determine whether the suspect meets the criteria for being classified as a drug abuser. If the judge determines the suspect is a drug abuser, the Drug Court judge orders the suspect to undergo an assessment program conducted by the Integrated Assessment Team, which includes the National Narcotics Agency (BNN) and other experts.

¹⁴ Jennifer Murphy, *Illness or Deviance? Drug Courts, Drug Treatment, and the Ambiguity of Addiction*, Temple University Press Philadelphia, Pennsylvania, 2015, hlm. 150

¹⁵ Rebecca Tiger, *Judging Addicts Drug Courts and Coercion in the Justice System*, New York University Press, New York and London, 2013, hlm. 41

4. Continued Proceedings in Drug Court

4.1. Presentation of Preliminary Evidence

Just as in misdemeanor proceedings, the presentation of preliminary evidence takes place before the judge. This evidence includes drug test results, witness testimony, or other physical evidence indicating the defendant's involvement in drug abuse.

4.2. The Judge's Ruling

The drug court judge considers the evidence presented as well as other factors related to the defendant's circumstances and background. These considerations include the history of addiction, social support, and the likelihood of success in a rehabilitation program. After the defendant undergoes an assessment, they are brought back before the drug court, where the judge will review and approve the rehabilitation plan developed by the assessment team through a court order. The defendant then undergoes the program established by the drug court.

5. Intensive Rehabilitation, Treatment, and Monitoring Program

5.1 Establishment of a Rehabilitation Program

After considering the evidence and relevant factors, the Drug Court judge assigns an appropriate rehabilitation program to each offender. This program may include various types of interventions, such as counseling, drug monitoring, or participation in community recovery programs.

5.2 Monitoring and Oversight

The supervising judge responsible for the case monitors the offender's progress in the rehabilitation program. They work closely with the rehabilitation team to ensure that the offender complies with all program requirements and receives the necessary support throughout the recovery process.

Offenders accepted into Drug Court will undergo a strict rehabilitation program. Drug court participants are directed to follow a rehabilitation program that involves counseling, therapy, and mental health support. Treatment and rehabilitation are tailored to individual needs. This process involves continuous monitoring by a multidisciplinary team, including mental health and addiction professionals. The program includes intensive monitoring, periodic drug testing, and the imposition of sanctions or incentives based on the participant's behavior. In this context, intensive monitoring is also conducted directly by the drug court judge who established the rehabilitation program to ensure that the defendant fully complies with the program.

6. Collaboration with External Rehabilitation Facilities

Drug Court collaborates with external rehabilitation facilities, such as substance abuse treatment hospitals, rehabilitation centers, and medical

experts, to provide services tailored to the needs of offenders. This collaboration enables offenders to receive holistic and ongoing care.

7. Mental Health Support Phase

7.1 Rebuilding Independence

One of the primary goals of the rehabilitation program at Drug Court is to help offenders rebuild their independence. Through various activities and interventions, offenders are encouraged to develop the skills and strategies needed to resist the temptation to abuse drugs.

7.2 Social and Family Support

Drug Court places special emphasis on social and family support for offenders. Through family counseling and support programs, efforts are made to strengthen positive social relationships and build a stable support network for offenders during the recovery process.

7.3 Preventing Relapse

Preventing relapse is a key focus of the recovery program in Drug Court. Participants are equipped with the skills and knowledge needed to identify and address triggers and develop effective problem-solving strategies to prevent relapse.

If participants have mental health issues, Drug Court can provide access to mental health services and specialized support. The participants' recovery and improved mental health are the primary focus.

8. Program Evaluation and Termination:

Participants are evaluated periodically to assess their progress and continued participation. The program concludes once the participant successfully completes the rehabilitation and recovery phase. If the defendant successfully completes the rehabilitation program established by the drug court, the prison sentence may be waived and the case may be closed. If, based on monitoring, the defendant is unable to complete the rehabilitation program, the defendant will be prosecuted through conventional legal proceedings, including investigation, prosecution, trial, and sentencing.

9. Recovery and Empowerment:

Participants who successfully complete the drug court program are expected to achieve sustainable recovery and regain control over their lives.

Drug courts in the United States have proven effective in reducing recidivism rates for drug-related crimes and improving participants' recovery outcomes. This approach reflects a paradigm shift from punishment to rehabilitation, with a focus on treatment and holistic support. For this reason, the adoption of drug courts in Indonesia is urgently needed to ensure that sanctions against drug addicts are targeted effectively, and to create harmony in managing a unified criminal justice system (one gate, one system). In this context, the court serves

as the ultimate arbiter in delivering fair criminal sentences to drug-addicted offenders.

CONCLUSION

Based on the above discussion, the author has drawn several conclusions, including:

- 1) The urgency of reforming criminal laws governing the handling of drug abuse through a double-track system-based drug court model stems from the fact that drug trafficking and the number of users have been increasing year after year, including cases of recidivism (repeat offenses). This urgency is also driven by the overcrowded conditions in Indonesia's correctional facilities, which are dominated by drug offenders—a long-standing problem that has never been resolved. By firmly adopting the double-track system, Indonesia has the opportunity to enhance the effectiveness of the criminal justice system, promote prevention, and uphold the values of justice and human rights.
- 2) The framework for addressing drug abuse through a drug court model based on a double-track system begins with the investigation phase. After the offender is arrested, investigators gather evidence and designate the individual as a suspect if the criteria are met. Suspects who meet the qualifications—such as not being repeat offenders and being caught with evidence of a single day's use—are referred to the drug court. The suspect is given the option to participate in a rehabilitation program and must voluntarily admit to the offense. At the hearing, the judge reviews the evidence and, if the suspect is deemed a drug user, orders them to undergo an assessment program. The suspect undergoes a rigorous rehabilitation program involving counseling, therapy, and intensive monitoring. Mental health monitoring is also provided if necessary. Upon completing the program, a prison sentence may be waived; however, if the suspect fails, they are prosecuted through the conventional legal system. Successful participants are expected to achieve sustained recovery and regain control over their lives.

SUGGESTIONS

Based on the results of this study, it is recommended that Indonesia adopt the concept of a Drug Court or Special Narcotics Court—such as the one in the United States that has been successful in combating drug abuse—to further optimize rehabilitation efforts for drug abusers in Indonesia. The adaptation of the Drug Court concept must be carried out with necessary adjustments to ensure that its future implementation continues to reflect the awareness, sense of justice, and values enshrined in Pancasila as the source of all law.

REFERENCES

1. Esin Orucu, 2000, *Critical Comparative Law: Considering Paradoxes for Legal System in Transition*, Vol. 4.1 (June), Netherlands Comparative Law Association
2. Harris Y.P. Sibuea, 2015, “Kedudukan Pengguna Narkotika dan Kesiapan Fasilitas Rehabilitasi Bagi Penyalahguna Narkotika Berdasarkan Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika”, *Jurnal Negara Hukum*, Vol.6, No.1, Juni
3. I Putu Rasmadi Arsha Putra, 2016, “Transplantasi Common Law System Ke Dalam Penyelesaian Sengketa Konsumen”, *Jurnal Hukum Acara Perdata ADHAPER*, 2 (2), ISSN 2442-9090, hlm. 2.
4. James L. Nolan, Jr, *Drug Courts in Theory and In Practice*, Published 2017 by Routledge, New York
5. Jennifer Murphy, *Illness or Deviance? Drug Courts, Drug Treatment, and the Ambiguity of Addiction*, Temple University Press Philadelphia, Pennsylvania, 2015,
6. McSweeney, T., Stevens, A., Hunt, N. and Turnbull, P., 2008a, “Drug Testing and Court Review Hearings: Uses and Limitations”, *Probation Journal*, No. 55(1)
7. Mukhlis Dinillah, Napi Narkoba Dominasi Penjara, Kemenkumham Dorong Revisi PP 99, <https://news.detik.com/berita-jawa-barat/d-4615415/napi-narkoba-dominasi-penjara-kemenkum-hamdorong-revisi-pp-99>, diakses 14 November 2023
8. Muladi & Barda Nawawi Arief, 1992, *Teori-Teori Dan Kebijakan Pidana*, Bandung, Alumni
9. Ratri Novita Erdianti, 2017, “Alternatif Pemidanaan Terhadap Pelaku Penyalahgunaan Narkotika Dalam Kebijakan Kriminal di Indonesia”, *Jurnal Legality*, Vol. 25, No.2
10. Rebecca Tiger, *Judging Addicts Drug Courts and Coercion in the Justice System*, New York University Press, New York and London, 2013
11. Rofiq Hidayat, Pentingnya Dekriminalisasi terhadap Pengguna Narkotika, <https://www.hukumonline.com/berita/baca/lt5c7faa428034f/pentingnya-dekriminalisasi-terhadap-pengguna-narkotika/>, diakses 14 November 2023
12. Sistem Data Pemasarakatan pada Direktorat Jenderal Pemasarakatan Republik Indonesia, <http://smslap.ditjenpas.go.id/public/grl/current/monthly/year/2020/month/12>, diakses pada 4 Januari 2021.
13. Terrence Walton (Chief Operating Officer National Association of Drug Court Professionals), *The Problem, The Promise, The Practice: Pembelajaran dari Pengadilan Narkotika di Amerika*, disampaikan pada *Seminar on Judicial Supervision of Drug Treatment: A Model for Alternatives to Imprisonment for People Who Use Drugs Who Come Into Contact with the Criminal Justice System* yang diselenggarakan oleh UNODC, BNN, dan Kedutaan Besar AS di Indonesia pada tanggal 26-27 April 2017.