

Legal Protection for Victims of Narcotics Misuse under Law No. 35 of 2009

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ARTICLE INFO	ABSTRACT
<p>Keywords: Legal Protection; Victims of Drug Abuse; Narcotics</p> <p>How to cite: Siboro, Rini Oktavia., Et., Al. (2025). Legal Protection for Victims of Narcotics Misuse under Law No. 35 of 2009. <i>Veteran Law Review</i>. 8(2). 172-181.</p> <p>Received:2025-10-08 Revised:2025-12-05 Accepted:2025-12-11</p>	<p><i>Drug abuse is one of the serious issues faced by the Indonesian nation, including the North Sumatra region. The distribution and misuse of narcotics have increasingly spread across all levels of society and resulted in numerous victims. This study aims to examine the extent of legal protection for victims of drug abuse and to evaluate the role of the North Sumatra Provincial National Narcotics Agency (BNNP SUMUT) in carrying out its duties and functions. The research method used is empirical juridical, which views law as a real behavior in society and observes its implementation directly at the BNNP SUMUT office. The results of the study indicate that drug users are victims of crimes committed by drug trafficking syndicates. Therefore, drug addicts require special treatment in the form of rehabilitation and legal protection to enable them to recover and contribute again as responsible citizens. BNNP SUMUT holds a key role in prevention, community empowerment, rehabilitation, eradication of illicit drug networks, and cross-sectoral collaboration at the local level. This study suggests that BNNP SUMUT should further strengthen synergy and coordination with law enforcement agencies and increase active public participation.</i></p>

1. Introduction

Narcotics are drugs and illegal substances that can affect a person's mental or psychological condition, including their thoughts, emotions, and behavior. Narcotics abuse refers to the use of drugs or dangerous substances that are not intended for medical or research purposes and are used without following proper usage guidelines or correct dosages. Narcotics abuse is one of the serious problems faced by the Indonesian nation, including in the North Sumatra region. The increasing circulation and abuse of narcotics have now spread to all levels of society and have caused numerous victims.

Narcotics crimes, both abuse and distribution, are no longer merely individual problems but have become serious global issues with far-reaching impacts. These impacts begin with damaging the personal life of a user, then affect their family, spread to the wider community, and ultimately can shake the stability and future of a nation. If not addressed seriously, narcotics can destroy

cultural values, morals, and even the social order of a nation (Achmad Rifai, 2011). The effects are not only felt by adults but have also spread to school-aged children, who previously had no exposure to narcotics but have now become active users due to peer influence. The negative consequences of narcotics abuse not only harm the physical and mental health of individuals but also contribute to increased crime rates, social disorder, and even make victims vulnerable to discrimination and unfair treatment within the legal system.

From the perspective of Indonesian criminal law, drug abuse is generally categorized as a criminal act regulated under Law Number 35 of 2009 concerning Narcotics (Law 35/2009). However, not all drug abusers can be viewed solely as offenders. In many cases, abusers are actually victims of narcotics trafficking syndicates and addictive substance dependency. Therefore, it is important to understand the position of drug abusers not only as law violators but also as victims who require protection and rehabilitation. Legal protection for addicts and drug abusers is regulated in Article 54 of Law 35/2009, which states that “Narcotics addicts and victims of narcotics abuse must undergo medical rehabilitation and social rehabilitation.” The Supreme Court Circular Number 04 of 2010 (SEMA 04/2010) also emphasizes the need to place drug abusers as victims in rehabilitation institutions, rather than as criminals who must be punished. Law 35/2009 has opened space for a restorative justice approach through medical rehabilitation and social rehabilitation for victims of drug abuse.

Criminal law policy or criminal law politics refers to the measures taken by the state through authorized institutions to formulate regulations that are considered capable of reflecting societal values and achieving the desired goals. In the context of narcotics abuse, criminal law policy should view addicts as victims, not as offenders. Addicts are essentially victims of the criminal act of narcotics abuse that violates legal provisions, and they remain Indonesian citizens who are expected to contribute to nation-building despite various forms of hardship (Sudarto, 1983).

The drafting of the Narcotics Law is based on several considerations, including: a) Ensuring the availability of narcotics for healthcare services as well as the development of science and technology; b) Preventing, protecting, and saving the Indonesian people from the dangers of narcotics abuse; c) Combating the illegal circulation of narcotics and narcotics precursors; and d) Ensuring the implementation of medical and social rehabilitation programs for narcotics abusers and addicts (Aziz Syamsuddin, 2011).

Nevertheless, the implementation of legal protection for victims still faces many obstacles, such as limited rehabilitation facilities, social stigma, and inconsistencies among law enforcement officers in applying fair policies. In practice, drug abusers or addicts are often given heavy prison sentences through the criminal justice process, even though punitive approaches toward drug users have proven to be ineffective in addressing drug-related crimes. Therefore, rehabilitation should be prioritized as a form of legal protection for drug abusers.

The narcotics situation in Indonesia reflects the severity of drug abuse issues in the country. This condition requires serious attention and vigilance from all elements of society in order to overcome and prevent its spread. One of the contributing factors to the rise in illicit drug trafficking is the rapid development of information technology and digital transformation, which have also facilitated the distribution of narcotics to various regions. This has made the handling of drug-related problems increasingly complex and urgent. In this context, the North Sumatra Provincial National Narcotics Agency (BNNP SUMUT), as an institution with a strategic role in addressing drug abuse, becomes a key focus of this research. The case study at the BNNP SUMUT office will illustrate the extent to which legal protection for victims of drug abuse has been implemented and will evaluate the role of BNNP SUMUT in carrying out its duties and functions optimally in accordance with the mandate of the law.

2. Method

This research employs an empirical juridical method, which is a legal approach that views law as a real behavior within society, particularly concerning the implementation of positive law. This study does not only examine legal norms as stated in legislation, but also observes their direct implementation in the field, specifically at the North Sumatra Provincial National Narcotics Agency (BNNP SUMUT). The research also utilizes several approaches: The Statute Approach, which examines Law No. 35 of 2009, particularly the articles regulating the protection of victims of narcotics abuse; The Sociological Approach, which observes how the law is implemented by BNNP SUMUT in relation to victims; and The Case Approach, which analyzes specific cases of narcotics abuse victims handled by BNNP SUMUT.

3. Discussion

In general, narcotics are substances or chemical compounds that, when consumed or introduced into the body, can produce certain effects on the user's physical or psychological condition (Taufik Makaro, 2015). The effects and impacts on the user's body may include: a) Altering a person's level of consciousness, either temporarily or continuously. b) Causing

psychological or physiological effects that can influence individual behavior, such as changes in mood, impulses to act, or emotional responses. c) The resulting effects may include: inducing a sense of calm, stimulating the central nervous system leading to increased energy, and causing hallucinations – such as seeing or feeling things that are not real – as well as a loss of awareness of time and place (Taufik Makaro, 2015).

The definition of narcotics, as stated in Article 1 point 1 of Law No. 35 of 2009, refers to substances or drugs derived from plants or non-plants, both synthetic and semi-synthetic, that can cause a decrease or alteration in consciousness, loss of sensation, reduction or elimination of pain, and may lead to dependence. These substances are classified into different categories as outlined in the annex of Law No. 35 of 2009. There are several methods of narcotics use, including inhalation, oral consumption, and injection. Narcotics that are inhaled – such as through smoking – are absorbed into the bloodstream via the respiratory tract, specifically through the nose and lungs. Narcotics consumed orally are processed in the stomach before being absorbed into the bloodstream. Meanwhile, narcotics that are injected go directly into the bloodstream and quickly affect the brain. In the development of narcotics use, many users prefer the injection method due to its efficiency and the speed at which the effects are felt (Ahmad Zukri, 2013).

Article 1 point 15 of Law No. 35 of 2009 explains that a narcotics abuser is a person who uses narcotics without rights or unlawfully. However, proving this is not easy because it is necessary to know from the beginning how the user started consuming narcotics. It must be proven whether, at the time of using narcotics, the user was persuaded, deceived, tricked, forced, or even threatened to use the narcotics. As victims of the crimes committed by narcotics trafficking syndicates, drug addicts require special treatment in the form of rehabilitation and legal protection so that they can recover and contribute again as responsible citizens.

3.1. Legal Protection for Victims of Narcotics Abuse Based on Law Number 35 of 2009 on Narcotics

Narcotics abuse is a form of crime that has widespread and systematic impacts on the social life of the community. The increasing diversity in types and forms of illegal narcotics has worsened the situation of drug abuse in society (Moh.Makaro Taufik et al., 2015). Its distribution not only threatens the younger generation but also ensnares various age groups and genders, ranging from teenagers, adults, males, females, and even children (Gusti Ayu Novira Santi et al., 2019). However, providing legal protection to victims of narcotics abuse must not be done carelessly. Its

implementation must be based on objective assessment and strict legal procedures to prevent misuse by certain parties aiming to avoid criminal responsibility. The protection referred to is not only in the form of recovery through medical and social rehabilitation but also includes legal recognition of the victim's status as regulated in Law No. 35 of 2009. Therefore, synergy is needed among law enforcement officers, rehabilitation institutions, and the victims' families to ensure that legal protection is truly effective without weakening the law enforcement process against the actual perpetrators. Victims of narcotics abuse are generally individuals who have developed dependence and can no longer control their use of the illegal substances. They gain no economic benefit from drug use but instead suffer complex losses, ranging from physical damage and psychological disorders to economic burdens due to continuously high expenses to meet the relatively expensive drug needs. Moreover, they also face strong social stigma. In many cases, addicts lose their place in social environments because they are considered to have deviated from societal norms. This condition worsens their alienation and reduces their chances of obtaining social support, whether in the form of medical treatment or legal assistance.

Law No. 35 of 2009 explicitly provides legal protection for addicts and victims of narcotics abuse through a rehabilitative approach. Article 54 states that narcotics addicts and victims of narcotics abuse are required to undergo medical and social rehabilitation. This provision marks a paradigm shift from a repressive criminal approach toward a more humanistic approach, viewing narcotics users as individuals in need of care, rather than merely as offenders. In the context of law enforcement, the provision in Article 54 must be read together with Article 127 paragraph (1), which regulates criminal penalties for narcotics users. However, when adjudicating cases under this article, judges have a legal obligation to consider the provisions in Articles 54, 55, and 103. These three articles provide a strong legal basis for the implementation of rehabilitation as a form of restorative legal protection. More specifically, Article 55 regulates the obligation of parents or guardians to report narcotics addicts, whether children or adults, to health facilities or rehabilitation institutions appointed by the government. This indicates that the state not only emphasizes individual responsibility but also extends that responsibility to families as part of the social protection system. Meanwhile, Article 103 grants judges the authority to order addicts to undergo medical or social rehabilitation as part of the legal process, and states that medical rehabilitation can only be carried out in hospitals appointed by the minister. Furthermore, Article 127 paragraph

(3) affirms that narcotics abusers who can be proven as victims are required to undergo medical and social rehabilitation, not imprisonment. The explanation of Article 54 defines victims of narcotics abuse as individuals who use narcotics unintentionally or without their own will, for example, because they were persuaded, deceived, tricked, forced, or threatened by others. In this regard, the law provides protection through rehabilitation as a form of recovery, not punishment (Robby Shahary, 2019).

In the Indonesian legal system, protection of victims of narcotics abuse crimes is the responsibility of several state institutions and civil society organizations that have authority according to their respective fields and duties. One of the main institutions is the National Narcotics Agency (BNN), which is authorized to formulate and implement national policies in the prevention and eradication of narcotics abuse and illicit trafficking. In the context of victim protection, BNN is also tasked with ensuring the fulfillment of the legal rights of victims, including access to rehabilitation and recovery. Furthermore, the Criminal Investigation Agency of the Indonesian National Police (BARESKRIM POLRI) has a primary role in law enforcement processes, especially during the investigation and inquiry stages of narcotics cases. Besides taking action against offenders, BARESKRIM also plays a role in identifying and directing victims of narcotics abuse to appropriate rehabilitation services. The Attorney General's Office of the Republic of Indonesia also takes a strategic role through the prosecution and supervision of the criminal justice process related to narcotics. The Attorney General's Office is responsible for ensuring that legal processes are conducted fairly and that victims receive protection and fulfillment of their rights throughout the legal process. In the health services sector, the Ministry of Health is responsible for providing health services, including medical rehabilitation for narcotics abusers, as part of efforts to restore the physical and mental health of victims. Meanwhile, the Ministry of Social Affairs carries out social rehabilitation functions, which include social recovery programs, reintegration, and social reintegration to help victims return to functioning optimally in community life. In addition to government institutions, Non-Governmental Organizations (NGOs) also play an important role in supporting the protection of victims of narcotics abuse. NGOs generally operate in the fields of advocacy, community-based rehabilitation services, legal assistance, and victim support. The presence of NGOs complements and serves as strategic partners for the government in providing comprehensive protection for victims. With synergy among these institutions, it is hoped that efforts to protect victims

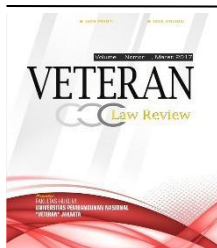
of narcotics abuse can be carried out in an integrated, effective, and sustainable manner (Zidna Iman Kamila, 2024).

3.2. The Role of the North Sumatra Provincial National Narcotics Agency in Carrying Out Its Duties and Functions in Accordance with the Laws and Regulations

Narcotics abuse and illicit trafficking pose a serious threat to security, public order, and the quality of human resources in Indonesia. In response to the escalation of these issues, the government established the National Narcotics Agency (BNN) as a special institution authorized to carry out prevention and eradication efforts concerning narcotics, as regulated in Law No. 35 of 2009. At the regional level, these duties and functions are carried out by the Provincial BNN, including the North Sumatra Provincial BNN. The North Sumatra Provincial National Narcotics Agency (BNNP) plays a strategic role in implementing national narcotics policies within the provincial jurisdiction. The main tasks of this agency include prevention, community empowerment, rehabilitation, eradication of narcotics trafficking networks, and cross-sectoral cooperation at the local level. In carrying out its role, BNNP refers to the established legal framework, namely:

1. Law No. 35 of 2009 concerning Narcotics, which serves as the primary legal basis for the implementation of BNN's duties at both central and regional levels;
2. Presidential Regulation No. 23 of 2010 concerning BNN, as amended several times most recently by Presidential Regulation No. 47 of 2019, which regulates the structure, functions, and institutional authority of BNN;
3. Presidential Instruction No. 2 of 2020 concerning the National Action Plan for the Prevention and Eradication of Narcotics Abuse and Illicit Trafficking (P4GN) for 2020–2024

In its implementation in North Sumatra, in the aspect of law enforcement, the North Sumatra Provincial National Narcotics Agency (BNNP) has the authority to conduct investigations and inquiries into narcotics crimes, in accordance with the provisions of Article 70 of Law No. 35/2009. In this regard, BNNP cooperates with other law enforcement agencies, such as the Regional Police (Polda) and the North Sumatra High Prosecutor's Office (KEJATISU), to take action against narcotics trafficking networks. The organizational structure of BNNP is regulated in the Head of BNN Regulation Number 3 of 2015, specifically in Article 4, which states that BNNP consists of the Head, General Section, Prevention and Community Empowerment Division, Rehabilitation Division, and Eradication Division.



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The Head of the North Sumatra Provincial National Narcotics Agency (BNNP SUMUT) is the highest leader within the BNNP SUMUT environment and is responsible for the overall implementation of the agency's duties and functions in the North Sumatra region. The Head of BNNP SUMUT plays a central role in formulating policies, coordinating activities across divisions, and supervising the implementation of programs related to narcotics prevention and eradication. Additionally, the Head of BNNP SUMUT acts as the representative of the central BNN in collaborating with local governments, vertical agencies, law enforcement officers, and other community elements.

The General Section is an administrative service unit that supports the smooth operation of all technical divisions within BNNP North Sumatra. Its main functions include budget and financial management, personnel administration, management of state-owned assets, administrative services such as correspondence and archiving, as well as the preparation of financial reports. In other words, the General Section serves as the center of internal management services that ensures activities at BNNP North Sumatra run in accordance with the principles of good governance.

The Prevention and Community Empowerment Division (P2M) has the primary task of handling preventive aspects in combating narcotics. This division is responsible for developing and implementing outreach programs, campaigns, and education about the dangers of narcotics abuse to various segments of society, including students, university students, civil servants, and other community groups. In addition, this division also plays a role in forming anti-drug volunteers and establishing partnerships with the education sector and businesses to build social resilience against the negative influence of narcotics.

The Rehabilitation Division is responsible for providing recovery services for addicts or victims of narcotics abuse. In accordance with Law No. 35/2009, which recognizes addicts as victims entitled to rehabilitation, this division's functions include conducting integrated assessments to determine the need for rehabilitation or legal action for users, organizing medical and social rehabilitation services, both outpatient and inpatient, as well as supervising and fostering community rehabilitation institutions collaborating with BNNP North Sumatra. Coordination with related agencies such as hospitals, the Health Office, and the Social Services Office is also part of this division's duties.

Lastly, the Eradication Division is a technical implementing unit that plays a role in law enforcement against narcotics-related crimes. This division is responsible for conducting investigations and inquiries into cases of illegal narcotics distribution, carrying out enforcement operations against drug trafficking networks, and collecting and analyzing intelligence data to map out drug networks. Additionally, this division collaborates with other law enforcement agencies such as the Police, Military (TNI), Customs, and the Prosecutor's Office in efforts to combat narcotics in the North Sumatra region. The role of this division is crucial as the frontline in breaking the chain of drug distribution both locally and across regions.

4. Conclusion

Based on the research results regarding Legal Protection for Victims of Narcotics Abuse Based on Law Number 35 of 2009 concerning Narcotics (Case Study at the North Sumatra BNNP Office), it can be concluded that the implementation of legal protection for victims of narcotics abuse fundamentally has a strong juridical basis, especially as regulated in Article 54 of Law 35/2009 on Narcotics. North Sumatra BNNP, as the implementing agency of national policies in the field of eradication and control of narcotics, has carried out its strategic roles in prevention, rehabilitation, community empowerment, and law enforcement. However, the role of North Sumatra BNNP has not been fully optimal, particularly in strengthening cross-sectoral coordination and promoting a more humane approach toward victims of narcotics abuse. Therefore, it is necessary to strengthen synergy between BNN, law enforcement agencies, related institutions, and civil society to ensure that legal protection for victims of narcotics abuse can be implemented comprehensively and fairly. Furthermore, North Sumatra BNNP also needs to adjust handling strategies according to local social and cultural conditions, so that the policies applied are more adaptive to the dynamics of narcotics abuse and sustainable in their implementation. Based on the findings of this study, it is recommended that the government and policymakers strengthen the implementation of rehabilitation for victims of narcotics abuse by providing adequate budgets and equitable rehabilitation facilities, especially in the North Sumatra region. This research is expected to serve as an academic contribution as well as practical input for strengthening more humane legal protection policies oriented toward recovery in the context of addressing narcotics problems in Indonesia, particularly in North Sumatra.

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