

IMPLICATIONS OF BENEFIT-BASED SENTENCING ON THE EFFECTIVENESS OF DRUG ABUSER REHABILITATION IN INDONESIA

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ABSTRACT: *Benefit-based sentencing is an approach that prioritizes a balance between justice, benefit, and legal certainty in the criminal justice system, especially for drug abusers. In the context of Indonesian law, the effectiveness of rehabilitation as part of benefit-based sentencing is still being debated, especially related to the implementation and results achieved in reducing recidivism rates and optimally rehabilitating perpetrators. This study aims to analyze the implications of benefit-based sentencing on the effectiveness of drug abuse rehabilitation in Indonesia. Using a normative-descriptive research method, this study examines existing regulations, sentencing policies, and their application in court decisions. The results of the study indicate that although normatively the benefit-based sentencing policy has been accommodated in laws and regulations, its implementation still encounters various obstacles, including inconsistencies in judges' decisions and limited rehabilitation facilities. Therefore, a more focused reconstruction of sentencing policies is needed so that rehabilitation goals can be achieved optimally, in line with the principles of restorative justice.*

Keywords: Benefit-Based Sentencing, Rehabilitation, Drug Abusers.

INTRODUCTION

The criminal justice system in Indonesia in dealing with narcotics abusers is still a complex debate to this day. Even though Law Number 35 of 2009 concerning Narcotics has provided space for a rehabilitative approach, its implementation still faces various obstacles both from legal, policy and judicial practice aspects [1]. Narcotics abusers are still often treated as criminals who must be subjected to criminal punishment, rather than as individuals in need of rehabilitation [2]. The implementation of benefit-based sentencing for narcotics abusers still faces challenges in the form of inconsistencies in judicial decisions and limited rehabilitation infrastructure in Indonesia [3].

In its development, the aim of sentencing is not only to have a deterrent effect and retaliation, but must also be beneficial for victims and perpetrators as well as society [4]. This theory is in line with the utilitarian theory of sentencing put forward by Jeremy Bentham, which states that sentencing must have social benefits and not be solely retributive [5]. However, in Indonesia, the implementation of this approach still experiences inconsistencies due to the absence of a criminal system that holistically regulates rehabilitation mechanisms as part of the judge's decision.

However, in Indonesia, the implementation of this approach still encounters significant inconsistencies, largely due to the lack of a criminal justice system that holistically incorporates rehabilitation as an integral part of judicial decision-making. While the legal framework may include provisions for rehabilitation, these are often underutilized or applied inconsistently across cases. The absence of a comprehensive and unified system for rehabilitation within the judicial process means that judges may struggle to integrate rehabilitative measures effectively into their sentencing decisions. This lack of cohesion not only undermines the rehabilitative potential of the justice system but also perpetuates the cycle of punitive sentencing, which often fails to address the underlying causes of criminal behavior. As a result, the overall impact of sentencing remains limited, and its social benefits are not fully realized, preventing offenders from achieving meaningful reintegration into society.

To align with Bentham's utilitarian theory and achieve the broader goals of justice, the Indonesian criminal justice system must undergo reform. This would involve creating a more consistent and integrated approach to rehabilitation that is embedded within sentencing decisions and supported by the necessary legal, institutional, and social frameworks. By doing so, the system could better balance deterrence and retribution with the restorative goals of rehabilitation, ultimately fostering a more effective and equitable justice system.

Rehabilitation is a recovery process for narcotics abusers which includes addicts, abusers and victims of abuse both medically and socially in order to return them to useful citizens of society [6]. The Constitutional Court, in its Decision Number 25/PUU-XIV/2016, also emphasized that narcotics abusers should not be directly subjected to criminal punishment without undergoing an assessment mechanism first. However, in practice, many abusers are still sentenced to prison terms for various reasons, including the limited availability of rehabilitation facilities, suboptimal coordination among law enforcement agencies, and the prevailing repressive paradigm within Indonesia's criminal justice system [7].

Data from the National Narcotics Board (BNN) and the Correctional Institution reveal a concerning trend: as of 2025, more than 50% of inmates in Indonesian correctional facilities are incarcerated for narcotics-related offenses, with the majority being drug abusers or addicts [8]. This situation highlights the inadequacy of the current punitive approach in addressing narcotics abuse, as it not only fails to curb the prevalence of drug-related crimes but also exacerbates critical issues such as overcrowding in prisons and rising recidivism rates [9]. The punitive model often results in a cycle of re-offending, where individuals are incarcerated without addressing the root causes of their addiction, ultimately hindering their chances of rehabilitation. Furthermore, research consistently demonstrates that rehabilitation programs, which focus on treating addiction and providing psychosocial support, are significantly more effective in reducing recidivism rates compared to purely punitive

measures [10]. These findings underscore the importance of adopting a benefits-based sentencing approach, one that prioritizes rehabilitation over punishment, in order to achieve broader legal objectives, such as reintegrating offenders into society, reducing the burden on correctional institutions, and fostering long-term crime prevention. By shifting the focus toward rehabilitation, the justice system can create more sustainable outcomes that promote both individual recovery and the well-being of society as a whole. This problem calls for a critical rethinking of sentencing policies, ensuring that the emphasis is on reform and recovery rather than mere punishment.

METHODOLOGY

The method used in this study is doctrinal research with a statutory approach to the issues at hand, as well as a conceptual approach. Doctrinal research is conducted to analyze the legal norms governing benefit-based sentencing within Indonesia's criminal justice system, particularly in relation to the effectiveness of rehabilitation for narcotics abusers [11]. A legislative approach is used to examine various regulations governing the sentencing of narcotics abusers [12]. Meanwhile, a conceptual approach is used to understand how the concept of benefits-based sentencing is applied in judicial practice and examine its relevance in the context of the Indonesian legal system [13]. The analysis of legal materials is carried out in two stages. Firstly, through the presentation and analysis of the content (structure) of applicable law, the systematization of the presented legal phenomena, as well as the interpretation and assessment of the prevailing law. This stage aims to understand how the policy of benefit-based punishment has been accommodated within the Indonesian legal system, including in the existing regulations and relevant court decisions. [14].

Second, in the stage of legal materials analysis, the Regulatory Impact Assessment (RIA) method is used. This method is employed to assess the impact of regulations related to benefit-based sentencing on the effectiveness of rehabilitation for drug offenders. RIA aids in evaluating the extent to which existing regulations have provided the expected benefits and in identifying obstacles in their implementation. Through this approach, this research can offer more comprehensive recommendations for improving the punishment policy for drug offenders to make it more effective and focused on social reintegration.

RESULT AND DISCUSSION

Benefits-based sentencing is a concept that is oriented towards rehabilitative and reiterative goals for criminal offenders, especially for narcotics abusers [15]. In the Indonesian legal system, this approach aligns with the objectives of sentencing, which are not only retributive but also aim to restore the offender's condition, allowing them to reintegrate into society. The integration of harm reduction strategies within the criminal justice system contributes to a more balanced approach, ensuring that narcotics offenders receive appropriate medical and social support rather than merely facing harsh criminal penalties [16].

However, in its implementation, this rehabilitative approach still faces various challenges that hinder its full potential. Data from the National Narcotics Board (BNN) reveals that by 2025, more than 50% of inmates in Indonesian correctional facilities are expected to be narcotics offenders. This alarming statistic underscores the persistent issues within the current sentencing system, which, despite normative regulations that aim to accommodate rehabilitation, continues to operate primarily on a punitive model. The regulatory framework may theoretically provide a foundation for rehabilitation; however, the practical application remains deficient, and the system's punitive orientation still dominates decision-making processes.

This mismatch between policy and practice leads to significant structural and systemic issues, including the overwhelming overcrowding of correctional facilities. As a result, prisons, already operating at or above capacity, become strained in terms of resources, infrastructure, and personnel. Overcrowding not only exacerbates the living conditions of inmates but also hampers the ability to implement effective rehabilitation programs. The lack of adequate facilities and individualized treatment further complicates efforts to address the root causes of drug abuse, such as psychological dependency, social factors, and economic challenges.

Moreover, the persistence of a punitive approach contributes to a high recidivism rate among former narcotics offenders. Instead of focusing on rehabilitation, the current system often leaves former offenders ill-prepared for reintegration into society, increasing the likelihood of reoffending. This cycle perpetuates the problem, making it even more difficult to reduce the overall number of narcotics offenders within the prison system. Consequently, the expected outcomes of rehabilitation, such as the successful reintegration of former offenders into society, remain largely unfulfilled.

In this context, a fundamental shift in policy and practice is necessary. While regulations provide a theoretical basis for rehabilitation, there is an urgent need for a more holistic and coordinated approach that balances punitive measures with restorative and rehabilitative objectives. Such a shift would require not only legal reform but also the development of comprehensive rehabilitation programs, increased investment in prison infrastructure, and a commitment to interagency collaboration to address the multifaceted challenges posed by narcotics-related offenses.

Judicial discretion in sentencing narcotics offenders plays a crucial role in determining the success of rehabilitation programs, as consistency in decision-making enhances legal certainty and public trust in the judicial system [17]. Several factors contribute to this disparity, the first of which is the lack of standardized assessment criteria. Although, normatively, narcotics abusers may undergo rehabilitation, the assessment mechanism that determines whether an offender is eligible for rehabilitation remains inconsistent. Some regions have more lenient policies regarding rehabilitation, while others still apply stricter approaches. As a result, there is legal uncertainty in the implementation of benefit-based sentencing [18]. Second, the retributive paradigm is still strong. In the criminal justice system in Indonesia, the retributive approach is still very dominant.

This can be seen from the many cases where drug abusers are still sentenced to prison even though they are legally entitled to rehabilitation [19].

Third, limited rehabilitation facilities are also a big challenge in implementing benefit-based sentencing. Data from the Ministry of Health in 2025 shows that of around 3.6 million narcotics users in Indonesia, only around 10% can access rehabilitation services effectively. This causes many judges to choose to impose prison sentences due to the lack of adequate rehabilitation facilities [20]. Fourth, the implementation of benefits-based sentencing requires good coordination between various institutions, including the police, prosecutors, and courts, the Ministry of Law and Human Rights, and the National Narcotics Board (BNN). However, until now, coordination between these institutions is still not optimal. Several cases show that law enforcement officials have different understandings of rehabilitation mechanisms, resulting in inconsistencies in their implementation [21].

In this study, the Regulatory Impact Assessment (RIA) method is used to evaluate the impact of benefit-based sentencing policies on the effectiveness of rehabilitation for narcotics abusers. The analysis results indicate that although existing regulations have provided a strong legal foundation for rehabilitation, their implementation remains far from expectations. With the continued dominance of the punitive approach, the number of narcotics offenders continues to rise, leading to overcrowding in correctional facilities. Data from the Directorate General of Corrections, Ministry of Law and Human Rights, in 2025 shows that the occupancy rate of correctional facilities has exceeded 200% of their ideal capacity[22]. If a rehabilitative approach is prioritized, the number of prisoners can be reduced significantly, thereby improving correctional conditions in Indonesia. Likewise with the opinion of Sarah J. Thompson who stated that:[23] *“Countries that emphasize treatment and rehabilitation over incarceration for drug offenders experience lower rates of drug-related crimes and improved public health outcomes.”* Based on the analysis conducted, it can be concluded that benefit-based punishment has significant potential in improving the effectiveness of rehabilitation for drug offenders in Indonesia. However, its implementation still faces various challenges, including disparities in court decisions, the strong retributive paradigm, limited rehabilitation facilities, and a lack of coordination among institutions. Therefore, a more targeted reform of the punishment policy is necessary, including the development of more comprehensive regulations and the enhancement of rehabilitation facility capacities. In this way, legal objectives oriented toward justice, utility, and legal certainty can be optimally achieved.

CONCLUSION

Based on the findings from the previous discussion, it can be concluded that benefit-based sentencing plays a crucial role in enhancing the effectiveness of rehabilitation for narcotics abusers in Indonesia. Inconsistency in court decisions is one of the main factors hindering the significant implementation of rehabilitation. The Regulatory Impact Assessment (RIA) analysis in this study shows that the continuing dominance of the punitive approach exacerbates the issue of overcrowding

in correctional facilities and increases recidivism rates among former narcotics offenders. The restorative justice approach in narcotics policy has shown a significant reduction in recidivism rates, demonstrating that rehabilitation-focused sentencing is more effective than repressive incarceration. [25]. However, limited rehabilitation facilities and lack of coordination between law enforcement agencies are the main challenges that hinder the optimal implementation of benefits-based punishment.

To achieve legal goals that are more oriented towards restorative justice, criminal policy reform for narcotics abusers is needed. Existing regulations must be refined so that rehabilitation is not just an option, but actually becomes an integral part of the existing criminal system. Apart from that, there needs to be increased coordination between law enforcement officials, rehabilitation service providers and policy makers so that the implementation of benefits-based sentencing can run more effectively. With a more humane and progressive approach, the criminal system in Indonesia can be more oriented towards social recovery, while simultaneously reducing the number of narcotics abuse in a sustainable manner.

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