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Judicial Reasoning on Imprisonment and Rehabilitation for Personal Narcotics Use in Limboto District Court Decisions

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Abstrak

Penelitian ini mengkaji pertimbangan hakim dalam tiga putusan Pengadilan Negeri Limboto yang dilaporkan memadukan pidana penjara dengan rehabilitasi medis dan sosial. Penelitian hukum normatif ini menggunakan pendekatan perundang-undangan, konseptual, dan kasus terhadap Putusan Nomor 54/Pid.Sus/2024/PN Lbo, 90/Pid.Sus/2024/PN Lbo, dan 94/Pid.Sus/2025/PN Lbo. Ringkasan perkara menunjukkan pidana penjara antara satu tahun enam bulan dan satu tahun sepuluh bulan disertai rehabilitasi enam bulan di lembaga pemasyarakatan. Analisis membedakan status penyalahguna untuk diri sendiri, pecandu, dan korban penyalahgunaan serta menilai alasan pemilihan sanksi, durasi, dan tempat rehabilitasi. Putusan berdasarkan Pasal 127 tidak dengan sendirinya membuktikan ketergantungan klinis atau terpenuhinya seluruh syarat rehabilitasi. Ketiadaan laporan asesmen dalam bahan kajian juga tidak membuktikan bahwa asesmen tidak pernah dilakukan. Penelitian menawarkan model prospektif yang mengutamakan asesmen individual, alasan putusan yang terstruktur, dan layanan rehabilitasi yang berwenang serta sesuai kebutuhan. Ketentuan KUHP Nasional yang berlaku sejak 2026 dipakai untuk menilai arah pembaruan, bukan sebagai dasar otomatis untuk menilai putusan 2024–2025.

Kata Kunci: Pertimbangan Hakim; Penyalahguna Narkotika; Rehabilitasi; Kepastian Hukum; Pemidanaan.

Abstract

This doctrinal study examines judicial reasoning in three Limboto District Court decisions reported to combine imprisonment with medical and social rehabilitation. Statutory, conceptual, and case analysis addresses Decisions Nos. 54/Pid.Sus/2024/PN Lbo, 90/Pid.Sus/2024/PN Lbo, and 94/Pid.Sus/2025/PN Lbo. The case summaries report prison terms of eighteen to twenty-two months and six months of rehabilitation within a correctional institution. The analysis distinguishes personal use, addiction, and victim status, and evaluates the reasons for the sanction, treatment duration, and placement. A conviction under Article 127 does not itself establish clinical dependence or satisfaction of every rehabilitation criterion. Nor does the absence of an assessment report from the research materials prove that no assessment occurred. The article proposes a prospective model centered on individual assessment, structured judicial reasons, and authorized treatment suited to the defendant's needs. The National Criminal Code, effective in 2026, informs reform proposals rather than automatically governing the evaluation of the 2024–2025 decisions.

Keywords: *Judicial Considerations; Narcotics Abusers; Rehabilitation; Legal Certainty; Sentencing.*

Introduction

Narcotics abuse raises questions of criminal responsibility, public health, and social protection. Scholarship on Indonesian drug enforcement questions the costs of an extensively punitive response.[1] Comparative legal studies identify an imbalance between enforcement and rehabilitation.[2] Research on policy coordination accordingly supports examining how penal and non-penal measures can operate together.[3] These studies motivate the present inquiry but do not establish the clinical needs or treatment outcomes of the individual defendants examined here.

Normatively, Law Number 35 of 2009 on Narcotics (hereinafter the Narcotics Law) does not treat all narcotics offenders identically. One of the stated purposes of the law is to guarantee the regulation of medical and social rehabilitation for abusers and addicts.[4] Article 54 provides that addicts and victims of narcotics abuse are obliged to undergo medical and social rehabilitation, Article 103 authorises the judge to order an addict to undergo treatment and/or care through rehabilitation and stipulates that the rehabilitation period is counted as part of serving the sentence, while Article 127(2) and (3) obliges the judge to take Articles 54, 55, and 103 into account and to order rehabilitation where the abuser is proven to be a victim of abuse.[5] This construction reflects a double-track system in which criminal sanctions and measures (tindakan) coexist, and in which the abuser is positioned as a person who also needs treatment.[6]

Studies of Yogyakarta and Sleman district court decisions identify assessment information, seized quantities, and laboratory findings as relevant to sanction selection.[7] Other research reports variation in the weight given to rehabilitation recommendations.[8] Scholarship also questions the relationship between possession charges and personal-use classifications.[9] A decision imposing imprisonment without rehabilitation nevertheless requires case-specific evaluation: Article 127(3)

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[1] Lucy Harry and Carolyn Hoyle, "Necropolitics and state-sponsored drug violence: the death penalty for drug offences in Indonesia," *International Journal of Drug Policy* 149 (2026): 105157, https://doi.org/10.1016/j.drugpo.2026.105157.

[2] Gazali Ahmad, Nashriana, and Henny Yuningsih, "Reassessing Penal Dominance in Indonesian Narcotics Law Through International Legal Comparison," *Jurnal Ilmiah Kebijakan Hukum* 20, no. 1 (2026): 67–84, https://doi.org/10.30641/kebijakan.2026.v20.67-84.

[3] Gazali Ahmad, Nashriana, and Henny Yuningsih, "Harmonization of Penal and Non-penal Policies in the Governance of Narcotics Control in Indonesia," *Jurnal Bina Praja* 17, no. 3 (2025), https://doi.org/10.21787/jbp.17.2025-2836.

[4] Indonesia, Law No. 35 of 2009 concerning Narcotics, art. 4(d).

[5] Indonesia, Law No. 35 of 2009 concerning Narcotics, arts. 54, 103, and 127.

[6] Candra Jaya and Faidatul Hikmah, "Legal Reform on Rehabilitation for Drug Users as an Ultimum Remedium Effort," *Jurnal USM Law Review* 7, no. 1 (2024): 364–375, https://doi.org/10.26623/julr.v7i1.8803.

[7] Adlia Nur Zhafarina and Ola Anisa Ayutama, "Identifikasi Bentuk Sanksi yang Dijatuhkan Hakim terhadap Penyalahguna Narkotika bagi Diri Sendiri (Studi terhadap Putusan Pengadilan Negeri Yogyakarta and Pengadilan Negeri Sleman)," *Mimbar Hukum* 32, no. 3 (2020): 346–64.

[8] Teguh Hartono, Vadira Hanami, and Fanniya Dyah Prameswari, "Drug abuse rehabilitation policies in Indonesia: a comparison with Vietnam, Australia and Portugal," *Wacana Hukum* 29, no. 2 (2023): 163–180, https://doi.org/10.33061/wh.v29i2.9576.

concerns a person proven to be a victim of abuse, and personal-use status alone does not establish that condition.[10]

The case summary of Decision No. 54/Pid.Sus/2024/PN Lbo reports imprisonment combined with six months of medical and social rehabilitation.[11] Decision No. 90/Pid.Sus/2024/PN Lbo is reported to follow a similar pattern.[12] The summary of Decision No. 94/Pid.Sus/2025/PN Lbo likewise describes a combined order.[13] These accounts motivate an inquiry into how the court connects personal-use status, the purpose of treatment, and the relationship between custody and rehabilitation.

The existing literature has examined the legal basis of judicial authority to order rehabilitation,[14] the disparity between imprisonment and rehabilitation outcomes,[15] the right to a fair trial and to rehabilitation for abusers,[16] the assessment mechanism and its unequal implementation,[17] and the role of law enforcement at the investigation and prosecution stages.[18] Recent scholarship published in this journal has also proposed integrated assessment-based rehabilitative diversion following the enactment of the National Criminal Code.[19] However, few studies have analyzed the internal logic of decisions that combine imprisonment and rehabilitation for self-use abusers, particularly in terms of the duration and place of rehabilitation and the consistency of judicial reasoning with the purposes of sentencing in Law Number 1 of 2023 on the Criminal Code (hereinafter the National Criminal Code), which entered into force on 2 January 2026.

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[9] Andri Winjaya Laksana et al., "The Disparities in Punishment for Narcotic Addiction: Does it Reflect the Value of Justice?," *Jurnal Media Hukum* 32, no. 1 (2025): 134–150, https://doi.org/10.18196/jmh.v32i1.25678.

[10] Abraham Rodo Suryono and Elfrida Ratnawati, "Penjatuhan Sanksi Pidana Penjara Tanpa Rehabilitasi Terhadap Penyalahguna Narkotika," *Law, Development and Justice Review* 5, no. 2 (2022): 148–158, https://doi.org/10.14710/ldjr.v5i2.17170.

[11] Limboto District Court, Decision No. 54/Pid.Sus/2024/PN Lbo.

[12] Limboto District Court, Decision No. 90/Pid.Sus/2024/PN Lbo.

[13] Limboto District Court, Decision No. 94/Pid.Sus/2025/PN Lbo.

[14] Candra Jaya and Faidatul Hikmah, "Legal Reform on Rehabilitation for Drug Users as an Ultimum Remedium Effort," *Jurnal USM Law Review* 7, no. 1 (2024): 364–375, https://doi.org/10.26623/julr.v7i1.8803.

[15] Andri Winjaya Laksana et al., "The Disparities in Punishment for Narcotic Addiction: Does it Reflect the Value of Justice?," *Jurnal Media Hukum* 32, no. 1 (2025): 134–150, https://doi.org/10.18196/jmh.v32i1.25678.

[16] I Made Widia Wirya Putra, Dewi Sulistianingsih, and Dani Muhtada, "Fulfilment of the Right to a Fair Justice for Victims and Narcotics Abusers in Indonesia," *Indonesian Journal of Advocacy and Legal Services* 6, no. 2 (2024): 205–234, https://doi.org/10.15294/ijals.v6i2.30568.

[17] Wilson Bugner F. Pasaribu et al., "Legal Implications in The Implementation of Rehabilitation Assessment for Narcotics Abuse Addicts," *Revista de Gestão Social e Ambiental* 18, no. 4 (2024): e04731, https://doi.org/10.24857/rgsa.v18n4-068.

[18] Joshua Octavianus Lumban Gaol, Janpatar Simamora, and Jusnizar Sinaga, "The Role of the Police in Addressing Narcotic Use Among Minors at the Investigation Stage: A Study of the Medan City Metropolitan Police (Polrestabes)," *Adagium: Jurnal Ilmiah Hukum* 4, no. 2 (2026): 1102–1119, https://doi.org/10.70308/5ef6w712.

[19] Panji Bangun Indriyanto, "Sentencing Narcotics Users through Integrated Assessment Based Rehabilitative Diversion after the National Criminal Code and the Criminal Provisions Adjustment Law," *Adagium: Jurnal Ilmiah Hukum* 4, no. 2 (2026): 687–700, https://doi.org/10.70308/xvkbb205.

The framework combines three evaluative concerns. A combined theory of punishment recognizes retributive and preventive purposes.[20] Legal certainty requires an identifiable basis for the sanction and transparent reasons for differences among cases. A utility-oriented assessment asks whether the chosen response is likely to reduce harm. The present doctrinal study can assess the coherence of reasons, but cannot measure therapeutic success without clinical and follow-up data.

The National Criminal Code supplies a prospective policy reference through its provisions on sentencing purposes, guidelines, and measures.[21] Because it entered into force on January 2, 2026, its relationship to the 2024–2025 decisions requires temporal analysis. It is used here to frame reform, without assuming retrospective application or disregarding the relevant transitional and more-favorable-law provisions.[22]

The novelty of this article lies in its analysis of judicial reasoning in combined sentences for personal narcotics use, examined through the combined theory of punishment, legal certainty, and utility. It also develops a proposed sentencing model oriented toward rehabilitation. The article addresses three questions: how judges explain the relationship between imprisonment and rehabilitation; what those reasons imply for legal certainty; and which safeguards should guide an assessment-based sentencing model.

Research Method

This research is normative (doctrinal) legal research, which examines law as norms, principles, and doctrines and their application in court decisions.[23] The study employs three approaches. The statutory approach examines the Narcotics Law, particularly Articles 54, 103, 112, and 127; the National Criminal Code, particularly the provisions on the purposes and guidelines of sentencing and on measures; and implementing instruments such as Supreme Court Circular Letter (SEMA) Number 4 of 2010, SEMA Number 3 of 2015, the 2014 Joint Regulation on the handling of addicts and victims of narcotics abuse, and Attorney General Guideline Number 18 of 2021. The conceptual approach is used to analyze the concepts of judicial considerations, rehabilitation, legal certainty, and the purposes of punishment. The case approach is applied to three decisions of the Limboto District Court, namely Decisions Number 54/Pid.Sus/2024/PN Lbo, 90/Pid.Sus/2024/PN Lbo, and 94/Pid.Sus/2025/PN Lbo, which were selected purposively because they share the same pattern of combining imprisonment with rehabilitation for self-use abusers.[24]

The materials comprise legislation, implementing instruments, the identified case summaries, and legal scholarship. Analysis proceeds by identifying the applicable norms, comparing the reported reasons and orders, and evaluating

[20] Muladi and Barda Nawawi Arief, Teori-Teori and Kebijakan Pidana (Bandung: Alumni, 2010).

[21] Indonesia, Law No. 1 of 2023 concerning the Criminal Code, arts. 51–54.

[22] Gazali Ahmad, Nashriana, and Henny Yuningsih, "Reassessing Penal Dominance in Indonesian Narcotics Law Through International Legal Comparison," *Jurnal Ilmiah Kebijakan Hukum* 20, no. 1 (2026): 67–84, https://doi.org/10.30641/kebijakan.2026.v20.67-84.

[23] Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum* Normatif: Suatu Tinjauan Singkat (Jakarta: Raja Grafindo Persada, 2017).

[24] Peter Mahmud Marzuki, *Penelitian Hukum*, rev. ed. (Jakarta: Kencana, 2019).

possible reforms. The available materials do not include complete clinical files, treatment plans, or follow-up outcomes. Where an assessment or authorization cannot be identified, the conclusion is that it is not established by the materials reviewed, rather than that it did not exist.

Results and Discussion

1. Judicial Reasoning and the Evidentiary Basis for Rehabilitation

Judicial considerations are the core of a criminal decision because they contain the factual findings, the legal reasoning, and the justification for the type and severity of the sanction imposed. In narcotics cases involving self-use, these considerations must address at least three layers: whether the elements of the offence charged are proven; whether the defendant qualifies as an abuser, addict, or victim of abuse; and which sanction best serves the purposes of sentencing. The three decisions examined in this study can be summarised as follows.

Table 1. Sentences Imposed on Self-Use Narcotics Abusers in the Limboto District Court

Decision	Reported personal-use finding	Reported sentence and rehabilitation
54/Pid.Sus/ 2024/PN Lbo	Second alternative charge; defendant CL	22 months imprisonment; 6 months of medical and social rehabilitation at Gorontalo correctional institution, reported as credited within the term
90/Pid.Sus/ 2024/PN Lbo	Third alternative charge; defendant SF	18 months imprisonment; 6 months of medical and social rehabilitation at the reported correctional institution
94/Pid.Sus/ 2025/PN Lbo	Personal-use conviction; defendants JH and DF	18 months imprisonment each; 6 months of medical and social rehabilitation at the reported correctional institution

Source: Authors' summaries of the three identified Limboto District Court decisions. Treatment and assessment details require comparison with the complete case records.

The authors' summary of Decision No. 54/Pid.Sus/2024/PN Lbo identifies a conviction under the second alternative charge.[25] The summary of Decision No. 90/Pid.Sus/2024/PN Lbo identifies the third alternative charge.[26] Scholarship discusses the charging questions that can arise when possession, distribution, and personal-use provisions appear in the same proceedings.[27] SEMA No. 3 of 2015 supplies relevant guidance on the indictment and reasons for departure from a

[25] Limboto District Court, Decision No. 54/Pid.Sus/2024/PN Lbo.

[26] Limboto District Court, Decision No. 90/Pid.Sus/2024/PN Lbo.

[27] Andri Winjaya Laksana et al., "The Disparities in Punishment for Narcotic Addiction: Does it Reflect the Value of Justice?," *Jurnal Media Hukum* 32, no. 1 (2025): 134–150, https://doi.org/10.18196/jmh.v32i1.25678.

special minimum in its specified setting.[28] These matters should be assessed separately from whether addiction or victim status is proved.

The decisive point is that, having found the defendants to be self-use abusers, the judges did not stop at imprisonment, but also ordered treatment and care through medical and social rehabilitation. At the level of the judicial considerations, the decisions therefore acknowledge the rehabilitative paradigm of the Narcotics Law. Yet the rehabilitation was set at a uniform six months in all cases, and in Decision Number 54/Pid.Sus/2024/PN Lbo it was expressly counted as part of the prison term.[29] Counting the rehabilitation period as time served is consistent with Article 103(2) of the Narcotics Law.[30] However, the overall structure remains one in which imprisonment is the principal sanction and rehabilitation is an embedded component of it.

A combined theory of punishment can explain the coexistence of imprisonment and treatment as an attempt to reconcile censure with prevention and reintegration.[31] It does not establish that the combination is justified in every case. The reasons must connect the defendant's legal status and assessed needs with the selected sanction, rather than merely invoke deterrence or rehabilitation in general terms.

A treatment-oriented approach is especially relevant where dependence or victim status is established. Research identifies institutional and resource barriers to rehabilitation.[32] Health-oriented scholarship from Jakarta also emphasizes trust, accessible services, and the harms associated with repressive practices.[33] These findings support individualized assessment; they do not prove that rehabilitation alone would succeed for every defendant or that imprisonment produced a measured clinical failure in the three cases.

SEMA No. 4 of 2010 identifies relevant criteria, including apprehension in the act, quantities consistent with one day's use, positive laboratory results, medical information, and the absence of evidence of illicit trafficking.[34] Scholarship on assessment emphasizes the need to examine these matters together.[35] A conviction for personal use does not demonstrate that every criterion was satisfied. The

[28] Surat Edaran Mahkamah Agung Nomor 3 Tahun 2015 tentang Pemberlakuan Rumusan Hasil Rapat Pleno Kamar Mahkamah Agung Tahun 2015 sebagai Pedoman Pelaksanaan Tugas bagi Pengadilan.

[29] Limboto District Court, Decision No. 54/Pid.Sus/2024/PN Lbo.

[30] Indonesia, Law No. 35 of 2009 concerning Narcotics, art. 103(2).

[31] Muladi and Barda Nawawi Arief, Teori-Teori and Kebijakan Pidana (Bandung: Alumni, 2010).

[32] M. Dandi Agus Darmawan, Arthur Josias Simon Runturambi, and Anang Iskandar, "The Dilemma of Enforcement of Justice Rehabilitation for Drug Abusers: A Study of Practices and Regulations," *NOMOI Law Review* 6, no. 2 (2025): 311–326, https://doi.org/10.30596/nomoi.v6i2.27429.

[33] Rafaela Rigoni, Sara Woods, and Joost J. Breeksema, "From opiates to methamphetamine: building new harm reduction responses in Jakarta, Indonesia," *Harm Reduction Journal* 16, no. 1 (2019): 67, https://doi.org/10.1186/s12954-019-0341-3.

[34] Surat Edaran Mahkamah Agung Nomor 4 Tahun 2010 tentang Penempatan Penyalahgunaan, Korban Penyalahgunaan and Pecandu Narkotika ke dalam Lembaga Rehabilitasi Medis and Rehabilitasi Sosial.

[35] I Made Widia Wirya Putra, Dewi Sulistianingsih, and Dani Muhtada, "Fulfilment of the Right to a Fair Justice for Victims and Narcotics Abusers in Indonesia," *Indonesian Journal of Advocacy and Legal Services* 6, no. 2 (2024): 205–234, https://doi.org/10.15294/ijals.v6i2.30568.

judgment should explain the evidence supporting addiction or victim status, the assessment available, and the reasons for the selected response.

The reported correctional setting raises a question about the legal and clinical design of treatment.[36] The statutory and joint-regulation framework addresses treatment institutions, assessment, and placement responsibilities.[37] Care within a correctional institution is not unlawful solely because of its location: authorization, staffing, facilities, treatment plans, and supervision require examination. Research on rehabilitation processes also identifies continuity of care and reintegration as relevant concerns.[38] The present materials do not establish whether each institution met those requirements.

The reported orders recognize a role for rehabilitation while retaining imprisonment. This may be described analytically as a mixed sentencing approach. The unresolved question is whether the reasons sufficiently connect the defendant's status, the six-month period, and the treatment setting to individual evidence. A missing assessment in the research materials cannot establish that the court had no assessment before it.[39]

2. Legal Certainty and the Relationship between Custody and Treatment

Legal certainty requires reasons that connect the applicable law, the facts proved, and the sanction. Differences among cases are not necessarily arbitrary when relevant circumstances differ. Article 53(2) of the National Criminal Code, which prioritizes justice when it conflicts with legal certainty, supplies a prospective reference for reform; it is not an automatic retrospective standard for the earlier decisions.[40]

The rehabilitation provisions address different subjects and conditions. Article 54 concerns addicts and victims of abuse, while Article 127(3) requires rehabilitation where victim status is proved.[41] Article 103 provides judicial powers concerning an addict's treatment and the crediting of rehabilitation time. These provisions should be read together rather than reduced to a contradiction between the words must and may.[42] Comparative sentencing scholarship identifies variation, but a finding of unjustified disparity requires sufficiently comparable facts.[43]

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[36] Limboto District Court, Decision No. 94/Pid.Sus/2025/PN Lbo.

[37] Peraturan Bersama Ketua Mahkamah Agung, Menteri Hukum and Hak Asasi Manusia, Menteri Kesehatan, Menteri Sosial, Jaksa Agung, Kepala Kepolisian Negara Republik Indonesia, and Kepala Badan Narkotika Nasional Nomor 01/PB/MA/III/2014 tentang Penanganan Pecandu Narkotika and Korban Penyalahgunaan Narkotika ke dalam Lembaga Rehabilitasi.

[38] Risya Hadiansyah and Nur Rochaeti, "Penerapan Rehabilitasi Terhadap Anak Penyalahguna Narkotika," *Jurnal Pembangunan Hukum Indonesia* 4, no. 1 (2022): 1–13, https://doi.org/10.14710/jphi.v4i1.1-13.

[39] Teguh Hartono, Vadira Hanami, and Fanniya Dyah Prameswari, "Drug abuse rehabilitation policies in Indonesia: a comparison with Vietnam, Australia and Portugal," *Wacana Hukum* 29, no. 2 (2023): 163–180, https://doi.org/10.33061/wh.v29i2.9576.

[40] Indonesia, Law No. 1 of 2023 concerning the Criminal Code, art. 53(2).

[41] Indonesia, Law No. 35 of 2009 concerning Narcotics, arts. 54 and 127(3).

[42] Abraham Rodo Suryono and Elfrida Ratnawati, "Penjatuhan Sanksi Pidana Penjara Tanpa Rehabilitasi Terhadap Penyalahguna Narkotika," *Law, Development and Justice Review* 5, no. 2 (2022): 148–158, https://doi.org/10.14710/ldjr.v5i2.17170.

[43] Reski Febriyanti, Irabiah Junus, and Siti Hudzaifah Miftahul Jannah, "Individualized Sentencing in Severed Group-Assault Cases: A Comparison of Kolaka District Court Decisions Nos. 44 and 61 of 2023," *Adagium: Jurnal Ilmiah Hukum* 4, no. 2 (2026): 1524–1536,

The second problem concerns the relationship between the qualification of the offence and the sanction. Where a self-use abuser is convicted under Article 127, the maximum penalty for a Category I narcotic is four years' imprisonment, and the law simultaneously directs the judge to rehabilitation. The coherence of the decision depends on whether the sanction chosen reflects the legislature's distinction between abusers and traffickers. Scholars have warned that when abusers are charged under possession provisions such as Article 112, which carries a special minimum of four years, the formal fulfillment of the elements of "possessing, storing, or controlling" can override the material fact that the narcotics were for personal use.[44] In the Limboto decisions, the court correctly selected Article 127, thereby avoiding this mismatch. Nevertheless, the imposition of a prison term of one year and six months to one year and ten months, combined with rehabilitation inside a prison, produces a sanction whose practical character is closer to imprisonment than to treatment. The defendant is legally qualified as an abuser in need of recovery, but is practically treated as an inmate.

The uniform six-month period warrants closer examination, but does not itself prove that treatment was imposed without assessment. The research record should identify any integrated assessment, clinical recommendation, treatment plan, and explanation of duration. Assessment scholarship supports a reasoned connection between those materials and the order.[45] If that connection is absent from the judgment, the criticism concerns the transparency of reasoning; a stronger claim about omitted assessment requires the complete file.

A utility-oriented analysis asks whether treatment and custody are proportionate to the person's needs and the legitimate aims of sentencing. Comparative studies describe different legal and service arrangements.[46] Indonesian assessment research also identifies barriers to access and implementation.[47] These sources justify evaluating alternatives, but do not establish the comparative costs, relapse rates, or treatment outcomes of the three Limboto orders.

The central legal-certainty concern is therefore the quality of the connection between classification, evidence, reasons, and implementation. A decision should state why the person qualifies for treatment, how custody and rehabilitation interact, how time is credited, and which institution is responsible. Clear criteria and review mechanisms can make those decisions more transparent without presuming a single sanction for every personal-use conviction.[48]

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https://doi.org/10.70308/grqyyj97.

[44] Hartato Pakpahan et al., "Reformulating Indonesia's Narcotics Law on Personal Drug Misuse: A Humanist Approach," *Journal of Asian Social Science Research* 6, no. 2 (2024): 209–232, https://doi.org/10.15575/jassr.v6i2.104.

[45] Wilson Bugner F. Pasaribu et al., "Legal Implications in The Implementation of Rehabilitation Assessment for Narcotics Abuse Addicts," *Revista de Gestão Social e Ambiental* 18, no. 4 (2024): e04731, https://doi.org/10.24857/rgsa.v18n4-068.

[46] Teguh Hartono, Vadira Hanami, and Fanniya Dyah Prameswari, "Drug abuse rehabilitation policies in Indonesia: a comparison with Vietnam, Australia and Portugal," *Wacana Hukum* 29, no. 2 (2023): 163–180, https://doi.org/10.33061/wh.v29i2.9576.

[47] Wilson Bugner F. Pasaribu et al., "Legal Implications in The Implementation of Rehabilitation Assessment for Narcotics Abuse Addicts," *Revista de Gestão Social e Ambiental* 18, no. 4 (2024): e04731, https://doi.org/10.24857/rgsa.v18n4-068.

[48] Panji Bangun Indriyanto, "Sentencing Narcotics Users through Integrated Assessment Based Rehabilitative Diversion after the National Criminal Code and the Criminal Provisions Adjustment

3. A Prospective Model for Assessment-Based Sentencing

A prospective model should begin with the defendant's legal status and individual needs. Humanist and progressive approaches support greater attention to treatment and reintegration.[49] Assessment can help distinguish the legally available penal and therapeutic pathways.[50] Restorative scholarship adds a role for family and community support, while personal-use status, addiction, and victim status remain distinct legal and clinical questions.[51]

Articles 51–54 of the National Criminal Code address sentencing purposes, human dignity, and relevant individual circumstances.[52] Articles 70 and 103 provide further guidance on imprisonment and measures, subject to their respective conditions and the applicable specialist legislation.[53] These provisions inform a prospective reform framework; they do not establish an unconditional exemption from imprisonment for all narcotics users. Recent scholarship proposes corresponding thresholds, safeguards, and institutional responsibilities.[54]

On the basis of these premises, this article proposes an ideal sentencing concept consisting of five components, summarised in Table 2.

Table 2. Ideal Sentencing Concept for Narcotics Abusers from a Rehabilitation Perspective

Proposed component	Required inquiry	Legal and practical limits
Individual assessment	Distinguish personal use, addiction, victim status, and trafficking evidence	Apply the conditions of the Narcotics Law and relevant assessment instruments.
Reasoned sanction choice	Explain why treatment, custody, or a lawful combination is appropriate	Personal-use status alone does not establish an unconditional right to rehabilitation alone.
Duration and placement	Connect the order to a treatment plan and authorized services	Location alone does not prove clinical or legal inadequacy.
Transparent reasons	Identify evidence, eligibility, time credit, and review	Separate the law governing the earlier decisions from prospective Criminal Code policy.

Law," *Adagium: Jurnal Ilmiah Hukum* 4, no. 2 (2026): 687–700, https://doi.org/10.70308/xvkbb205.

[49] Hartato Pakpahan et al., "Reformulating Indonesia's Narcotics Law on Personal Drug Misuse: A Humanist Approach," *Journal of Asian Social Science Research* 6, no. 2 (2024): 209–232, https://doi.org/10.15575/jassr.v6i2.104.

[50] Iskandar Iskandar et al., "Reconstructing Indonesian Drug Abuse Law via Progressive Legal Theory for Substantive Justice," *Jurnal USM Law Review* 9, no. 4 (2026): 2484–2513, https://doi.org/10.26623/julr.v9i4.14678.

[51] Bonni Ferdy Sagala, Zul Akrial, M. Musa, and Zulkarnain, "Healing the Wound of Drug Abuse: Restorative Justice in Indonesian Narcotics Rehabilitation," *UIR Law Review* 10, no. 1 (2026).

[52] Indonesia, Law No. 1 of 2023 concerning the Criminal Code, arts. 51, 52, and 54.

[53] Indonesia, Law No. 1 of 2023 concerning the Criminal Code, arts. 70 and 103.

[54] Panji Bangun Indriyanto, "Sentencing Narcotics Users through Integrated Assessment Based Rehabilitative Diversion after the National Criminal Code and the Criminal Provisions Adjustment Law," *Adagium: Jurnal Ilmiah Hukum* 4, no. 2 (2026): 687–700, https://doi.org/10.70308/xvkbb205.

Proposed component	Required inquiry	Legal and practical limits
Institutional coordination	Assign assessment, referral, funding, and monitoring responsibility	Do not estimate outcomes or diversion rates without empirical data.

Source: Authors' analysis.

The first component is the classification of the defendant through an integrated assessment. Every self-use case should be accompanied by an assessment by the Integrated Assessment Team before the case reaches the trial stage, so that the judge does not rely solely on the quantity of evidence and the urine test. The assessment should determine whether the defendant is an experimental user, a regular user, or a dependent addict, and whether there are indications of involvement in trafficking. Studies of the police and prosecution stages show that the absence of facilities and delays in assessment reports are among the main obstacles to diversion, so the strengthening of assessment capacity is a precondition for any rehabilitation-oriented model.[55]

The second component is a reasoned preference for an appropriate therapeutic response where the relevant legal and assessment criteria are met. This is a reform recommendation, not a claim that every personal-use conviction presently requires rehabilitation alone. Any imprisonment should be justified by the applicable law and individual facts. Relapse should prompt reassessment of treatment needs rather than automatically be treated as proof that punishment must replace care. Proven distribution is a separate classification requiring its own analysis.[56]

The third component links duration and placement to authorized and clinically appropriate care. The order should identify the institution, treatment basis, monitoring arrangements, review mechanism, and crediting of time where required by law. Community and outpatient services may be appropriate when legally available and suited to assessed needs.[57] Correctional treatment should be evaluated by authorization and service quality rather than prohibited solely because of its location.

The fourth component requires structured reasons on the offence, the defendant's relevant status, assessment findings, applicable circular criteria, sanction choice, duration, and setting. Existing law and prospective policy should be identified separately. Sentencing scholarship supports transparent reasons for

[55] Joshua Octavianus Lumban Gaol, Janpatar Simamora, and Jusnizar Sinaga, "The Role of the Police in Addressing Narcotic Use Among Minors at the Investigation Stage: A Study of the Medan City Metropolitan Police (Polrestabes)," *Adagium: Jurnal Ilmiah Hukum* 4, no. 2 (2026): 1102–1119, https://doi.org/10.70308/5ef6w712.

[56] Candra Jaya and Faidatul Hikmah, "Legal Reform on Rehabilitation for Drug Users as an Ultimum Remedium Effort," *Jurnal USM Law Review* 7, no. 1 (2024): 364–375, https://doi.org/10.26623/julr.v7i1.8803.

[57] M. Dandi Agus Darmawan, Arthur Josias Simon Runturambi, and Anang Iskandar, "The Dilemma of Enforcement of Justice Rehabilitation for Drug Abusers: A Study of Practices and Regulations," *NOMOI Law Review* 6, no. 2 (2025): 311–326, https://doi.org/10.30596/nomoi.v6i2.27429.

materially different outcomes.[58] More generally, judicial development of legal doctrine requires an explanation of its authority and limits.[59]

The fifth component connects adjudication with legally available assessment and prosecutorial rehabilitation mechanisms. Attorney General Guideline No. 18 of 2021 supplies a relevant framework within its conditions.[60] Coordination among police, prosecutors, courts, BNN, and health and social services may improve timely referral.[61] The proportion of cases that could avoid trial cannot be estimated from this three-case doctrinal study.

For the Limboto cases, the model directs attention to the evidence supporting treatment, the relationship between custody and rehabilitation, and the reasons for the six-month period. It does not establish from personal-use convictions alone that rehabilitation without imprisonment was legally mandatory. Future evaluation should compare each complete judgment with the assessment and implementation record.

Conclusion

The three reported orders combine imprisonment with rehabilitation, raising questions about classification, duration, placement, and the transparency of reasons. Personal-use status does not itself establish addiction, victim status, or compliance with every rehabilitation criterion. The materials reviewed also do not permit a finding that an assessment never occurred or that treatment was clinically ineffective.

The proposed model requires individual assessment, a clear legal basis for sanction choice, authorized treatment suited to need, transparent time-credit rules, and effective review. The National Criminal Code informs this prospective direction while the temporal law governing the 2024–2025 decisions remains distinct. Further research should examine complete files, institutional authorization, and treatment outcomes across a larger judicial sample before drawing conclusions about therapeutic success or nationwide practice.

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[60] Pedoman Jaksa Agung Nomor 18 Tahun 2021 tentang Penyelesaian Penanganan Perkara Tindak Pidana Penyalahgunaan Narkotika melalui Rehabilitasi dengan Pendekatan Keadilan Restoratif sebagai Pelaksanaan Asas Dominus Litis Jaksa.

[61] Gazali Ahmad, Nashriana, and Henny Yuningsih, “Harmonization of Penal and Non-penal Policies in the Governance of Narcotics Control in Indonesia,” *Jurnal Bina Praja* 17, no. 3 (2025), https://doi.org/10.21787/jbp.17.2025-2836.

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