

Legal Protection for Abusers as Self-Victimizing Victims in Countermeasures to Narcotics Crimes

Vera Desti Puspitasari 

Universitas Negeri Semarang, Semarang, Indonesia
veraadst@students.unnes.ac.id

Muhammad Azil Maskur 

Universitas Negeri Semarang, Semarang, Indonesia
azilmaskur85@mail.unnes.ac.id

Abstract

Narcotics abuse is a social and legal problem that has various serious impacts in Indonesia. Not only individuals who consume them impact, but also have a wide impact on the people around them and the country's legal system. Therefore, the handling of narcotics abusers must be carried out comprehensively. Narcotics abusers are often positioned as mere perpetrators of crimes, even though they are also victims of psychological and physical dependence. The case described above creates a special concept known as self-victimizing victims, who are individuals who are victims of their own criminal acts. In Law Number 35 of 2009 concerning narcotics, there are regulations regarding criminal penalties for narcotics abusers, however law enforcement is still predominantly repressive. This article aims to knowing and understanding the concept of self-victimizing victims in drug abusers as an effort to overcome narcotics crimes, and to describe and provide policy recommendations regarding legal protection for narcotics abusers as self-victimizing victims in order to improve the prevention of narcotics crimes that are more humane and proportional. Therefore, the problem formulation emerged: 1.) How is the concept of self-victimizing victims in narcotics abusers as countermeasures to narcotics crimes? And, 2.) How is the policy recommendations legal protection for narcotics abusers as self-victimizing victims to overcome narcotics crimes?.



This study uses a normative juridical research method with a qualitatively approach. In this study, it was found that legal protection for drug abusers as self-victimizing victims requires policy reform through a double track system approach, repressive and rehabilitative punishment.

Keywords *Legal Protection; Abusers; Self-Victimizing Victims; Countermeasures; Narcotics Crimes*

I. Introduction

Abusers of Narcotics are not just a legal issue, but a multidimensional phenomenon that reflects humanitarian, social, economic and health crises. In individuals, narcotics reduce work ability and social responsibility, and cause psychological disorders. In the family, narcotics abuse can damage family bonds and cause serious financial problems. Socially narcotics contribute to increased crime and damage to social relationships. Furthermore, from an economic point of view, narcotics consume individual and community resources and reduce productivity and burden the country's finances with the cost of rehabilitation and countermeasures ¹. Therefore, legal protection and rehabilitative interventions for drug abusers as self-victimizing victims are crucial steps to mitigate the negative impacts and prevent the spread of drug abuse in society. The global framework for addressing this is also reflected in the **Sustainable Development Goals (SDGs)** launched by the United Nations (UN) in 2015 ². This effort is also relevant to several SDG targets that emphasize the importance of strengthening health services and handling to overcome the problem of drug abuse in Indonesia.

In the midst of the complexity of this problem, abusers are often positioned alone as perpetrators of criminal acts, without considering other dimensions behind their involvement in the dark circle of narcotics. In fact, in many cases, abusers are individuals trapped in vulnerable situations that make them victims of their own choices and circumstances or in the criminology and victimology literature known as self-victimizing victims. The concept of self-victimizing victims presents an individual who has

¹ Abdullah Al Hassan Rasha, "The Effectiveness of Management in Reducing The Abuse of Narcotic Drugs and Psychotropic Substances," *Indonesian Journal of Law and Economics Review* 18, no. 2 (2023), <https://doi.org/https://doi.org/10.21070/ijler.v18i3.963>.

² Amirotul Azizah and Putu Eka Trisna Dewi, "Reformulasi Ketentuan Rehabilitasi Bagi Pecandu Narkotika Dalam Dimensi Ius Constituendum," *Yusthima* 03, no. 02 (2023): 101–28, <https://doi.org/https://doi.org/10.36733/yusthima.v3i2.8046>.

consciously or unconsciously placed himself or herself in a position of risk, but at the same time has also suffered loss and suffering as a result of their own actions³. In the context of narcotics abuse, they not only face legal entanglements but also experience significant psychological, social, and medical impacts. Therefore, a rigid, repressive legal approach alone is not sufficient to address the deeper roots of the problem.

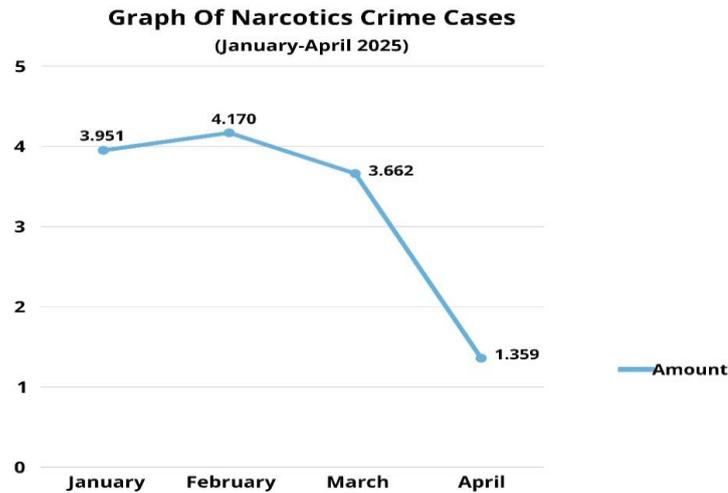
Criminal acts related to narcotics are explicitly regulated by Law Number 35 of 2009 concerning Narcotics. The formation of this law was motivated by deep considerations regarding the dual nature of narcotics. On the one hand, narcotics have important benefits as substances or drugs used in the medical world, especially in health services and scientific development. However, On the other hand, narcotics also contain a huge potential for danger if abused. Narcotics abuse can cause physical and psychological dependence, which leads to negative impacts on individuals and society as a whole. Basically, problems related to narcotics require the application of a special legal framework. Under the principle of *lex specialis*, a special legal regime for narcotics control must be prioritized. Moreover cases related to narcotics are categorized as transnational crimes that must be dealt with within the limits set by the specific framework⁴. Therefore, there needs to be firm and comprehensive regulations so that the use of narcotics remains within a safe corridor and in accordance with its intended use⁵.

PICTURE 1. Narcotics Crime Case Graph (January-April 2025)

³ Antony Tarigan, Mhd Azhali Siregar, and T Riza Zarzani, "Legal Review of Narcotics Abuse In Terms of Victimology," n.d., 453–61, <https://proceeding.pancabudi.ac.id/index.php/ICEEGLOF/article/view/379>.

⁴ J. R. G. Álvarez, "Drug Trafficking and the International Law on the Use of Force," *Journal on the Use of Force and International Law* 1702 (2025): 1–17, <https://doi.org/10.1080/20531702.2025.2485738>.

⁵ Jarot Yusviq Andito, Alpi Sahari, and T Erwinsyahbana, "Perlindungan Hukum Korban Penyalahgunaan Narkotika Melalui Double Track System," *Legalitas: Jurnal Hukum* 14, no. 1 (2022): 1, <https://doi.org/10.33087/legalitas.v14i1.276>.



Source: S. Hakiki, 2025

At the beginning of 2025, Indonesia recorded 3,951 cases of narcotics crimes. This figure increased significantly the following month, reaching 4,170 cases. In March 2025, the number of cases decreased to 3,662 cases. By mid-April 2025, on April 17 to be precise, there were 1,359 narcotics related cases recorded throughout the month. If viewed from the modus operandi, the majority of cases are related to narcotics abuse, rather than their trafficking. Data shows that 41% of the total cases are cases of abuse, while 40.5% are cases of illicit trafficking of narcotics. The rest consist of various other forms of offences, such as possessing, carrying, storing, and being a narcotics dealer. This finding reflects that the narcotics problem in Indonesia is not only limited to the trafficking network, but also to the high number of users who abuse narcotics, so it requires comprehensive handling, both from legal and rehabilitation aspects ⁶.

When examined more deeply, especially from a medical point of view, many experts state that individuals who use narcotics are not always entirely at fault for the condition they are experiencing. Instead, they are often victims of an organised narcotics syndicate network, which is caught up in the chain of narcotics trafficking and illicit trafficking. This situation makes it very difficult for them to break free, mainly because of the dependence that has been formed due to exposure to addictive substances that can damage the nervous system. Although many of them have a strong desire to break free from the shackles of narcotics dependence, their

⁶ Silmi Hakiki, "Jumlah Kejahatan Narkoba Tembus 13 Ribu Kasus per April 2025," Good stats, 2025, <https://goodstats.id/article/fluktuasi-tren-kejahatan-narkoba-pada-awal-tahun-2025-februari-tembus-4170-kasus-qKPbn>.

physical and psychological condition has suffered severe damage from their addiction, which makes the recovery process challenging⁷. Therefore, narcotics abusers need specialised and integrated treatment in contrast to the approach given to patients in general.

The form of criminalisation against drug abusers is regulated in Article 127 of Law No. 35 of 2009 concerning narcotics, which is demonstrated through the imposition of criminal penalties for anyone who uses narcotics for their own personal use. Drug abusers of Class I drugs can be subject to a maximum of four years' imprisonment, drug abusers of Class II drugs can be subject to a maximum of two years' imprisonment, and drug abusers of Class III drugs can be subject to a maximum of one year's imprisonment⁸.

On the other hand, imposing criminal sanctions on narcotics abusers is essential with the main aim of creating a deterrent effect and providing corrective benefits for the offenders. This objective is not only repressive but also rehabilitative, aimed at preventing offenders from repeating their offences. In this context, David Fogel argues that "the purpose of punishment is to implement criminal law based on the belief that people act as a result of their free will should be considered as responsible, willing, and aspiring human beings".⁹ Meanwhile, Jan Rummelink added that criminalisation is part of efforts to apply material criminal law in the criminal justice process. In this sense, criminalisation cannot be separated from formal criminal law. The criminal sentencing process must go through a legal and fair judicial mechanism. Thus, punishment is not just a punishment but also part of the legal system that aims to uphold justice and maintain social order¹⁰.

However, the rehabilitative element in overcoming criminal acts is also no less important, a rehabilitative approach in overcoming criminal acts, especially for drug abusers and addicts, In making decisions against drug abusers, judges are required to consider the provisions of Law Number 35 of 2009 concerning Narcotics stipulates that, in handling every narcotics case, the judge is obliged to consider the provisions of Article 54. This article states that "narcotic addicts and victims of narcotics have an obligation to

⁷ Jeanne Darc et al., "Urgensi Penyelenggaraan Rehabilitasi Bagi Pecandu Dan Korban Penyalahgunaan Narkotika Oleh Badan Narkotika Nasional," *Progresif Jurnal Hukum* 19, no. 1 (2025), <https://doi.org/https://doi.org/10.33019/5gyzry58>.

⁸ "Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika," Pub. L. No. 35 Tahun 2009 (n.d.), <https://peraturan.bpk.go.id/Details/38776/uu-no-35-tahun-2009>.

⁹ Dewi Untari and Nys. Arfa, "Pemidanaan Terhadap Pelaku Yang Melakukan Penyalah Guna Narkotika," *PAMPAS: Journal of Criminal Law* 1, no. 1 (2021): 138–49, <https://doi.org/10.22437/pampas.v1i1.8313>.

¹⁰ Untari and Arfa.

undergo medical and social rehabilitation." This provision shows that the state views abusers not merely as criminals, but as individuals who need recovery ¹¹. Therefore, overcoming drug crimes is not only directed at punishment, but also at restoring the physical, mental, and social conditions of perpetrators through rehabilitation programs so that they do not repeat their actions and can return to functioning normally in society.

In previous research entitled "Legal Protection For Victims Of Narcotics Abuse" discusses drug addicts who are seen as self-victimizing victims but can also be seen as part of a victimless crime and a criminal model for people with a substance use disorder that focuses on rehabilitation ¹². Furthermore, the research entitled "Self-Victimizing Victims Of Narcotics Users In A Review Of Criminology And Victimology" discusses the category of narcotics abusers as self- victimizing victims or crime without a victim or false victims because there is no direct victim in the crime and criminal responsibility ¹³. In contrast to the research written by the author, which discusses the concept of self- victimizing victims, focusing on narcotics abusers and legal protection policies for narcotics abusers in efforts to repeal narcotics crimes, which focus on preventive and repressive approach models.

Furthermore, in a previous study entitled "Legal Protection for Victims of Narcotics Abuse through a Double Track System," the authors highlighted that drug users are not always viewed solely as criminals, but also as victims of drug abuse. Therefore, a criminal justice system that focuses solely on prison sentences is considered incapable of addressing the root causes of drug abuse, particularly those related to the psychological and social conditions of users. However, this research has not specifically used the self-victimizing victim approach, namely victims who indirectly cause harm to themselves due to environmental factors, ignorance, or social pressure ¹⁴.

In contrast to previous research entitled "Optimizing the Handling of Narcotics Crimes through the Prevention and Eradication Program for Drug Abuse and Illicit Trafficking (P4GN): Case Study in the Cimahi Police Area," this research emphasize optimisation in its area due to the increase in the

¹¹ Valentina Putri Amanda and Yusep Mulyana, "Mengkaji Efektivitas Rehabilitasi Medis Dan Sosial Dalam Penanggulangan Penyalahgunaan Narkotika" 5, no. 4 (2025): 5231–44.

¹² Salyo Kinasih Bumi, Supolo Supolo, and Bastianto Nugroho, "Perlindungan Hukum Terhadap Korban Penyalahgunaan Narkotika," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 4, no. 2 (2022): 351–64, <https://doi.org/10.37680/almanhaj.v4i2.1860>.

¹³ Ai Permanasari and Suarman Gulo, "Self Victimizing Victims Pengguna Narkotika" 1, no. 2 (2025): 105–17, <https://doi.org/https://jurnal.prestasiku.org/index.php/jrh/article/view/31>.

¹⁴ Yusviq Andito, Sahari, and Erwinsyahbana, "Perlindungan Hukum Korban Penyalahgunaan Narkotika Melalui Double Track System."

number of drug cases, so that prevention must be carried out from the beginning through education, campaigns, and socialisation involving various parties (the community, educational institutions, the police, the BNN), so that the community understands the risks, effects, and consequences of drug abuse. In addition, handling drug crimes is not enough only through repressive aspects, but also requires a preventive and rehabilitative approach so that the long-term effects on victims of drug abuse can be minimised ¹⁵.

In addition to previous research entitled "Sentencing and Rehabilitation of Drug Dealers and Abusers" This study examines the differences in legal treatment between drug dealers who are in principle subject to criminal sanctions in the form of imprisonment and drug abusers who should be more directed towards medical and social rehabilitation. In addition, this study discusses the legal basis, the purpose of sentencing, and the implementation of rehabilitation as an effort to protect and restore drug abusers, while highlighting that in practice there are still often inaccuracies in the application of sanctions that do not fully reflect justice and the purpose of sentencing ¹⁶.

Unlike previous studies, this study examines the concept of self-victimizing victims, focusing on drug abusers and legal protection policies for drug abusers in efforts to combat drug crimes. This study emphasize a preventive and repressive approach model applied in an integrated manner, with the aim of providing just legal protection, restoring the condition of drug abusers as victims, and preventing the recurrence of drug crimes in the future. With this approach, this study is expected to provide a conceptual contribution to the development of a more humane, effective, and human rights-oriented narcotics law policy.

Criminalisation in the context of modern criminal law is no longer solely based on the idea of retaliation against the perpetrators of crimes but also functions as a means of prevention to protect the community. In the development of criminal law theory, various theories are known, one of which is the combined theory which was put forward by Van Hamel and then developed by Pompe. This theory combines the principles of retaliation

¹⁵ Nasrudin Nasrudin, M. Taufik Makarao, and Slamet Riyanto, "Optimalisasi Penanggulangan Tindak Pidana Narkotika Melalui Program Pencegahan Pemberantasan Penyalahgunaan Dan Peredaran Gelap Narkoba (P4Gn) Studi Kasus Di Wilayah Polres Cimahi," *Veritas* 8, no. 2 (2022): 86–109, <https://doi.org/10.34005/veritas.v8i2.2064>.

¹⁶ Nanci Yosepin Simbolon, Ramsi Meifati Barus, and Alusianto Hamonangan, "Pemidanaan Dan Rehabilitasi Terhadap Pengedar Dan Penyalahguna Narkotika," *Al-Zayn : Jurnal Ilmu Sosial & Hukum* 3, no. 2 (2025): 591–600, <https://doi.org/10.61104/alz.v3i2.1113>.

and the principle of protecting public order¹⁷. This theory combines absolute and relative theories. This approach aims to ensure that punishment serves not merely as retribution but also as a means of enforcing the law and rehabilitating the offender's character. In addition, there is the treatment theory, which focuses on the perpetrator rather than just their actions. The characteristic of this theory is the process of social development for the perpetrator, enabling them to morally and socially.

Then in this research, the author also utilises the theory of Gustav Radbruch, whose theory discusses three basic legal values: justice, legal certainty, and legal utility. These three basic values must be considered when imposing punishment in drug crime cases. Furthermore, Lawrence M Friedman's legal system theory argues that the substance of law should be able to guarantee protection and fulfill the rights of society, including marginalized or vulnerable groups.

Criminalisation has now developed into an integrated system that synergises various elements of law enforcement, such as the police, prosecutor's office, courts, correctional institutions, and rehabilitation institutions, within a holistic framework to realise the ideals of comprehensive justice. The ideal penal system bears responsibility not only after the crime has occurred but also from the early prevention stage, meaning that crime prevention efforts must begin long before a violation of the law occurs, with preventive measures such as education, moral development, improvement in social welfare, and the strengthening of legal values in society. In addition, the penal system must be able to manage all stages of criminal handling, from prosecution and punishment to coaching during the sentence and social reintegration. The goal is for perpetrators to return to being whole, responsible, and productive individuals in society. For this reason, it takes an active role and, a high level of integration among all law enforcement agencies to ensure that this system runs fairly and effectively, and is oriented towards recovery, not just retaliation.

This condition demands a new paradigm in law enforcement: a more humanist, restorative approach. Legal protection of abusers as self-victimizing victims is an urgency that needs to be considered, along with the strong must also pay attention to preventive approaches for recovery. The placement of abusers as subjects who are entitled to protection using the *double-track criminal system* is a form of substantive justice that the modern criminal law system actually wants to realise.

¹⁷ Michael Adyhaksa Padang and Billi J Siregar, "Keberpihakan Pemidanaan Dalam Undang-Undang Nomor 1 Tahun 2023," *Locus: Jurnal Konsep Ilmu Hukum* 4, no. September (2024), <https://doi.org/https://doi.org/10.56128/jkih.v4i2.348>.

From the problem statement explained above, two research questions arise: First, How is the concept of self-victimizing victims in narcotics abusers as countermeasures to narcotics crimes? Second, How is the policy recommendations legal protection for drug abusers as self-victimizing victims to overcome narcotics crimes?. Therefore, in this research the objective to knowing and understanding the concept of self-victimizing victims in drug abusers as an effort to overcome narcotics crimes, and to describe and provide policy recommendations regarding legal protection for narcotics abusers as self-victimizing victims in order to improve the prevention of narcotics crimes that are more humane and proportional.

This research is expected to provide both theoretical and practical contributions. Theoretically, this study broadens the understanding of the concept of self-victimizing victims in narcotics abusers as an effort to overcome narcotics crimes. The results of this study are expected to serve as an academic reference for criminal law studies that integrate the victims perspective with a rehabilitative approach, thus not only focusing on punishment. Practically, this research is expected to provide policy recommendations and legal protection strategies for narcotics abusers as self-victimizing victims. These recommendations can serve as a basis for law enforcement officials, rehabilitation institutions, and policymakers in designing more humane, proportional, and recovery centered mechanisms for countermeasures narcotics crimes.

II. Method

This study uses a normative juridical research method with a qualitatively approach. The legal sources used are derived from primary legal materials, such as laws and regulations, including the KUHP, Law Number 35 of 2009 on Narcotics particularly those related to legal protection and court decisions in narcotics crime cases as well as the SEMA Number 4 of 2010 concerning the placement of perpetrators of violence, victims of violence, and drug addicts in medical rehabilitation institutions and social rehabilitation institutions, which governs the placement of abusers, victims of abuse, and narcotics addict into medical and social rehabilitation institutions, and in the court decision related to this research, Decision Number 713 PK/Pid.Sus/2022 was used. In addition, this research relies on secondary legal materials obtained through the review of previous academic studies, the analysis of legal principles, doctrines, and relevant

legal theories. Several theories were used in this research, including the combined theory which was put forward by Van Hamel and then developed by Pompe this theory combines the principle of retaliation and the principle of protecting public order. Furthermore, there is the theory of treatment, which focuses on the perpetrator, not just the act. The author also uses the theory proposed by Gustav Radbruch regarding the three basic values of law, then the theory of the legal system by Lawrence M. Friedman. The law that focuses on dealing with cases of drug abuse is criminal law. Then, tertiary legal materials from encyclopedias, legal dictionaries, and relevant mass media are also used¹⁸. This framework serves to guide analysis and to help uncover and understand research results in a more structured manner.

III. Result and Discussion

1. Concept of Self-Victimizing Victims in Narcotics Abusers to Countermeasures Narcotics Crimes

The case of narcotics abusers who simultaneously become victims of their own actions presents new challenges in the application of criminal law. The term Self-Victimizing Victims refers to situations where individuals act not only as offenders but also suffer adverse consequences from their own behaviour. Therefore, it is important to examine how this concept provides proportional countermeasures for the crime of drug abuse. There are still many other cases that show the potential for suboptimal handling of narcotics crimes, one of which is in decision number 713 PK/Pid.Sus/2022 regarding the repetition of narcotics crime cases, this case which is one example that there are still many narcotics crimes that show legal weaknesses in handling narcotics crimes, including a lack of attention to Article 54 concerning rehabilitation for abusers, so that the effectiveness of narcotics handling is not optimal.

From the perspective of Lawrence M. Friedman's legal system theory, the success of law enforcement depends heavily on three interrelated components: legal structure, legal substance, and legal culture. The legal structure encompasses legal institutions such as courts, police, prosecutors, and other law enforcement agencies. This structure determines how the law is executed, administered, and monitored. In the context of narcotics, a strong legal structure means law enforcement agencies have the capacity, coordination, and effective procedures to handle narcotics cases, including

¹⁸ Fajar Mukti and Achmad Yulianto, "Dualisme Penelitian Hukum Normatif & Empiris," in *Pustaka Pelajar*, 2015.

monitoring perpetrators, processing evidence, and monitoring the implementation of decisions. Furthermore, legal substance encompasses the rules and provisions of the law itself, such as statutes, government regulations, and judges' decisions. Clear, comprehensive, and firm legal substance determines the rights and obligations of the parties, as well as sanctions for violations.

In the context of narcotics, legal substance includes the Narcotics Law, Articles 112, 127, and 54 concerning rehabilitation, as well as provisions related to imprisonment and fines. Appropriate legal substance can close legal loopholes and strengthen the deterrent effect. The last one is legal culture that includes that attitude, society understanding of laws, and the community behavior along with the officer toward the law. A good legal culture reflects the community's awareness to obey the law and officials who enforce the law consistently and fairly. In the case of narcotics, legal culture influences that rehabilitation is seen as an important part of law enforcement, the community supports prevention efforts, and officials do not only prioritize criminal but also social recovery. In this context, it is important to increase the effectiveness of the law as a state tool in tackling narcotics, improvements are needed not only in criminal provisions but also in law enforcement and a legal culture that supports rehabilitation and the prevention of repeat criminal acts.

It is in this context that victimology becomes a relevant framework for analysing the position of narcotics abusers as self-victimizing victims, because this science not only discusses victims in the traditional sense, but also explains how a person can be a perpetrator as well as a victim in a criminal act. Victimology is a science that studies victims. One of the benefits of learning about victims is understanding the origins (etymology) of crime, specifically how victims can emerge. This understanding is essential in supporting efforts to prevent and prosecute crimes more proportionately and comprehensively. In other words, the etymology of criminal related to the emergence of the victim explains the factors that cause the crime that results in the existence of victims¹⁹. This perspective underlies the idea that a crime cannot truly exist without a victim. Every criminal act always involves two key elements the perpetrator and the victim.

Victimology can be formulated as a scientific study that focuses attention on victims of crime, both in terms of characteristics, and roles, and

¹⁹ M.A. Setiawan, "Tinjauan Yuridis Mengenai Viktimologi Terhadap Penyalahgunaan Narkotika Berdasarkan Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika," *Nusantara: Jurnal Pendidikan, Seni, Sains Dan Sosial Humanioral* Volume 1 (2023), <https://journal.forikami.com/index.php/nusantara/article/view/367>.

in terms of their experiences. In this context, criminology, as a science that aims to investigate crime phenomena as a whole, becomes richer with a victimological orientation. The statements above shows that there is a close, interrelated relationship among crime, perpetrators, and victims. In general, victims of crime are understood as parties who suffer loss or suffering as a result of a crime, in line with the phrase "there is smoke, there must be fire", which reflects the causal relationship between the crime and the victim.

Self-victimizing victims are individuals who become victims of their own actions or decisions. As perpetrators, they commit unlawful acts, such as possessing, storing, or using narcotics without a permit, which are categorised as criminal acts according to Law No. 35 of 2009. However, they also become victims because the resulting addiction causes physical, mental, and social harm, and makes loses control of themselves. This concept positions abusers as self-victimizing victims, so that law enforcement is not only punitive, but also provides protection and rehabilitation to restore their health and social function, while still taking action against dealers and other perpetrators ²⁰.

From the perspective of criminal law and rehabilitation, according to Daris Warsito in the journal entitled "The Punishment System for Narcotics Abusers", narcotics abusers are individuals who really need medical assistance and social rehabilitation because they are "sick" due to dependence, not just ordinary criminals. This abuse is usually caused by an urge to get a euphoric effect, relieve pain, or as an escape from social and psychological pressure. From the perspective of modern victimology, narcotics abuse is classified as self-victimizing victims, referring to individuals who are both perpetrators and victims of their own actions. This term describes a situation where the offender also suffers the negative consequences of their own behaviour. This approach aims to highlight the complexity of the situation of narcotics abusers and challenge traditional views that solely position them as perpetrators of criminal acts. Even though they also became victims of criminal acts committed by others.

From a modern criminal law perspective, drug abusers are viewed as having a dual role: not only as perpetrators of criminal acts but also as individuals who become victims of their addiction. Although they may be legally considered criminals, Law Number 35 of 2009 concerning narcotics in Indonesia provides space for medical and social rehabilitation approaches as a means of protecting drug abusers, rather than solely

²⁰ Vivi Ariyanti, "Korban Tindak Pidana Penyalahgunaan Narkotika: Analisis Perspektif Viktimologi," *Lex Prudentium Law Journal* 1, no. 1 (2022): 37–52, <https://doi.org/10.61619/lexprudentium.v1i1.4>.

resorting to criminal punishment. This approach aligns with the findings above that drug abusers are self-victimizing victims and require legal protection as victims of their addiction. Therefore, through the explanation presented, the objective to identify and understand the concept of self-victimisation narcotics abusers as an effort to countermeasures drugs crimes.

The concept of self-victimizing victims for drug abusers as an effort to overcome narcotics crimes positions drug abusers as parties who not only commit unlawful acts but also experience physical, mental, and social harm due to their self-inflicted addiction. This victimology perspective emphasize that drug abusers are vulnerable because drug dependence causes them to lose control of themselves and become victims of their own actions. Drug abusers require protection and rehabilitation because they suffer from the consequences of their own drug abuse, so it is inappropriate to punish them solely through imprisonment.

In law enforcement, this concept is realised through a double-track system, namely a system that allows drug users to receive medical and social rehabilitation as part of legal treatment. Rehabilitation is provided as a form of action (treatment), not solely criminal, because drug users are considered victims of dependence. In making decisions, judges consider psychological conditions, levels of dependence, background of use, and the role of drug users in the drug distribution network, so that the determination of the type of rehabilitation can be tailored to the individual needs of each drug user²¹

Similarly, According to A.N. Nugrahaeni in a journal entitled “The Implementation Of Restorative Justice For Narcotics Addicts Based On Legal Benefits”, the legal approach to abusers should consider that they have an addiction, environmental pressures, or other psychosocial ²². On the other hand, the concept of self-victimizing victims as an effort to overcome narcotics crimes also requires changes to the legal structure itself. There needs to be clarity in the criteria for abusers who can be seen as victims, as well as legal mechanisms that make it easier for abusers to obtain rehabilitation, even when sentenced to prison With this approach, the justice system not only enforces the law, but also provides protection and

²¹ Mardiman, Cornelis Vieta Imelda, and Noenik Soekorini, “Pertimbangan Hakim Dalam Menentukan Korban Penyalahgunaan Narkotika Dalam Penjatuhan Pidana Atau Rehabilitasi Berdasarkan Penyalahgunaan Narkotika” 5, no. April (2025): 136–52, <https://doi.org/https://doi.org/10.36456/p.v5i1.10241>.

²² Amalia Novie Nugraheni, “The Implementation Of Restorative Justice For Narcotics Addicts Based On Legal Benefits” 1, no. 2 (2024): 105–17, <https://jurnal.unissula.ac.id/index.php/PH/article/view/34620/pdf>.

rehabilitation efforts for drug users, thus being more effective in reducing the risk of relapse and drug abuse in society.

When linked to efforts to reduce drug abuse, concept of self-victimizing victims has strategic content as a way of dealing with narcotics crimes. First, positioning drug users as victims reduces social stigma, making them more open to seeking medical assistance and rehabilitation services, which in turn increases participation in recovery programs. Second, rehabilitation as a legal measure serves as a preventative measure because it can break the cycle of dependency and prevent drug users from re-engaging in drug trafficking. Third, this concept shifts the focus of law enforcement to dealers and dealers as the primary actors responsible for drug distribution.

By categorising drug users as victims, law enforcement officials can direct resources more optimally to eradicate illicit drug trafficking networks, thereby making eradication efforts more effective. This approach also emphasize that drug users should not be the focus of criminalisation, as their victimological position is closer to that of victims of dependency than actual perpetrators of crime. Fourth, this approach strengthens early intervention programs, namely the rapid treatment of individuals who are starting to be exposed to drugs to prevent further dependency ²³. By understanding abusers as victims, policies can be directed at comprehensive counseling, risk education, and social recovery, making community-based interventions and social services more humane and effective.

The concept of Self-Victimizing Victims for drug abusers aims to position drug abusers as individuals in need of protection, recovery, and rehabilitation, so that the law serves not only to punish but also to prevent and heal. From a preventive approach, this concept encourages the state to reduce the risk of relapse and further abuse through early intervention, education, and strengthening a positive social environment, thereby minimising the social and economic costs of drug use. Meanwhile, through a rehabilitative approach, drug abusers are directed to comprehensive medical, psychological, and social rehabilitation programs, rather than expensive and less effective incarceration. This not only restores the individual but also reduces the burden on the state budget from prisons, emergency health services, and recurrent crime.

It should be noted that the concept of self-victimizing victims in drug abusers is not used as a justification or reason to eliminate criminal penalties for drug crimes, but rather as an integral penal and non-penal

²³ Dewi Asri Yustia Yanuardi Yogaswara, "Perlindungan Korban Tindak Pidana Penyalahgunaan Narkotika Ditinjau Dari Perspektif Viktimologi," *Causa: Jurnal Hukum Dan Kewarganegaraan* 2, no. 10 (2024): 71–82.

effort in the punishment of drug crimes. Self-victimizing victims is not used as a concept intended to weaken the existing legal system, but rather as a holistic unity to increase the optimisation of drug crimes prevention in line with Lawrence Friedman's theory on the legal system that, the success of law enforcement is highly dependent on three interrelated components, namely legal structure, legal substance, and legal culture.

Law No. 35 of 2009 concerning Narcotics serves as the legal basis for countermeasures drug abuse and trafficking in Indonesia, employing a balanced approach between law enforcement and rehabilitation. This law emphasize preventive efforts through education, rehabilitation through medical and social recovery for abusers, and repressive measures against dealers who cause harm to the state. In the context of self-victimizing victims, abusers are viewed as victims of dependence who require protection and rehabilitation, so that punishment is not only criminal but also restores health and social function. This rehabilitation is reinforced by SEMA No. 4 of 2010 and integrated medical-psychosocial assessments to ensure targeted rehabilitation. This approach suppresses abuse rates, focuses on dealers, reduces costs and state losses, and encourages cross-agency coordination to make the narcotics control system more effective, sustainable, and proportional.

The practice of handling narcotics related criminal cases like this requires caution and must be carried out with all legal aspects. Narcotics crimes, including abusers, should not be seen solely as a serious threat to society, so that the perpetrators are immediately sentenced to severe punishment without being balanced with a rehabilitation approach. Criminalisation should not only be focused on the purpose of providing a deterrent effect but also directed to shape prisoners into better individuals after serving their sentence.

The imposition of criminal penalties on offenders is not merely intended as a form of suffering or punishment, as explained in retributive theory and variations, Not only to protect the interests of society, as explained in the relative theory. Instead, the purpose of punishment should also be to encourage offenders to recognize their mistakes, amend their behaviour, and even become agents of change within their community. Furthermore, punishment should foster the offender's spiritual awareness as a dignified creature of god, strengthen social solidarity, and assist the offender in self-control ²⁴. However, in this case, the application of rehabilitation sanctions should be considered as it aims to interrupt the

²⁴ Yusur Saefudin and G.R Samhudi, "Mencegah Second Victimization Melalui Asesmen Terpadu Bagi Korban Penyalahgunaan Narkotika Di Kabupaten Banyumas," *Kosmik Hukum* 21, no. 3 (2021): 152–59, <https://doi.org/https://doi.org/10.30595/kosmikhukum.v21i3.12029>.

cycle of narcotics abuse through medical and social rehabilitation conducted by the relevant institutions ²⁵.

Thus, through the discussion presented, it was found that the concept of self-victimizing victims in drug abusers views them not only as perpetrators of criminal acts, but also as victims who suffer physical, mental, and social harm due to their own addiction. This perspective emphasize the importance of protection and rehabilitation, so that imprisonment alone is not sufficient. In law enforcement, this concept is formulated through a dual-track system, which allows drug users to receive medical and social rehabilitation as part of legal treatment. This approach has strategic implications: reducing social stigma so that users are more open to seeking help, breaking the cycle of dependency to prevent re-offending, shifting the focus of law enforcement to dealers and dealers so that eradication of drug networks becomes more effective, and strengthening early intervention to prevent further dependency. Thus, understanding drug abusers as victims allows the state not only to protect society and restore individuals but also to reduce state losses due to the costs of law enforcement, rehabilitation, and the socio-economic impacts of drug abuse.

2. Legal Protection Policy for Narcotics Abusers as Self- Victimizing Victims in Efforts to Overcome Narcotics Crimes

The problem of narcotics abuse in Indonesia has reached a crisis point that threatens various aspects of life, health, and ranging from public. This narcotic crisis also given impact to social security and the integrity of national law. In recent decades, many countries have still implemented narcotics policies based on the criminalisation of possession of narcotics for personal use.²⁶

In its efforts to overcome legal problems in Indonesia, the state still tends to take a repressive approach by emphasizing the criminalization of every individual involved, including drug abusers. However, such an approach needs to be reviewed, especially in the context of abusers as self-

²⁵ Rinaldo Rinaldo, Triono Eddy, and Alpi Sahari, "Penerapan Rehabilitasi Terhadap Pelaku Penyalahgunaan Narkotika Oleh Penyidik Kepolisian (Studi Di Direktorat Narkoba Polda Sumut)," *Legalitas: Jurnal Hukum* 14, no. 1 (2022): 43, <https://doi.org/10.33087/legalitas.v14i1.281>.

²⁶ Ricardo Gonçalves, Ana Lourenço, and Helia Marreiros, "Measuring Drug Policy Evolution: A Cross-Country Analysis," *International Journal of Drug Policy* 138, no. March (2025): 104750, <https://doi.org/10.1016/j.drugpo.2025.104750>.

victimizing victims, namely individuals who are victims of their own actions due to dependence on addictive substances. By analysing the legal and policy elements from the perspective of human rights and public health in the context of addictive substance users and their handlers, it is clear that the legal approach applied in practice has actually led to serious human rights violations against narcotics users.

This condition is even more complex when it is associated with the lack of legal protection policies for narcotics abusers, who in many cases can be categorised as self-victimizing victims. These individuals are victims of their own actions due to dependence on additives, but are still treated as mere criminals. In addition, narcotics control, which is still based on a criminalisation regime, is seen as a form of violation of human rights, especially the right to life and security²⁷. Such an approach fails to provide a solution to the root of the problem of narcotics abuse. Because in law enforcement, the existing policies still tend to treat them as criminals who deserve to be punished, not as individuals who need protection, treatment, and rehabilitation.

In the context of law enforcement, there is a well known maxim: *fiat justitia ruat caelum*, which means “let justice be done, though the heavens fall.” This maxim reflects the spirit of upholding the law in the name of justice, even in the face of significant risks. This spirit has driven the development of the criminal justice system to ensure that individual rights are not exercised in an absolute manner. Law enforcement, as the state's protection of human rights, must be implemented sustainably and in line with legal dynamics and changing values and mindsets in society. In every process, law enforcement must prioritise the principle of justice²⁸. Furthermore, in the context of legal protection policies for drug abusers, the idea of strengthening supervisory institutions is important to ensure that the rights of drug abusers, especially the right to medical and social rehabilitation, are truly implemented, both at the stages of investigation, prosecution, sentencing, and implementation of criminal penalties²⁹.

Legal protection against criminal acts of narcotics abuse has been carried out by many law enforcement officials, especially the National

²⁷ Petter Grahl Johnstad, “The International Regime of Drug Control May Violate the Human Right to Life and Security,” *International Journal of Drug Policy* 113 (2023): 103960, <https://doi.org/10.1016/j.drugpo.2023.103960>.

²⁸ Malsal Jajuli Haerudin Hermawan and Catharina Dewi Wulansari, “Sociological Analysis of Restorative Justice in Rehabilitative Law Enforcement for Drug Abuse Cases,” *Ius Poenale* 5, no. 1 (2024): 1–14, <https://doi.org/10.25041/ip.v5i1.3283>.

²⁹ Anis Widyawati et al., “The Urgency of Supervision Institutions in Implementing Prisoners’ Rights as an Effort to Restructure Criminal Execution Laws,” *Jambura Law Review* 7, no. 01 (2025): 127–51, <https://doi.org/https://doi.org/10.33756/jlr.v7i1.27595>.

Narcotics Agency (BNN). Various steps have been taken in order to provide legal protection to perpetrators who are positioned as victims of narcotics abuse. This legal protection is expected to play a role as a preventive effort to suppress the rampant illicit circulation of narcotics, which often causes victims of abuse. The legal protection approach for drug abusers is also closely linked to number of objectives in the **Sustainable Development Goals (SDGs)**. Law Number 35 of 2009 concerning narcotics has been used as a legal basis in dealing with this problem. In enforcement, this law is part of legal efforts to prevent and provide legal protection for narcotics abusers. However, even though the regulation has been enforced, crimes related to narcotics are still difficult to control. Narcotics abusers must get legal protection. Narcotics crimes by abusers are problems related to the mission of improving human perpetrators, and have a great influence in preventing and tackling crime, especially in cases of narcotics crimes.

Legal protection safeguards the public from the abuse of power by authorities when actions are not in accordance with applicable legal provisions. The goal is to create social order and tranquillity so that humans can live a dignified life. Legal Protection for drug abusers serves not only as a form of fulfilling the rights of victims, but also as a sustainable strategy for combating drug crimes. An approach that emphasizes rehabilitation and recovery and reduce the burden on the correctional system. By integrating the principles of the **SDGs**, especially SDGs 3 and SDGs 14-17, drug countermeasures policies can be directed towards more comprehensive and humane solutions. This is in line with the Sustainable Developments Goals that place humans at the center of development and emphasize a balance between law enforcement, human rights protection, and social welfare.

The concept of legal protection is also inseparable from the principle of justice, which is rooted in the right way of thinking and manifested in a fair, honest, and responsible attitude towards every deed to create a safe and peaceful social order. Therefore, justice must be built on the principle of law (*rechtsidee*) within the framework of the state of law (*rechstaat*), not in a system that relies solely on power (*machstaat*). With legal protection for individuals who are entangled in the crime of narcotics abuse, they do not feel afraid or worried when reporting themselves to related agencies, such as BNN, Puskesmas, or hospitals, and the guarantee of confidentiality of the information provided also needs to be affirmed to maintain their privacy and comfort.

In terms of terminology, the term "self-abuse" is not explicitly defined in Law Number 35 of 2009 concerning narcotics. The same applies to the term "user," which also lacks a clear definition in the law. However, the Narcotics Law contains several terms with similar meanings, such as "drug addict," "drug abuser," "victim of drug abuse," "former addict," and

"patient." ³⁰. From a legal perspective, narcotics abusers are still classified as offenders under Indonesia's positive criminal law system, particularly referring to Article, which also provides space for medical and/or social rehabilitation approaches as an alternative to criminal punishment. Thus, the legal position of the abuser occupies an ambivalent territory, namely the perpetrator as well as the victim, or what, in the perspective of victimology, is referred to as self-victimizing victims. The concept of self-victimizing victims states that individuals who are victims of their own actions still deserve legal protection. In the case of narcotics abusers, the dependence often arises due to external factors such as environmental pressure, lack of education, and the systemic influence of the narcotics trafficking network ³¹.

Effective legal policy should adopt a dual approach, also known as the penal system's Double track system, which combines repressive efforts and rehabilitative approaches to address abusers. The basic idea of this penal system is that there is equality between criminal sanctions and action sanctions. This idea arises from the development of criminal law thought. Starting with classical schools, then developing into modern schools, and finally into neo-classical schools. This change marks a shift in the penal system's orientation, which no longer focuses solely on the act but also on the perpetrator's self-healing. Because fundamentally, in human rights studies, the state is the duty bearer, while the individual is the right holder³². Within this framework, the state must be present not only as a criminal authority, but also as a human right protector, access to rehabilitation.

Legal protection for narcotics abusers can be achieved by expanding the rehabilitation approach as a right that must be granted, not merely as a legal option, and by strengthening the normative foundation in regulations that recognise abusers as individuals entitled to medical and social recovery. Through the Double Track System, this approach not only delivers firm action against legal violations but also creates space for a more humane, contextually appropriate corrective approach.

Unfortunately, the implementation of rehabilitation policies still encounters various obstacles, including normative, structural, and cultural ones. Normatively, Law Number 35 of 2009 still creates ambiguity between criminalisation and rehabilitation, without detailed regulations regarding

³⁰ Ariyanti, "Korban Tindak Pidana Penyalahgunaan Narkotika: Analisis Perspektif Viktimologi."

³¹ Tegar Ishmat Abdullah, Mochammad Gilang Ramadhan, and Ahmad Abdul, "Protection of Victims of Drug Abuse in the Perspective of Restorative Justice," *Indonesian Journal of Advanced Research (IJAR)* 4, no. 5 (2025): 485–96, <https://doi.org/DOI prefix: https://doi.org/10.55927/ijar.v4i5.14537>.

³² Muhammad Azil Maskur et al., "Balancing Double Jeopardy and Fair Trial: Upholding Human Rights in Indonesia's Legal System," *Kosmik Hukum* 25, no. 2 (2025): 351–62, <https://doi.org/10.30595/kosmikhukum.v25i2.26140>.

the mechanisms, limits, and objective indicators of a person being categorised as an addict or victim of abuse. Furthermore, SEMA Number 4 of 2010 attempts to close the gap, but it is only an internal guideline and lacks the binding force of law.

If examined closely. Law on narcotics, particularly article 54, states that addicts and victims of narcotics abuse are obligated to undergo medical and social rehabilitation. However, the authority to explicitly order rehabilitation is only regulated in Article 103, which specifically applies to narcotics addicts. Therefore, legally, there are no explicit provisions that regulate the mechanism for judges to impose rehabilitation on narcotics abusers who are not classified as people with a substance use disorder.

Then in SEMA number 4 of 2010 concerning the placement of abuse victims of abuse and narcotics addicts into medical rehabilitation and social rehabilitation institutions which refers to law number 35 of 2009, one of the conditions for rehabilitation is stated that at the time of arrest, evidence of 1 (one) day of use is found with details of evidence that each type of narcotics has its own weight in consideration as a condition Rehabilitation Fall. However, when referring to Article 1, number 1 of the Narcotics Law, it is stated that narcotics are substances or drugs that can cause dependence. This definition shows that narcotic addictive substances do not depend on a certain amount or weight consumed. However, on the content of substances that have the potential to cause dependence, the quantitative requirements as stipulated in SEMA can be seen as not entirely in line with the substance of the definition of narcotics in the law itself. This means that a person can experience dependency even if the evidence consumed is below the minimum limit set in the technical guidelines.

Legal vacuum and indicates the need for a new paradigm in the legislative structure, especially in expanding the scope of rehabilitation not only for people with a substance use disorder, but also for other narcotics abusers who show dependence. The lack of clarity in the regulations and legal guidelines regarding the different roles of the parties involved in the narcotics crime case allows moral influences to shape the categorisation process³³. Thus, the inconsistency between the normative provisions of the law, interpretation through SEMA, and the nature of narcotic substances themselves emphasizes the importance of more comprehensive and substantial regulatory reforms. This reformulation is expected to present a legal system that not only focuses on the quantitative aspect of evidence, but also considers the medical, psychological, and victimological aspects of

³³ Carolyn Hoyle and Lucy Harry, "Diversion or Death? The Moral Framework Shaping Bifurcated Punishments for Drug Offences in Indonesia," *Drugs: Education, Prevention and Policy* 32, no. 4 (2025): 347–57, <https://doi.org/10.1080/09687637.2024.2402262>.

narcotics abusers as individuals who need rehabilitation, not solely prison sentences. Therefore, through the description of the problems that have been presented, the objective to describe and provide policy recommendations regarding of legal protection for narcotics addicts as self-victimizing victims in order to improve the handling of narcotics crimes that are more humane and proportional.

Structurally, law enforcement regarding policies of rehabilitation policies for narcotics users often relies on the personal judgement of law enforcement officers, such as police, prosecutors, and judges. The absence of clear standards for determining eligibility for rehabilitation leads to inconsistent enforcement, creating legal uncertainty.

In addition, the limited number of adequate rehabilitation facilities, in terms of medical personnel, budget, and infrastructure, is also a serious obstacle to rehabilitation as a combined approach with prison sentences. Then, from the cultural side, the challenges faced are no less complex. The negative stigma that is still attached to narcotics abusers in the community is a significant obstacle in the rehabilitation and social reintegration process. Abusers are often considered "criminals" or "social disgraces", not as individuals who experience health problems as a result of dependence. As a result, even though they have undergone rehabilitation, they are still discriminated against in social life. This stigma creates a cycle of marginalisation that encourages abusers to self-victimizing victims to return to the same environment and increases the risk of relapse.

To answer the various problems above, it is necessary to develop a new paradigm in narcotics legal policy that is more oriented towards the protection of self-victimizing victims' rights which must be designed integratively which can be done with several policies, including, Revision of the Narcotics Law, by including a clear definition of abuse and establishing legal treatment that is not only criminal but also oriented towards protection and recovery. According to Lawrence M. Friedman's theory of the legal system, the substance of the law should guarantee the protection and fulfilment of the community's rights, including those of vulnerable or marginalised groups. In this context, there is no positive legal provision that explicitly regulates the mechanism of restitution or compensation for narcotics abuse³⁴. Friedman also emphasised that the law is an open system that must be able to interact with other social systems and adapt to the dynamics of social change; therefore, in responding to the reality that

³⁴ Farid Iskandar, "Pelaksanaan Pertanggungjawaban Pidana Pengekar Terhadap Korban Penyalahgunaan Narkotika," *Jurnal Penegakan Hukum Dan Keadilan* 2, no. 2 (2021): 96–116, <https://doi.org/10.18196/jphk.v2i2.9989>.

narcotics abusers are basically perpetrators as well as victims of their own actions or known as the concept of Self-victimizing victims.

Legal protection efforts and rehabilitative interventions for drug abusers as Self-Victimizing Victims are important steps to reduce the negative impacts and prevent the spread of drug abuse in society. The global framework for addressing this issue is also reflected in the **Sustainable Development Goals (SDGs)** or known as the Sustainable Development Goals which are a set of global development goals launched by the United Nations (UN) in 2015, specifically SDGs 3 on healthy and prosperous lives which emphasizes the importance of ensuring a healthy life and improving individual welfare through strengthening the health service system, increasing public awareness, and implementing policies that support the prevention and rehabilitation of drug abuse ³⁵.

Furthermore, **SDGs 14-17** are also relevant and play a strategic role in supporting efforts to combat narcotics crime. SDGs 14 (Life Below Water) and SDGs 15 (Life on Land) emphasize the importance of protecting and sustainably managing natural resources. The link between these two goals and narcotics cases is evident in the practice of illegal narcotics production and distribution, which often causes environmental degradation such as deforestation, land and air pollution, and uncontrolled exploitation of marine and terrestrial ecosystems. Therefore, strengthening sustainable environmental governance also contributes to breaking the illegal economic chain that supports the narcotics trade. Furthermore, SDGs 16 (Peace, Justice, and Strong Institutions) emphasizes the importance of developing peaceful and inclusive societies through just, transparent, and accountable law enforcement. In the context of narcotics eradication, this objective is reflected in efforts to strengthen the institutional capacity of law enforcement, improve coordination between agencies, and ensure the protection of human rights, especially for individuals in vulnerable positions, including Self-Victimizing Victims. An approach that includes restorative justice and rehabilitation is important so that narcotics policies are not only repressive but also focus on social recovery

Meanwhile, SDGs 17 (Partnership for the Goals) emphasizes the importance of global partnerships as the primary foundation for addressing transnational drug crime. Drug trafficking involves complex cross-border networks, necessitating international cooperation in intelligence exchange, policy harmonization, national capacity building, and technical and financial support for prevention and rehabilitation programs. Synergy

³⁵ Eksy Puji Rahayu et al., "Penyuluhan Hukum Narkotika Untuk Karang Taruna Dusun Blumbang (Meningkatkan Kesadaran Dan Kesejahteraan Melalui Sgds)," *ADARMA* 3, no. 1 (2025), <https://doi.org/https://doi.org/10.37159/jad.v12i1.60>.

between governments, international organizations, civil society, and the private sector is key to creating a comprehensive and sustainable response. Through integration and synergy across the SDGs, addressing the drug problem is expected to focus not only on law enforcement but also comprehensively address the social, environmental, economic, and institutional dimensions. Therefore, the sustainable development approach of **SDGs 14-17** can serve as an effective strategic framework for addressing the complex, multidimensional, and transboundary problem of drug abuse³⁶.

The following policy is to strengthen the role of related institutions, such as BNN, the Ministry of Health, Correctional Institutions, and to enhance coordination and synergy with the police, the prosecutor's office, and the judiciary. This strengthening includes improving human resource capacity, integrating data and information, and developing a coordinated mechanism for handling narcotics abuse cases. The police are encouraged to optimise investigation and inquiry efforts professionally and transparently, the prosecutor's office is expected to strengthen its role in a fair and accountable prosecution process, and the judiciary is to ensure that judicial proceedings are conducted independently, delivering just rulings based on a restorative justice approach. In narcotics law, BNN is tasked with drafting and implementing national policies, rehabilitating victims of narcotics abuse, and acting as a coordinator between agencies such as the police and the prosecutor's office. The effectiveness of BNN tasks depends heavily on cross-agency synergy and adequate resource support. To realise a narcotics-free Indonesia, BNN implements the P4GN strategy, which includes the prevention, eradication, and abuse of narcotics comprehensively and sustainably³⁷.

The same law also affirms the Ministry of Health's responsibility to provide and regulate medical rehabilitation through facilities appointed by the Ministry. This program is managed by the Directorate General of Disease Control, together with the Directorate General of Health Services. The countermeasures include advocacy, community empowerment, human resource development, strengthening health services, developing standard rehabilitation models, and financing and collaboration with the private

³⁶ United Nations Department of Economic and Social Affairs, "The Sustainable Development Goals Report," United Nations (New York, Amerika Serikat: United Nations, 2025), <https://unstats.un.org/sdgs/report/2025/>.

³⁷ Gazali Ahmad, "Kebijakan Dan Strategi Badan Narkotika Nasional Republik Indonesia Dalam Menghadapi Ancaman Non Militer Kejahatan Terorganisir Transnasional Peredaran Gelap Narkotika Di Indonesia" 9, no. 4 (2024): 167–86.

sector. The ultimate goal is to provide effective, safe, accessible, and sustainable rehabilitation services ³⁸.

Furthermore, in correctional institutions, a strategic step that can be taken is to enforce a rehabilitation program approach for prisoners, aligns with the provisions of Article 54 of the Law on Narcotics, which mandates that narcotics abusers undergo medical and social rehabilitation.

Prisons are required to provide a mechanism for separating drug users from dealers or dealers to prevent multiple criminalisation and avoid potential exploitation within the prison.

In addition, prisons are responsible for providing medical and social rehabilitation programs, including community therapy, addiction counseling, and adequate health services as a form of protection for victims of dependence. Fulfilling the basic rights of inmates, such as the right to health, guidance, a safe environment, and easy access to social integration programs, is an important instrument in preventing. Through this policy, prisons are expected to be able to carry out humane and restorative functions by ensuring that drug abusers are not treated solely as criminals, but as individuals in need of care and recovery. The collaboration of these three institutions is important in realising a more humane justice system and advocating for the principle of legal protection for victims of narcotics abuse³⁹.

The following policy is through an Integrated Assessment to ensure that the legal approach to narcotics abusers is fair and proportionate. This integrated assessment policy is regulated through SEMA Number 4 of 2010 and the joint regulation of 2014, aiming to direct narcotics abusers into medical and social rehabilitation programs. The assessment team consists of medical and legal experts, formed by relevant agencies under the guidance of the National Narcotics Agency (BNN) to evaluate the suspect's role (whether as an addict, victim, or dealer), the severity of addiction, and to provide rehabilitation recommendations ⁴⁰.

³⁸ Indra Kurniyawan and Marice Simarmata, "Application of Health Law in Narcotics Rehabilitation Programs by Reporting Recipient Institutions," *International Journal of Society and Law* 3, no. 1 (2025): 244–56.

³⁹ Ria Alfati et al., "Program Rehabilitasi Sosial Di Lapas Narkotika Kelas II A Nusakambangan: Sinergi Dan Pendekatan Holistik Dalam Mendukung Pemulihan Warga," *Jurnal Ilmiah Penelitian Mahasiswa* 3, no. 6 (2025): 97–101, <https://doi.org/https://doi.org/10.61722/jipm.v3i6.1556>.

⁴⁰ Maryam Kamati, Fenty U Puluhulawa, and Avelia Rahmah Y Mantali, "Analisis Yuridis Terhadap Layanan Asesmen Terpadu Dalam Penanganan Tindak Pidana Narkotika," *Jurnal Hukum Dan Administrasi Publik* 3, no. 1 (2025): 63–81, <https://doi.org/https://doi.org/10.61813/jhap.v3i1.164>.

Its approach reflects the change in the criminal law approach from prison sentences to rehabilitation, in line with the concept of self-victimizing victims. This approach is not only criminal but also victim-centred, recognising victims as people who need protection. This approach is further strengthened in the 2023 Criminal Code, which emphasize the humane treatment of narcotics abusers. In essence, the approach that must be taken in law enforcement against narcotics abuse by prioritising legal protection must apply a holistic, interdisciplinary, and humane approach. The state must be present to restore, not just punish, but also reduce the risk of revictimization and increase the effectiveness of drug prevention through a humanistic and recovery based approach. Law enforcement officials must realise that prison sentences alone are not enough, because they are not the only solution, and can actually worsen the conditions of abusers ⁴¹.

The primary objective of the policy outlined above is to protect the human rights of drug abusers, enabling them to receive medical and social rehabilitation appropriate to their level of dependence, and to prevent excessive criminalisation. Furthermore, this policy aims to divert drug abusers from a purely criminal system to one that also focuses on rehabilitation, thereby making the drug control process more humane, effective, and health-based. Through this legal protection, drug abusers are expected to recover, reintegrate into society, and prevent repeat drug abuse. At the same time, this policy helps the state focus repressive law enforcement on drug dealer and dealer networks, thereby ensuring more targeted countermeasures against drug crimes. Therefore, this legal protection policy serves to create a drug control system that balances health, justice, and humanitarian approaches, in order to sustainably reduce drug abuse.

In this case, the concept of self-victimizing victims can be changing the perspective of law enforcement officials and policymakers in handling narcotics abuse cases. This approach portrays the abuser as an individual in need of rehabilitation, not just punishment. As explained in the article entitled "Indonesia's criminal law policy on the victim of narcotics abuse in the perspective of victimology", an effective criminal law policy against narcotics abusers should not only be repressive, but also pay attention to aspects of recovery and protection of victims, including those who become victims because of their own actions.

Therefore, profound and comprehensive legal reform is needed, encompassing regulation, enforcement, and a shift in the paradigm among

⁴¹ Diding Rahmat, "Legal Protection of Victims of Narcotics Abuse and Addiction from the Perspective of Progressive Legal Philosophy," *Literatur* 7 (2025).

law enforcement officials. As a concrete manifestation of this paradigm, efforts to overcome narcotics abuse need to be carried out through a primary strategy, namely structural prevention that focuses on policy formulation to address the root causes of narcotics crimes through social, situational, and community approaches to eliminate potential disturbances. Then, cultural prevention is directed to form a society that has deterrence and social resilience to the influence of narcotics, through the cultivation of educational and preventive values, because prevention is more effective than enforcement, the following strategy is Repressive, namely legal action against perpetrators of narcotics abuse with the concept of self-victimizing victims which is carried out strictly by law enforcement officials with an active order from the community.

Through several policy strategies, drug abuse prevention can be more targeted and effective in reducing drug dependency and illicit trafficking. A structural preventive approach can bridge the social and environmental gaps that have been driving drug abuse, while cultural prevention strengthens community awareness and resilience to prevent them from being easily influenced. On the other hand, targeted repressive measures, particularly against drug distribution networks, will disrupt the drug supply chain, while abusers are self-victimizing victims directed towards rehabilitation to prevent them from falling back into addiction. This combination of addressing risk factors, community empowerment, and proportionate law enforcement can ultimately significantly reduce drug abuse and create a safer social environment free from the threat of drugs. Thus, law can truly prioritise human values and fulfil its essential purpose, namely, upholding the values of justice, certainty, and utility outlined in Gustav Radbruch's theory.

Based on the discussion that has been presented, it was found that the legal protection policy for drug abusers as self-victimizing victims requires comprehensive and recovery-oriented reform. Therefore, the concept of self-victimizing victims also changes the perspective of the authorities that drug abusers are individuals who need protection and recovery, not just subjects of punishment. This approach is also in line with the **SDGs**, especially SDGs 3 and SDGs 14-17 through rehabilitation, restorative justice, cross-sector partnerships, and efforts to reduce the environmental impact of the production and distribution of illegal narcotics. With a combination of legal protection, rehabilitation, prevention, and global partnerships, social risk factors can be suppressed, community resilience is strengthened, the chain of illicit drug trafficking can be broken, and drug countermeasures can be aligned with the principles of sustainable development as mandated by the SDGs.

IV. Conclusion

The concept of self-victimizing victims among drug abusers as an effort to combat drug crimes positions drug abusers as individuals affected by addiction and in need of protection and rehabilitation, rather than simply as subjects of punishment. In Indonesian criminal law, the dominant approach is still repressive, as reflected in Law Number 35 of 2009 concerning Narcotics. Therefore, the double-track system approach can be used as a solution to problems in law enforcement related to narcotics crimes. This approach allows for more humane, proportionate, and recovery oriented law enforcement, allowing drug abusers to receive effective medical, psychological, and social services to break the cycle of addiction, reduce the risk of relapse, and suppress drug abuse rates. Legal protection for self-victimizing victims can be carried out through integrated assessments, integration of rehabilitation and prevention programs, and law enforcement that remains focused on dealers and criminal networks. This can also reduce state losses and increase the effectiveness of drug crime prevention efforts. The concept has the potential to create a more comprehensive, sustainable, and efficient drug prevention system, where drug abuse rehabilitation goes hand in hand with legal action against criminals who harm the state. Legal protection efforts and rehabilitative interventions for drug abusers as self-victimizing victims are important steps to reduce negative impacts and prevent the spread of drug abuse in society, in line with the global framework for addressing this problem reflected in the **Sustainable Development Goals (SDGs)**, especially in several targets that emphasize handling drug abuse. Based on the research findings, it is recommended that the government and law enforcement officials strengthen regulations and procedures for legal protection for self-victimizing victims, develop integrated rehabilitation and prevention programs based on integrated assessments, establish clear criteria between drug abusers who need rehabilitation and criminals who harm the state, and increase education and socialisation regarding this concept. Thus, the concept of self-victimizing victims not only strengthens legal protection for drug abusers, but also increases the effectiveness of combating drug crimes in a comprehensive, humane, and proportional manner.

References

BOOK

Mukti, Fajar, and Achmad Yulianto. "Dualisme Penelitian Hukum Normatif & Empiris." In *Pustaka Pelajar*, 2015.

JOURNAL

Abdullah, Tegar Ishmat, Mochammad Gilang Ramadhan, and Ahmad Abdul. "Protection of Victims of Drug Abuse in the Perspective of Restorative Justice." *Indonesian Journal of Advanced Research (IJAR)* 4, no. 5 (2025): 485–96. [https://doi.org/DOI prefix](https://doi.org/DOI_prefix): <https://doi.org/10.55927/ijar.v4i5.14537>.

Ahmad, Gazali. "Kebijakan Dan Strategi Badan Narkotika Nasional Republik Indonesia Dalam Menghadapi Ancaman Non Militer Kejahatan Terorganisir Transnasional Peredaran Gelap Narkotika Di Indonesia" 9, no. 4 (2024): 167–86.

Alfiati, Ria, Universitas Nahdlatul, Ulama Al, Ghozali Cilacap, Azis Wahyono, Badan Narkotika, and Nasional Kabupaten. "Program Rehabilitasi Sosial Di Lapas Narkotika Kelas II A Nusakambangan: Sinergi Dan Pendekatan Holistik Dalam Mendukung Pemulihana Warga." *Jurnal Ilmiah Penelitian Mahasiswa* 3, no. 6 (2025): 97–101. <https://doi.org/https://doi.org/10.61722/jipm.v3i6.1556>.

Álvarez, J. R. G. "Drug Trafficking and the International Law on the Use of Force." *Journal on the Use of Force and International Law* 1702 (2025): 1–17. <https://doi.org/10.1080/20531702.2025.2485738>.

Amanda, Valentina Putri, and Yusep Mulyana. "Mengkaji Efektivitas Rehabilitasi Medis Dan Sosial Dalam Penanggulangan Penyalahgunaan Narkotika" 5, no. 4 (2025): 5231–44.

Ariyanti, Vivi. "Korban Tindak Pidana Penyalahgunaan Narkotika: Analisis Perspektif Viktimologi." *Lex Prudentium Law Journal* 1, no. 1 (2022): 37–52. <https://doi.org/10.61619/lexprudentium.v1i1.4>.

Azizah, Amirotul, and Putu Eka Trisna Dewi. "Reformulasi Ketentuan Rehabilitasi Bagi Pecandu Narkotika Dalam Dimensi Ius Constituendum." *Yusthima* 03, no. 02 (2023): 101–28. <https://doi.org/https://doi.org/10.36733/yusthima.v3i2.8046>.

Bumi, Salyo Kinasih, Supolo Supolo, and Bastianto Nugroho. "Perlindungan Hukum Terhadap Korban Penyalahgunaan Narkotika." *AL-MANHAJ*:

- Jurnal Hukum Dan Pranata Sosial Islam* 4, no. 2 (2022): 351–64.
<https://doi.org/10.37680/almanhaj.v4i2.1860>.
- Darc, Jeanne, Noviayanti Manik, Nur Intan Akuntari, Fakultas Hukum, and Universitas Bangka. “Urgensi Penyelenggaraan Rehabilitasi Bagi Pecandu Dan Korban Penyalahgunaan Narkotika Oleh Badan Narkotika Nasional.” *Progresif Jurnal Hukum* 19, no. 1 (2025).
<https://doi.org/https://doi.org/10.33019/5gyzry58>.
- Gonçalves, Ricardo, Ana Lourenço, and Helia Marreiros. “Measuring Drug Policy Evolution: A Cross-Country Analysis.” *International Journal of Drug Policy* 138, no. March (2025): 104750.
<https://doi.org/10.1016/j.drugpo.2025.104750>.
- Hermawan, Malsal Jajuli Haerudin, and Catharina Dewi Wulansari. “Sociological Analysis of Restorative Justice in Rehabilitative Law Enforcement for Drug Abuse Cases.” *Ius Poenale* 5, no. 1 (2024): 1–14.
<https://doi.org/10.25041/ip.v5i1.3283>.
- Hoyle, Carolyn, and Lucy Harry. “Diversion or Death? The Moral Framework Shaping Bifurcated Punishments for Drug Offences in Indonesia.” *Drugs: Education, Prevention and Policy* 32, no. 4 (2025): 347–57. <https://doi.org/10.1080/09687637.2024.2402262>.
- Iskandar, Farid. “Pelaksanaan Pertanggungjawaban Pidana Pengedar Terhadap Korban Penyalahgunaan Narkotika.” *Jurnal Penegakan Hukum Dan Keadilan* 2, no. 2 (2021): 96–116.
<https://doi.org/10.18196/jphk.v2i2.9989>.
- Johnstad, Petter Grahl. “The International Regime of Drug Control May Violate the Human Right to Life and Security.” *International Journal of Drug Policy* 113 (2023): 103960.
<https://doi.org/10.1016/j.drugpo.2023.103960>.
- Kamati, Maryam, Fenty U Puluhulawa, and Avelia Rahmah Y Mantali. “Analisis Yuridis Terhadap Layanan Asesmen Terpadu Dalam Penanganan Tindak Pidana Narkotika.” *Jurnal Hukum Dan Administrasi Publik* 3, no. 1 (2025): 63–81.
<https://doi.org/https://doi.org/10.61813/jhap.v3i1.164>.
- Kurniyawan, Indra, and Marice Simarmata. “Application of Health Law in Narcotics Rehabilitation Programs by Reporting Recipient Institutions.” *International Journal of Society and Law* 3, no. 1 (2025): 244–56.

- Mardiman, Cornelis Vieta Imelda, and Noenik Soekorini. "Pertimbangan Hakim Dalam Menentukan Korban Penyalahgunaan Narkotika Dalam Penjatuhan Pidana Atau Rehabilitasi Berdasarkan Penyalahgunaan Narkotika" 5, no. April (2025): 136–52. <https://doi.org/https://doi.org/10.36456/p.v5i1.10241>.
- Maskur, Muhammad Azil, Ratih Damayanti, Wildan Azkal Fikri, Ridwan Arifin, and Varun Chhachhar. "Balancing Double Jeopardy and Fair Trial: Upholding Human Rights in Indonesia's Legal System." *Kosmik Hukum* 25, no. 2 (2025): 351–62. <https://doi.org/10.30595/kosmikhukum.v25i2.26140>.
- Nanci Yosepin Simbolon, Ramsi Meifati Barus, and Alusianto Hamonangan. "Pemidanaan Dan Rehabilitasi Terhadap Pengedar Dan Penyalahguna Narkotika." *Al-Zayn : Jurnal Ilmu Sosial & Hukum* 3, no. 2 (2025): 591–600. <https://doi.org/10.61104/alz.v3i2.1113>.
- Nasrudin, Nasrudin, M. Taufik Makarao, and Slamet Riyanto. "Optimalisasi Penanggulangan Tindak Pidana Narkotika Melalui Program Pencegahan Pemberantasan Penyalahgunaan Dan Peredaran Gelap Narkoba (P4Gn) Studi Kasus Di Wilayah Polres Cimahi." *Veritas* 8, no. 2 (2022): 86–109. <https://doi.org/10.34005/veritas.v8i2.2064>.
- Nugraheni, Amalia Novie. "The Implementation Of Restorative Justice For Narcotics Addicts Based On Legal Benefits" 1, no. 2 (2024): 105–17. <https://jurnal.unissula.ac.id/index.php/PH/article/view/34620/pdf>.
- Padang, Michael Adyhaksa, and Billi J Siregar. "Keberpihakan Pemidanaan Dalam Undang-Undang Nomor 1 Tahun 2023." *Locus: Jurnal Konsep Ilmu Hukum* 4, no. September (2024). <https://doi.org/https://doi.org/10.56128/jkih.v4i2.348>.
- Permanasari, Ai, and Suarman Gulo. "Self Victimizing Victims Pengguna Narkotika" 1, no. 2 (2025): 105–17. <https://doi.org/https://jurnal.prestasiku.org/index.php/jrh/article/view/31>.
- Rahayu, Eksy Puji, Rama Panca Palguna, Venesse Kaylasha, Alvino Putri, and Benedictus Tio. "Penyuluhan Hukum Narkotika Untuk Karang Taruna Dusun Blumbang (Meningkatkan Kesadaran Dan Kesejahteraan Melalui Sgds)." *ADARMA* 3, no. 1 (2025). <https://doi.org/https://doi.org/10.37159/jad.v12i1.60>.
- Rahmat, Diding. "Legal Protection of Victims of Narcotics Abuse and Addiction from the Perspective of Progressive Legal Philosophy." *Literatus* 7 (2025).

- Rasha, Abdullah Al Hassan. "The Effectiveness of Management in Reducing The Abuse of Narcotic Drugs and Psychotropic Substances." *Indonesian Journal of Law and Economics Review* 18, no. 2 (2023). <https://doi.org/https://doi.org/10.21070/ijler.v18i3.963>.
- Rinaldo, Rinaldo, Triono Eddy, and Alpi Sahari. "Penerapan Rehabilitasi Terhadap Pelaku Penyalahgunaan Narkotika Oleh Penyidik Kepolisian (Studi Di Direktorat Narkoba Polda Sumut)." *Legalitas: Jurnal Hukum* 14, no. 1 (2022): 43. <https://doi.org/10.33087/legalitas.v14i1.281>.
- Saefudin, Yusur, and G.R Samhudi. "Mencegah Second Victimization Melalui Asesmen Terpadu Bagi Korban Penyalahgunaan Narkotika Di Kabupaten Banyumas." *Kosmik Hukum* 21, no. 3 (2021): 152–59. <https://doi.org/https://doi.org/10.30595/kosmikhukum.v21i3.12029>.
- Setiawan, M.A. "Tinjauan Yuridis Mengenai Viktimologi Terhadap Penyalahgunaan Narkotika Berdasarkan Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika." *Nusantara: Jurnal Pendidikan, Seni, Sains Dan Sosial Humanioral* Volume 1 (2023). <https://journal.forikami.com/index.php/nusantara/article/view/367>.
- Tarigan, Antony, Mhd Azhali Siregar, and T Riza Zarzani. "Legal Review of Narcotics Abuse In Terms of Victimology," n.d., 453–61. <https://proceeding.pancabudi.ac.id/index.php/ICEEGLOF/article/view/379>.
- Untari, Dewi, and Nys. Arfa. "Pemidanaan Terhadap Pelaku Yang Melakukan Penyalah Guna Narkotika." *PAMPAS: Journal of Criminal Law* 1, no. 1 (2021): 138–49. <https://doi.org/10.22437/pampas.v1i1.8313>.
- Widyawati, Anis, Muhammad Azil Maskur, Rohadhatul Aisy, Papontee Terappan, and Heru Setyamnto. "The Urgency of Supervision Institutions in Implementing Prisoners ' Rights as an Effort to Restructure Criminal Execution Laws." *Jambura Law Review* 7, no. 01 (2025): 127–51. <https://doi.org/https://doi.org/10.33756/jlr.v7i1.27595>.
- Yanuardi Yogaswara, Dewi Asri Yustia. "Perlindungan Korban Tindak Pidana Penyalahgunaan Narkotika Ditinjau Dari Perspektif Viktimologi." *Causa: Jurnal Hukum Dan Kewarganegaraan* 2, no. 10 (2024): 71–82.
- Yusviq Andito, Jarot, Alpi Sahari, and T Erwinsyahbana. "Perlindungan Hukum Korban Penyalahgunaan Narkotika Melalui Double Track

System.” *Legalitas: Jurnal Hukum* 14, no. 1 (2022): 1. <https://doi.org/10.33087/legalitas.v14i1.276>.

WEBSITES

Affairs, United Nations Department of Economic and Social. “The Sustainable Development Goals Report.” United Nations. New York, Amerika Serikat: United Nations, 2025. <https://unstats.un.org/sdgs/report/2025/>.

Hakiki, Silmi. “Jumlah Kejahatan Narkoba Tembus 13 Ribu Kasus per April 2025.” Good stats, 2025. <https://goodstats.id/article/fluktuasi-tren-kejahatan-narkoba-pada-awal-tahun-2025-februari-tembus-4170-kasus-qKPBn>.

REGULATIONS

Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika, Pub. L. No. 35 Tahun 2009 (n.d.). <https://peraturan.bpk.go.id/Details/38776/uu-no-35-tahun-2009>.