



## Implementation Of Rehabilitation In Judges' Decisions Toward Juvenile Offenders Who Abuse Category I Narcotics For Personal Use

(Case Study Of Decision No. 1/Pid-Sus Anak/Pn Sgr)

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### ABSTRACT

This study aims to (1) analyze the legal considerations of the panel of judges in imposing a sentence of imprisonment without an order for rehabilitation on a child who abused Category I narcotics for personal use in Decision Number 1/Pid.Sus-Anak/2019/PN Sgr, and (2) examine the legal consequences of the absence of a rehabilitation order in the operative part of the judgment concerning the implementation of rehabilitation for a child who abused Category I narcotics for personal use. The research method employed is empirical legal research with a descriptive nature. The study was conducted at the Singaraja District Court and the National Narcotics Agency of Buleleng Regency. Data collection techniques included interviews, observation, and document study, with subjects determined through purposive sampling. The data processing and analysis were carried out qualitatively. The results of the study indicate that (1) the panel of judges in Decision Number 1/Pid.Sus-Anak/2019/PN Sgr declared the child legally and convincingly guilty of violating Article 127 paragraph (1) letter a of Law Number 35 of 2009 concerning Narcotics and imposed a sentence of six (6) months' imprisonment without ordering medical or social rehabilitation. In fact, based on the facts revealed during trial and the criteria set forth in Supreme Court Circular Letter (SEMA) Number 4 of 2010, the child met the requirements to be classified as an addict who is legally entitled to mandatory rehabilitation. Therefore, the consideration was deemed inconsistent with Article 54 of the Narcotics Law and the principle of the best interests of the child under the Juvenile Criminal Justice System Law. (2) The omission of a rehabilitation order in the operative part of the judgment creates a legal vacuum for the National Narcotics Agency in executing rehabilitation measures, resulting in the child serving imprisonment without receiving medical and social recovery, potentially increasing the risk of recidivism and hindering the achievement of the educational and restorative objectives of juvenile sentencing.

**Keywords:** Rehabilitation, Children, Narcotics, Judicial Decision.

### ABSTRAK

Penelitian ini bertujuan untuk (1) menganalisis pertimbangan hukum hakim dalam menjatuhkan pidana penjara tanpa disertai perintah rehabilitasi terhadap anak penyalahguna narkoba golongan I bagi diri sendiri dalam Putusan Nomor 1/Pid.Sus-Anak/2019/PN Sgr, serta (2) mengkaji akibat hukum dari tidak dicantumkannya perintah rehabilitasi dalam amar putusan terhadap pelaksanaan rehabilitasi bagi anak penyalahguna

narkotika golongan I bagi diri sendiri. Metode penelitian yang digunakan adalah jenis penelitian hukum empiris dengan sifat penelitian deskriptif. Lokasi penelitian ini dilaksanakan di Pengadilan Negeri Singaraja dan Badan Narkotika Nasional Kabupaten Buleleng. Teknik pengumpulan data yang digunakan adalah wawancara, observasi, dan studi dokumen, dengan penentuan subjek menggunakan teknik purposive sampling. Teknik pengolahan dan analisis data dilakukan secara kualitatif. Hasil penelitian menunjukkan bahwa (1) Majelis Hakim dalam Putusan Nomor 1/Pid.Sus-Anak/2019/PN Sgr menyatakan anak terbukti melanggar Pasal 127 ayat (1) huruf a Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika dan menjatuhkan pidana penjara selama 6 (enam) bulan tanpa disertai perintah rehabilitasi medis maupun sosial. Padahal, berdasarkan fakta persidangan dan kriteria dalam SEMA Nomor 4 Tahun 2010, anak memenuhi syarat sebagai pecandu yang secara yuridis wajib memperoleh rehabilitasi, sehingga pertimbangan tersebut dinilai belum sejalan dengan Pasal 54 Undang-Undang Narkotika dan prinsip kepentingan terbaik bagi anak dalam Undang-Undang Sistem Peradilan Pidana Anak. (2) Tidak dicantumkannya perintah rehabilitasi dalam amar putusan menimbulkan kekosongan dasar hukum bagi BNNK untuk melaksanakan rehabilitasi, sehingga anak hanya menjalani pidana penjara tanpa pemulihan medis dan sosial, yang berpotensi meningkatkan risiko residivisme serta menyebabkan tujuan pemidanaan anak yang bersifat edukatif dan restoratif tidak tercapai secara optimal.

**Kata Kunci:** Rehabilitasi, Anak, Narkotika, Putusan Hakim..

## INTRODUCTION

The issue of narcotics remains a serious problem faced by Indonesia to this day. The development of information technology and digitalization has further expanded the reach of narcotics abuse and illicit trafficking, which are no longer limited to urban areas but have also spread to smaller regions (Santi et al., 2019). Based on data from the National Research and Innovation Agency, the prevalence of narcotics abuse in 2023 reached 1.73 percent of the total population aged 15–64 years, or approximately 2.2 million people, indicating an increase compared to the 2021 survey (BRIN, 2025). In addition, data from the National Criminal Information Center of the Criminal Investigation Agency of the Indonesian National Police recorded that in January 2025 there were 3,936 cases of narcotics abuse and trafficking in Indonesia. Of this number, 821 students from schools and universities were recorded as reported suspects, representing an increase of 90.93 percent compared to December 2024 (Poerwanti, 2025). These data indicate that narcotics abuse does not only occur among adults but increasingly involves students and university students.

The increasing phenomenon of narcotics abuse among students also occurs in various regions, including the Province of Bali. As one of the international tourist destinations, Bali experiences high mobility of both residents and tourists, which potentially increases its vulnerability to illicit narcotics trafficking (Hutabara, 2024). One of the areas facing this issue is Buleleng Regency. Data from the Narcotics Investigation Unit of the Buleleng Police show that in recent years there have still been cases of narcotics abuse involving students up to the university level. This condition indicates that educational environments are not entirely free from

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exposure to narcotics and may contribute to the increasing number of children in conflict with the law. In the context of criminal law, children involved in narcotics abuse cannot merely be viewed as perpetrators of criminal acts. In many cases, children are also victims of social environmental influences, peer pressure, and limited knowledge regarding the dangers of narcotics (Lubis, 2021; Yuliantini, 2019). Therefore, the juvenile criminal justice system in Indonesia places children as individuals who must receive protection and opportunities for recovery rather than merely being subjects of punishment (Mubarok, 2022). One form of such recovery is narcotics rehabilitation, which aims to restore the physical, psychological, social, and spiritual condition of victims of narcotics abuse so that they can function normally within society (Zubaidah, 2011).

The regulation regarding rehabilitation for narcotics addicts and victims of narcotics abuse has been explicitly stipulated in Article 54 of Law Number 35 of 2009 concerning Narcotics, which states that narcotics addicts and victims of narcotics abuse are required to undergo medical rehabilitation and social rehabilitation. This provision is consistent with the principles of child protection as regulated in Law Number 35 of 2014 concerning Child Protection, which emphasizes the principles of non-discrimination, the best interests of the child, the right to life and development, and respect for the views of the child (Suriati et al., 2022). Furthermore, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System also stipulates that children in conflict with the law include children who commit criminal acts, children who become victims of criminal acts, and children who become witnesses to criminal acts. Thus, children who abuse narcotics essentially have the right to receive legal protection oriented toward recovery, including through rehabilitation.

Although legal provisions have clearly regulated the obligation of rehabilitation for narcotics abusers, their implementation in practice does not always align with the existing legal norms. In several cases, children proven to have abused narcotics are still sentenced to imprisonment without an order for rehabilitation. This condition indicates a gap between legal norms and their implementation within the juvenile criminal justice system.

This phenomenon is also reflected in Decision Number 1/Pid.Sus-Anak/2019/PN Singaraja, which involved a 17-year-old student categorized as a Child in Conflict with the Law. In this case, the child was charged with abusing Category I narcotics for personal use. According to the facts presented during the trial, officers from the Buleleng Police conducted a raid on a boarding house in Baktiseraga Village, Buleleng District, on September 15, 2018, following a report from the public regarding alleged narcotics abuse. During the raid, several pieces of evidence were discovered, which laboratory examination later confirmed to contain methamphetamine classified as a Category I narcotic.

The panel of judges at the Singaraja District Court subsequently sentenced the child to imprisonment without ordering medical or social rehabilitation. This decision raises legal concerns because it does not fully align with the provisions of Article 54 of Law Number 35 of 2009 concerning Narcotics and Government Regulation Number 25 of 2011, which emphasizes that narcotics addicts are required to undergo rehabilitation. Furthermore, Supreme Court Circular Letter Number 4 of

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2010 stipulates that if judges impose rehabilitation as part of a sentence, the designated rehabilitation institution must be explicitly stated in the verdict.

The imposition of imprisonment on children who abuse narcotics without accompanying rehabilitation potentially contradicts the principles of child protection. The Constitution of Indonesia, through Article 28B paragraph (2) of the 1945 Constitution, affirms that every child has the right to survival, growth, and development, as well as the right to protection from violence and discrimination. This principle is also consistent with the Convention on the Rights of the Child, which was ratified by Indonesia through Presidential Decree Number 36 of 1990 and emphasizes that the best interests of the child must be the primary consideration in all policies, including those related to the criminal justice system (Mangku & Yuliantini, 2021).

Several previous studies indicate that the implementation of rehabilitation for children who abuse narcotics has not been optimal. Research by Satrio and Nachrawi (2022) found that there are still court decisions imposing institutional guidance in Special Child Development Institutions without ordering rehabilitation. Another study by Pusparini et al. (2022) also highlights that obstacles in providing legal protection for children who are victims of narcotics abuse arise not only from judicial decisions but also from social and institutional factors, such as low public legal awareness, difficulties faced by children in revealing the truth, and limited rehabilitation facilities. Meanwhile, Pandita et al. (2023) emphasize the importance of law enforcement officers in maximizing the implementation of diversion in handling cases involving children in narcotics-related crimes. Although various studies have examined legal protection for children involved in narcotics abuse, studies specifically analyzing the application of rehabilitation in Decision Number 1/Pid.Sus-Anak/2019/PN Singaraja remain limited. Therefore, this study aims to analyze the legal considerations of judges in the decision and assess its conformity with the applicable laws and regulations. In addition, this study seeks to examine the implications of the decision for the fulfillment of children's rights and legal protection within the juvenile criminal justice system in Indonesia.

## METHODS

This study employed an empirical legal research approach with a qualitative design to examine the implementation of rehabilitation in court decisions involving children who abuse narcotics for personal use. The research was conducted in Buleleng Regency, Bali, particularly at the Singaraja District Court and the National Narcotics Agency (BNN) of Buleleng Regency, as these institutions are directly involved in handling narcotics cases involving minors. The study used both primary and secondary data sources. Primary data were obtained through interviews with key informants, including judges at the Singaraja District Court, prosecutors at the Buleleng District Attorney's Office, and officials from the National Narcotics Agency of Buleleng Regency. The informants were selected using purposive sampling based on their authority and experience in handling narcotics cases involving children. Secondary data were obtained through literature review, including statutory regulations, court decisions, legal textbooks, and relevant academic articles. Data

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were collected through document study and semi-structured interviews. The data were then analyzed using qualitative descriptive analysis by comparing empirical findings with applicable legal norms and theories related to child protection and narcotics rehabilitation..

## RESULTS AND DISCUSSION

### *Judges' Considerations in Imposing Imprisonment Without Ordering Rehabilitation for Children Who Abuse Category I Narcotics for Personal Use*

Rehabilitation in the context of narcotics abuse refers to a process of treatment and recovery aimed at restoring the physical, psychological, and social conditions of individuals who experience drug dependence. Rehabilitation is not merely a medical treatment but also an integrated recovery process that enables individuals to return to normal life within society and break the cycle of addiction (Angryani & Yusiati, 2020; Yuli W & Winanti, 2017). Normatively, the obligation to undergo rehabilitation is regulated in Article 54 of Law Number 35 of 2009 concerning Narcotics, which states that narcotics addicts and victims of narcotics abuse must undergo medical and social rehabilitation. This provision indicates that rehabilitation is not merely discretionary but constitutes a legal obligation. Therefore, the legal approach to narcotics users is conceptually not only punitive but also restorative, emphasizing recovery for individuals who suffer from addiction.

According to Article 1 point 13 of Law Number 35 of 2009, a narcotics addict is defined as a person who uses or abuses narcotics and is in a state of physical or psychological dependence. Based on this definition, narcotics addicts can be categorized into two types: individuals who use narcotics in a state of dependence and individuals who abuse narcotics in a state of dependence (Taufan, 2020). The first category refers to individuals who may use narcotics within the scope of medical treatment as permitted by Article 7 of the Narcotics Law. Meanwhile, the second category refers to individuals who use narcotics unlawfully, fulfilling the element of "without rights or against the law" as stipulated in Article 1 point 15 of the Narcotics Law. Despite these classifications, both categories remain subject to the obligation to undergo rehabilitation under Article 54 of the Narcotics Law. In Decision Number 1/Pid.Sus-Anak/2019/PN Sgr, the panel of judges declared that the child in conflict with the law was legally and convincingly proven to have committed the crime of abusing Category I narcotics for personal use as regulated in Article 127 paragraph (1) letter a of Law Number 35 of 2009. The court established that the narcotics used by the child were not for medical purposes and that the substance involved was methamphetamine, which is categorized as a Category I narcotic under the Narcotics Law.

This conclusion was supported by forensic laboratory examinations on several pieces of evidence, including crystal substances, glass pipes, a bong, and urine samples belonging to the child. The laboratory results confirmed that all samples contained methamphetamine. Based on witness testimonies, documentary evidence, and the child's own statement during trial, it was revealed that the child had used methamphetamine together with several other individuals in a boarding house room in Baktiseraga Village on September 15, 2018. The child admitted to

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having inhaled the substance twice. Furthermore, the court found that the child had used narcotics on several occasions since January 2018, indicating a pattern of repeated drug use rather than an isolated incident. Based on these findings, the panel of judges concluded that the elements of the offense under Article 127 paragraph (1) letter a had been fulfilled, namely the element of “every person” and the element of “abusing Category I narcotics for personal use.” Consequently, the child was sentenced to six months of imprisonment. However, the court decision did not include any order for medical or social rehabilitation.

The absence of a rehabilitation order raises legal concerns because the facts of the case indicate that the child could be categorized not only as a narcotics user but also as an addict who should receive rehabilitation as mandated by the Narcotics Law. Furthermore, according to Supreme Court Circular Letter (SEMA) Number 4 of 2010 regarding the placement of narcotics abusers, victims, and addicts into medical and social rehabilitation institutions, judges have the authority to order rehabilitation when certain criteria are fulfilled. These criteria include: the offender being caught in flagrante, the amount of narcotics evidence being within the limit for one day of personal use, positive laboratory results confirming narcotics use, and the absence of evidence indicating involvement in narcotics trafficking. In the case under study, all of these criteria were fulfilled. The child was arrested directly by the Buleleng Narcotics Investigation Unit, the evidence of methamphetamine weighed only 0.01 grams—far below the one-gram threshold specified in the SEMA—and laboratory results confirmed the presence of methamphetamine. Additionally, there was no evidence indicating the child’s involvement in drug trafficking activities.

Despite fulfilling these criteria, the court decision did not include an order for rehabilitation. Based on interviews with a judge serving as spokesperson at the Singaraja District Court, one of the reasons for the absence of a rehabilitation order was practical considerations related to technical complexities in implementing rehabilitation, such as determining rehabilitation facilities and coordinating with relevant institutions. However, such administrative considerations should not override the legal obligation to provide rehabilitation, especially when the law clearly mandates such measures. The decision also reflects a punitive approach that prioritizes imprisonment rather than rehabilitation, even though the legal framework emphasizes recovery-oriented measures for narcotics users. This issue becomes more significant considering that the offender in this case was a child. Children possess different psychological, social, and developmental characteristics compared to adults and are more vulnerable to external influences such as peer pressure and lack of family supervision. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System emphasizes that the handling of cases involving children must prioritize protection, justice, non-discrimination, and the best interests of the child. It also establishes that deprivation of liberty and criminal punishment should be used as a last resort. Therefore, in cases involving child narcotics users, rehabilitation should be prioritized as a recovery mechanism aimed at restoring the child’s physical, psychological, and social well-being while preventing repeated offenses. However, in Decision Number 1/Pid.Sus-Anak/2019/PN Sgr, the principle of the best interests of the child was not fully reflected in the verdict. The imposition of imprisonment

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without rehabilitation potentially neglects the child's need for recovery as both a narcotics user and an addict. Consequently, the decision illustrates a discrepancy between the normative legal framework that emphasizes rehabilitation and the judicial practice that still prioritizes imprisonment.

### ***Legal Consequences of the Absence of a Rehabilitation Order in the Court Decision on the Implementation of Rehabilitation for Children Who Abuse Category I Narcotics for Personal Use***

In the Indonesian criminal justice system, a judicial decision represents the final stage of the legal process. Structurally, a court decision consists of several components; however, the part that has binding legal force for execution is the operative part of the judgment (dictum or amar putusan) (Sururi, 2023). The dictum contains the court's declaration regarding the legal status of the parties and includes orders, sanctions, or determinations that must be carried out. In criminal procedural law, only matters explicitly stated in the operative part of the decision have legal force to be executed by the public prosecutor as the executor of the court decision (Tambun et al., 2024). Therefore, if a particular order is not included in the dictum, any subsequent legal action lacks a valid legal basis. The position of the operative part of the judgment is closely related to the legal principle that no criminal sanction or coercive action may be implemented without a lawful execution order. In cases involving children who abuse narcotics, if the judge acknowledges in the legal considerations that the child is an addict who requires recovery but fails to include a rehabilitation order in the dictum, such an order is legally considered nonexistent. The public prosecutor may only execute what is written in the operative part of the judgment. Consequently, the absence of a rehabilitation order results in the loss of the child's access to medical and social recovery rights as mandated by Article 54 of Law Number 35 of 2009 concerning Narcotics.

The operative part of the judgment therefore becomes a crucial instrument that bridges legal norms and their practical implementation. If the judgment only imposes imprisonment without including a rehabilitation order, institutions such as the National Narcotics Agency (BNN) do not have the legal authority to carry out rehabilitation measures. Thus, the formulation of the dictum plays a decisive role in ensuring the effectiveness of criminal sanctions, particularly in cases involving child narcotics offenders. In Decision Number 1/Pid.Sus-Anak/2019/PN Sgr, the panel of judges sentenced the child to six months of imprisonment for abusing Category I narcotics for personal use. Based on empirical findings from the National Narcotics Agency of Buleleng Regency (BNNK Buleleng), no rehabilitation was provided to the child because the operative part of the judgment only ordered imprisonment. Consequently, the child was placed in the Class IIB Singaraja Correctional Institution to undergo correctional guidance in accordance with Government Regulation Number 31 of 1999 concerning the Development and Guidance of Correctional Inmates.

The correctional programs provided in the institution include spiritual guidance, physical health programs, and vocational training. However, these programs do not constitute medical rehabilitation as required under narcotics

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legislation. Medical rehabilitation is intended to break the cycle of drug dependency, while social rehabilitation aims to restore the individual's social functioning. Therefore, correctional guidance alone cannot be equated with the medical rehabilitation that should be provided to child narcotics abusers. Normatively, the obligation to provide rehabilitation is clearly stipulated in Article 54 of Law Number 35 of 2009 concerning Narcotics, which states that narcotics addicts and victims of narcotics abuse must undergo medical and social rehabilitation. The use of the term "must" indicates that the state has a mandatory responsibility to ensure the recovery process. This provision is further strengthened by Article 103 of the Narcotics Law, which grants judges the authority to order narcotics abusers to undergo treatment and rehabilitation, regardless of whether the defendant is proven guilty or not.

Within the framework of the juvenile criminal justice system, rehabilitation becomes even more essential. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System emphasizes that legal processes involving children must prioritize protection and the best interests of the child. Imprisonment is considered an *ultimum remedium*, meaning it should be used only as a last resort. Therefore, even when imprisonment is imposed, it should ideally be accompanied by rehabilitation measures to ensure the child's recovery and reintegration into society. These principles are also consistent with the Convention on the Rights of the Child, which was ratified by Indonesia through Presidential Decree Number 36 of 1990 and reflected in national legislation such as Law Number 4 of 1979 concerning Child Welfare and Law Number 23 of 2002 concerning Child Protection. These legal instruments emphasize non-discrimination, the best interests of the child, and the child's right to survival and development. Consequently, denying rehabilitation to child narcotics abusers may be interpreted as neglecting their right to health and recovery. Human rights are fundamental and universal rights inherent in every individual simply because they are human beings, and these rights aim to guarantee the dignity and worth of every person (Yuliantini et al., 2024).

The absence of a rehabilitation order in the operative part of the judgment also creates a legal vacuum (*rechtsvacuüm*) regarding the implementation of recovery measures. Based on research findings from the National Narcotics Agency of Buleleng Regency, rehabilitation institutions cannot intervene in the treatment of incarcerated individuals without an explicit court order. As a result, imprisonment becomes the only sanction imposed on the child, even though the underlying issue of drug dependency remains untreated. From a legal perspective, this situation directly affects the fulfillment of children's rights. First, the absence of rehabilitation may constitute a violation of the child's right to health. Human rights are basic and absolute rights that every person has because he is human. These rights aim to guarantee the dignity of every person." (Yuliantini et al., 2024). Drug dependency is a health disorder that requires continuous medical treatment. If the child only serves a prison sentence without receiving rehabilitation, the dependency may persist without adequate medical intervention. This contradicts the objectives of the juvenile justice system, which emphasize recovery and development. Second, the absence of rehabilitation undermines the objectives of juvenile sentencing, which include rehabilitative, educational, and preventive goals. Imprisonment alone only restricts

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physical freedom without addressing the root cause of the problem, namely drug addiction. As a result, the child does not receive adequate support to overcome substance dependency. Third, from a criminological perspective, the lack of rehabilitation may increase the risk of recidivism. Without proper treatment, drug dependency may persist even after the child completes the prison sentence. Furthermore, children who serve prison sentences may experience labeling as former offenders and undergo prisonization, a process in which prison culture and norms influence their behavior. These conditions may increase the likelihood of repeated involvement in drug abuse.

This situation reflects a gap between *das Sollen* (what the law prescribes) and *das Sein* (what occurs in practice). Normatively, Indonesia's legal framework has adopted a rehabilitative approach to narcotics abuse through Law Number 35 of 2009. However, in practice, this approach is often overshadowed by a punitive paradigm that prioritizes imprisonment. In Decision Number 1/Pid.Sus-Anak/2019/PN Sgr, the court applied Article 127 of the Narcotics Law and imposed imprisonment with the intention of creating a deterrent effect. Although the judge had the authority under Article 103 of the Narcotics Law to order rehabilitation, this authority was not exercised. This illustrates how punitive considerations can still dominate judicial decision-making despite the existence of rehabilitative legal provisions. As a result, the child's right to recovery and social reintegration is not fully realized. The placement of the child in a correctional institution without rehabilitation may also reinforce social stigma, labeling the child as a criminal and complicating future reintegration into society. Analytically, the absence of a rehabilitation order in Decision Number 1/Pid.Sus-Anak/2019/PN Sgr produces systemic consequences. From a legal perspective, it limits the authority of rehabilitation institutions to implement recovery measures in accordance with Article 54 of the Narcotics Law. From a human rights perspective, it hinders the fulfillment of the child's right to health and social recovery. From a criminological perspective, the absence of rehabilitation reduces the likelihood of addressing the root cause of narcotics abuse, namely substance dependency.

## CONCLUSION

This study concludes that the judges' considerations in Decision Number 1/Pid.Sus-Anak/2019/PN Sgr prioritized a punitive approach by imposing imprisonment on a child who abused Category I narcotics for personal use without ordering rehabilitation. This decision contradicts the normative framework of Law Number 35 of 2009 concerning Narcotics and the principles of the Juvenile Criminal Justice System, which emphasize rehabilitation and the best interests of the child. The absence of a rehabilitation order in the operative part of the judgment also has significant legal consequences. Since only the dictum of a court decision can be executed, institutions such as the public prosecutor and the National Narcotics Agency cannot implement rehabilitation without a court order. As a result, the child only serves a prison sentence without receiving treatment for drug dependency, which undermines the rehabilitative objectives of juvenile justice and may increase the risk of recidivism.

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