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Misuse of Rehabilitation Policy In The Narcotics Law: An Analysis of Extortion Practices By Police Officers

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Abstract: This research analyzes the implementation of rehabilitation policies under Law Number 35 of 2009 on Narcotics and their misuse by certain law enforcement officers. The study focuses on understanding rehabilitation as a right for victims of narcotics abuse and identifying the factors leading to extortion practices. The research employs a normative legal approach combined with statutory, case, and conceptual analyses. The findings reveal that although rehabilitation is regulated as an alternative to imprisonment aimed at health recovery and social reintegration, its implementation faces significant challenges, including limited facilities, social stigma, and unclear technical regulations. These conditions create opportunities for police officers to exploit legal loopholes and the vulnerable position of victims through extortion. Economic motives, social environment, weak internal supervision, and a permissive police organizational culture are identified as the main contributing factors. This study emphasizes the importance of strengthening regulations, enhancing law enforcement accountability, and expanding access to legal aid to ensure that rehabilitation policies truly protect victims and remain free from abuse of authority.

Keywords: Rehabilitation, Narcotics Abuse, Extortion, Police Officers, Legal Protection.

INTRODUCTION

The problem of drug abuse in Indonesia continues to experience complex dynamics, both in terms of quantity and user characteristics. According to data from the National Narcotics Agency, the number of drug abuse cases has increased significantly over the past decade, spanning various age groups and social backgrounds. In 2024, the Indonesian National Narcotics Agency (BNN) successfully uncovered 618 narcotics crime cases (distributors) with a total of 974 suspects arrested. This data reflects the National Narcotics Agency's (BNN) focus on eradicating drug trafficking syndicates at the national and international levels, without arresting end users. According to the National Police's Criminal Investigation Agency (Bareskrim Polri) Research and Data Information Center (Puslitdatin), from January 2023 to April 28, 2025, 98,445 drug crime cases were handled, of which 44,775 involved drug abuse (users). This shows that nearly half of all drug cases handled by the police involve direct users caught in legal action. From the victim perspective, a BNN survey revealed that an average of 50 people die every day due to drug abuse, or around 18,000 deaths per year. This figure

illustrates the significant health and social impacts of narcotics in Indonesia, including deaths from overdoses and other health complications.

In response to this, Law Number 35 of 2009 concerning Narcotics regulates a dual approach between repressive measures for perpetrators of narcotics crimes and rehabilitation policies for drug abusers. The concept of rehabilitation in the Narcotics Law is designed to provide health, psychosocial, and social reintegration services so that drug abusers can return to being productive in society. The role of the National Narcotics Agency as a policy coordinator and implementer of rehabilitation programs is also regulated in the law, but the capacity of government rehabilitation facilities is currently insufficient to accommodate all prospective participants. This has led to the proliferation of private rehabilitation programs without adequate regulation, resulting in varying service quality between institutions. Essentially, rehabilitation is structured as an alternative to punishment, prioritizing health recovery and relapse prevention over conventional punishments such as imprisonment. This approach is in line with the principles of restorative justice, which emphasizes the restoration of social damage and the empowerment of individuals affected by narcotics.

In the field, there are indications that rehabilitation policies are often used as a tool of extortion by law enforcement officials, particularly the police. Several victims of drug abuse reported being forced to pay money with the promise of rehabilitation and not being prosecuted. This modus operandi typically occurs after an arrest, when the victim is given the choice between undergoing a lengthy legal process or paying for rehabilitation outside of official mechanisms. This practice not only violates the victim's human rights but also undermines the credibility of the police as a law enforcement agency that is supposed to uphold the principles of justice, transparency, and accountability. According to a Human Rights Watch report, extortion practices by officials often go unreported by the public due to fear of reprisal and a lack of trust in official complaint mechanisms. Furthermore, this phenomenon indicates weak internal oversight and a lack of effective complaint channels for victims.

The lack of clarity regarding the criteria, procedures, and institutions providing rehabilitation under the Narcotics Law has led to variations in implementation across regions. Although Law 35/2009 stipulates that rehabilitation can be conducted in government-owned or private health facilities, there are no established standards governing provider accreditation, service fees, and administrative oversight mechanisms. This creates an opportunity for individuals to offer rehabilitation services at unreasonable rates without clear accountability. In addition, implementing regulations such as the Minister of Health Regulation Number 75 of 2019 and the Head of the National Narcotics Agency Regulation Number 1 of 2020 are often issued late or have not been disseminated evenly, so that officers in the field are still unfamiliar with formal rehabilitation procedures. As a result, in a number of areas, police and health workers practice rehabilitation based on their subjective understanding without referring to official guidelines, making it vulnerable to abuse.

The majority of victims of extortion in this practice come from lower-middle socioeconomic groups who do not have access to adequate legal assistance. As happened to a casual laborer with the initials D (27), who lives in a densely populated area in East Jakarta, who became a victim of extortion by police officers after being caught carrying a small amount of crystal methamphetamine for personal consumption. Instead of being immediately directed to the rehabilitation process as regulated in Article 54 of Law No. 35 of 2009 concerning Narcotics, D was detained and asked to pay a sum of money so that he would not be processed legally. D's family, who were unable to fulfill this request, ended up having to sell household items to bribe officers so that D could undergo rehabilitation, instead of criminal punishment.¹ When confronted by extortionists, they prefer to pay a deposit rather than face a

lengthy, expensive, and uncertain legal process. The psychological and social impacts are also significant, with victims often experiencing the double stigma of being both drug abusers and individuals harmed by law enforcement. From a human rights perspective, victims of extortion are at risk of violating their rights to a fair trial and freedom from coercion, as well as their rights to adequate health care. Normatively, Indonesia has ratified various international instruments such as the 1961 Single Convention on Narcotic Drugs and the UN Basic Principles on Human Rights which demand fair treatment and freedom from torture in legal proceedings.

Based on the background explanation above, the author plans to focus on two discussion topics, namely: related The implementation of rehabilitation policies for drug users in the Narcotics Law, particularly in recognizing their status as victims and the factors causing extortion by police officers against drug users. Therefore, this study aims to examine and analyze the implementation of rehabilitation policies for drug abuse victims in the Narcotics Law and to examine and analyze the factors causing extortion by police officers against drug users.

METHOD

This research uses a normative legal approach supported by case studies. The focus of the research is to analyze the applicable legal norms related to rehabilitation policies in Law No. 35 of 2009 concerning Narcotics and the practice of its abuse by police officers. Three approaches are used in this research: first, a statute approach that examines the provisions of the Narcotics Law, the Police Law, the Police Code of Ethics, and the Criminal Procedure Code related to rehabilitation. Second, a case approach that examines concrete incidents of police extortion practices against victims of drug abuse. And finally, a conceptual approach that builds an analytical framework through the theory of abuse of authority (*abuse of power*), restorative justice, and legal protection for victims. Data sources are in the form of primary legal materials (1945 Constitution, Law No. 35 of 2009, Law No. 2 of 2002, Regulation of the Chief of Police Number 7 of 2022, Criminal Procedure Code), secondary legal materials (books, journals, research reports), and tertiary legal materials (dictionaries, encyclopedias). Data analysis was conducted qualitatively, by describing applicable legal norms, identifying inconsistencies in implementation in the field, and providing legal arguments regarding the practice of extortion by officials in implementing rehabilitation policies.

RESULTS AND DISCUSSION

Implementation of Rehabilitation Policy for Victims of Drug Abuse

Drug abuse is a crime committed by someone who can be considered an addict because it is considered illegal to use narcotics and violates the law. Rehabilitation aims to help victims recover from addiction and return to a normal, healthy, and productive life. Rehabilitation provisions are regulated by Article 54 of Law No. 35 of 2009 concerning Narcotics, which states that "Drug addicts and victims of drug abuse are required to undergo medical and social rehabilitation." This means that those who are required to receive rehabilitation under the Narcotics Law are addicts. Addicts are people suffering from a debilitating disease, so people addicted to drugs must receive therapy through medical rehabilitation facilities or social rehabilitation institutions.

Drug addicts must receive rehabilitation because they are not only criminals but also victims who need to be rehabilitated. The state is responsible for rehabilitating drug users through rehabilitation facilities regulated by law, so that they are not treated solely as criminals but also as patients in need of treatment and social recovery. This acknowledges the status of drug users as victims. Rehabilitation for drug users is a form of implementation of the regulations. The Narcotics Law provides clear and distinct provisions for each type of drug

abuser. Under the Narcotics Law, drug users, dealers, and producers receive different treatment. This provision demonstrates the state's commitment to responsible rehabilitation for drug users through mandatory rehabilitation for drug addicts.

The judge is the party authorized to determine the rehabilitation of drug addicts. This is in accordance with the provisions of Article 103 of the Narcotics Law, which essentially states that the judge has the authority to decide and order the addict in question to undergo treatment and rehabilitation if the addict has been proven guilty of using narcotics. This means that there is a preliminary examination process in court before the judge's decision on whether or not an individual can be rehabilitated. The period of treatment or rehabilitation for drug addicts will be counted towards the time served in their sentence.

This also applies to drug abuse or victims of drug abuse, the determination of whether the victim of abuse must undergo rehabilitation or not is still based on a court decision, meaning that the Judge determines whether rehabilitation can be carried out or not. This is regulated in the provisions of Article 127 Paragraph (3) of the Narcotics Law which states that "in the case of an abuser who can be proven or proven to be a victim of drug abuse. The abuser is required to undergo medical rehabilitation and social rehabilitation." However, even though the court decision has not been implemented, whether in the investigation, prosecution, or trial examination process, without waiting for the Judge's decision to be issued first, the Investigator, Prosecutor, or Judge can request an assessment of the Suspect or Defendant before being placed in a rehabilitation institution.

The legal basis and procedures for submitting and implementing the assessment process are regulated in the Head of the National Narcotics Agency Regulation Number 11 of 2014 concerning Procedures for Handling Suspects and/or Defendants of Narcotics Addicts and Narcotics Abuse and Victims of Narcotics Abuse in Rehabilitation Institutions. Article 8 of the Head of the National Narcotics Agency Regulation explains that Suspected addicts and Victims of Narcotics Abuse can be placed in rehabilitation institutions and such placement can be made after obtaining a recommendation from the Integrated Assessment Team (TAT) based on the assessment results. The TAT conducts an assessment by conducting medical and psychosocial analyses, as well as recommendations for therapy and rehabilitation plans for individuals arrested or caught red-handed. The assessment is also conducted for individuals involved in drug trafficking and drug abuse. The TAT's assessment results will include information on the level of drug dependence, the impact of abuse on the individual's physical and mental health, the likelihood of drug-related criminal dependence, and recommendations for necessary rehabilitation or treatment.

Recommendations made by the TAT can be used as strong evidence in court because they are based on objective analysis and assessments conducted by a team with expertise in their respective fields. However, the assessment results must still be supported by other relevant evidence. In the criminal justice system, TAT assessments are often used as additional evidence to support legal charges against individuals involved in drug use.

Rehabilitation is a type of sanction intended to protect the public and achieve effectiveness in preventing and treating drug abuse, as well as providing a form of equality between the sanction and the criminal sanctions imposed on drug abusers. Rehabilitation for drug abuse victims is carried out through two rehabilitation concepts: medical rehabilitation and social rehabilitation.

1. Medical Rehabilitation for Victims of Drug Abuse

Medical rehabilitation is carried out in hospitals directly appointed by the Minister of Health. Medical rehabilitation is a treatment process to free addicts from physical drug dependence, involving detoxification and in-depth medical therapy in designated health facilities or rehabilitation centers. Currently, medical and social rehabilitation is emphasized

by the central government through the Head of the National Narcotics Agency (BNN) who emphasized that regional governments can have their own rehabilitation centers to help those addicted to narcotics, especially those under the jurisdiction of the City or Regency BNNK.

One of the medical rehabilitation processes carried out by the BNN is the Treatment of Terrapine Methadone Maintenance (PTRM), namely healing carried out by involving substitute or replacement substances, especially subutek substances, because the effect of dependence on subutek substances is such that subutek substances are replaced with methadone which also has a dependency effect in the medical rehabilitation stage. This substance is only given to addicts who use heroin. Rehabilitation in this context can help victims of drug abuse regain their physical abilities, thereby restoring their quality of life and enabling them to reintegrate into society.

2. Social Rehabilitation for Victims of Drug Abuse

Social rehabilitation is the process of reintegrating drug abuse victims into their normal lives to prevent future relapses. The goal is to help drug abuse victims reintegrate into society by restoring their thinking, emotions, and behaviors. This helps them adapt to the changes they've experienced after experiencing problems, allowing them to act normally with their personalities and reconnect with their social environment.

Social rehabilitation plays a crucial role in social aspects based on human rights, particularly the right to life and freedom from the threat of drug use. This is recognized as a key factor in reducing the likelihood of drug abuse victims returning to drug use. The social rehabilitation process is carried out through an integrated approach encompassing physical, mental, and social aspects, including psychosocial support, social skills development, and reintegration into society. The stages of social rehabilitation involve assessment, problem-solving planning, intervention, resocialization, and ongoing coaching to ensure sustainable recovery.

Rehabilitation is primarily aimed at decriminalizing drug addicts to help them recover and reducing the relapse rate for drug abuse victims. This is because the concept of punishment is considered insufficient to deter those who abuse drugs. Often, those who have been released from prison, especially drug addicts, are at high risk of relapse after their release.

Rehabilitation offers significant opportunities for drug abuse victims to improve their quality of life, particularly their physical, mental, and social health. Many drug addicts can return to normal life in the community after undergoing rehabilitation. This medical and social rehabilitation increases the chances of drug abuse victims finding employment, improving their family relationships, and avoiding the criminal behavior often associated with drug addicts. This is because through rehabilitation they will receive medical treatment, therapy, and various life skills training through courses such as communication, stress management, and social skills in the community after serving their sentence.

However, although social and medical rehabilitation, in accordance with the provisions of the Narcotics Law, provides many positive benefits for victims of drug abuse, its implementation still faces various challenges, preventing it from optimally achieving its intended goals. Some of the challenges facing medical and social rehabilitation that could hinder its effectiveness include the following:

1. Negative stigma in society is still high

The biggest obstacle to rehabilitation for drug abuse victims is the strong negative stigma in society, which suggests drug users are individuals to be avoided. This is one reason addicts are reluctant to undergo rehabilitation, and families often hide their condition to avoid stigma.

2. Limited facilities and resources

Adequate rehabilitation facilities and professional staff remain limited, especially in remote areas. The varying quality of medical and psychosocial services also impacts rehabilitation outcomes. Lack of funding and government support are issues that limit users' access to effective rehabilitation programs. Even today, rehabilitation centers in regional areas are not fully equipped.

3. Every individual has a different character and approach

Not all drug users have the same rehabilitation needs. Programs that implement a one-size-fits-all approach tend to be less successful. High relapse rates, exceeding 50% after leaving rehabilitation, demonstrate the need for an individualized approach and ongoing post-rehabilitation monitoring.

4. The emergence of conflict between welfare and law enforcement in society

Drug abuse victims now face dual paradigms of legal enforcement and rehabilitation. Victims must undergo both criminal prosecution and welfare restoration. This creates uncertainty in the rehabilitation process, hampering its effectiveness and success.

Implementing rehabilitation, as mandated by the Narcotics Law, is a crucial step in addressing the drug problem in Indonesia. Although the law clearly stipulates medical and social rehabilitation mechanisms for drug users' recovery, its implementation still faces significant challenges, such as social stigma, limited facilities, and a lack of trained resources. Therefore, a joint effort is needed from the government, relevant institutions, and the community to strengthen access to and quality of rehabilitation through a humanistic, holistic, and sustainable approach so that drug users can recover and return to optimal functioning in society.

Factors Causing Extortion Practices by Police Officers Against Victims of Drug Abuse

Extortion is an act that can occur anywhere and at any time and has devastating consequences for society. Extortion itself can be classified as a harmful crime, and perpetrators are subject to severe penalties. This act is considered detrimental and contrary to established societal values because it can hinder the implementation of a good and just society. However, this action can be carried out by those who should be trusted by the public, namely the police. This action certainly contradicts the duties and authority of the police to maintain and provide security for the community. The extortion carried out by certain police officers, in this case, involves extorting victims of drug abuse by exploiting rehabilitation as a form of obligation or right that victims of drug abuse should receive, as stipulated in the Narcotics Law.

Rehabilitation is the primary objective of the Narcotics Law. Rehabilitation is mandatory and should therefore be the primary benchmark for law enforcement officers and judges in taking action against drug users. Article 54 of the Narcotics Law, which relates to Article 127 of the Narcotics Law, states that in Article 127 Paragraph (2) of the Narcotics Law, judges are obliged to pay attention to the provisions of Articles 54-55 and 103 in issuing decisions. However, in its implementation, decisions given by judges that are mandatory and must pay attention to the provisions of several articles are still very dependent on public prosecutors and investigators.

If the Public Prosecutor's Office (PU) fails to use Article 127 in the indictment or demands, placing drug users in rehabilitation institutions becomes difficult. The worst case scenario occurs when the judge rules using Article 127 without considering Article 54. These two articles open up significant discretion during the investigation phase, allowing extortion related to rehabilitation for drug abuse victims to flourish. Furthermore, Indonesia lacks specific provisions that directly sanction investigators who abuse their authority, making extortion a persistent problem.

Investigators play an ambiguous role in this regard. In practice, investigators can determine whether someone should be directed to rehabilitation or treated as a criminal. This

practice is carried out by investigators using assessments, which are often used as a pretext to request operational funds from drug abuse victims, even though the victims are facing legal issues. Not only that, the assessment recommendations by the TAT are often not attached to the case files submitted to the PU, thus creating an increasingly complex problem space that supports extortion practices.

The practice of extortion by police officers against drug abuse victims is a complex problem arising from various factors. In general, the causes of extortion are as follows:

1. Internal Police Factors

Some individuals often exploit their illegal positions to gain personal gain by demanding ransom from victims and their families. This tactic is typically employed by police officers under the pretext of freeing the victim or providing a lenient legal process. Some individuals do not hesitate to demand ransoms of up to tens of millions of rupiah from the victim's family in exchange for release from legal charges. This is an act that goes beyond established procedures. Some police circles still use the culture of "closing the case" as a form of safe passage for suspects to be freed from punishment or receive a lighter sentence.

The low level of internal police oversight and accountability also creates significant opportunities for these extortion practices. Weak internal control mechanisms allow these individuals to act without fear of strict sanctions. Often, the process of enforcing these violations is hampered by a lack of evidence, intimidation of victims to prevent them from reporting, and a network of protectors within the police institution. This may occur because the National Police Commission (Propam) and the external supervisory body (Kompolnas) have not been optimal in prosecuting officers who abuse their authority, particularly in drug abuse cases. Some officers still adopt a repressive approach rather than protecting victims, resulting in frequent violations of human rights and ethical codes.

2. Social and Cultural Factors

Low legal awareness among victims and their families allows authorities to engage in extortion without their knowledge. Many families don't understand that rehabilitation is a right of drug abuse victims, so some officers exploit this lack of understanding under the guise of expedited legal proceedings. The dynamic relationship between drug abuse victims and authorities further exacerbates this situation. Victims are generally from vulnerable communities, and the negative stigma attached to drug users makes them reluctant or afraid to report extortion. This leaves room for unscrupulous police officers to continue exploiting the fear and legal uncertainty faced by victims.

3. A Legal Culture That Is Permissive of Corruption and Abuse of Authority

The organizational culture of the police force is also a factor that indirectly facilitates police officers to engage in extortion against drug abuse victims. The permissive organizational culture regarding ethical code violations and weak enforcement of internal regulations are key factors in many extortion cases. When officers who violate the law continue to receive protection or light sanctions, extortion against drug abuse victims will become more widespread. Some officers who commit extortion are often prosecuted using disciplinary sanctions rather than under Article 368 of the Criminal Code for extortion. Furthermore, extortion is often difficult to prove legally because many cases go unreported or lack written evidence, as they involve parties more familiar with legal loopholes.

Criminal acts committed by police officers are not what law enforcement agencies should expect. However, this is not impossible, as criminal acts are influenced by various factors. The poor internal conditions of the police force are at the root of the difficulty of this institution in breaking the chain of drug abuse to date. As the primary law enforcement agency in Indonesia, the police force faces various internal dilemmas, with many of its own members frequently involved in illegal practices. Worse than this problem, corruption and extortion by police officers are part of a broader systemic failure.

Weak internal oversight and ineffective disciplinary enforcement have led individuals to feel immune from the law, emboldening them to violate the code of ethics and abuse their authority. Extortion cases by police officers in various regions demonstrate serious internal problems within the police system. The main obstacles to this are the lack of transparency in the investigation and enforcement process for police violations, bureaucratic intervention, and minimal protection for victims who report extortion. Consequently, these irregularities by police officers continue to recur and become more widespread, affecting not only drug abuse victims but also others.

This not only creates public unrest but can also hinder effective drug management, as police officers engaging in extortion are no longer seen as protectors of the community but as part of the problem itself. This situation can damage the image of the police institution and erode public trust in law enforcement, their primary hope for eradicating drug abuse. If this continues, drug abuse will become more widespread and public safety will be compromised.

Members of the National Police Chief carry out their profession based on the police code of ethics in accordance with the provisions of the National Police Chief Regulation Number 7 of 2022 concerning the Police Code of Ethics. This regulation serves as the basis for members of the National Police Chief to regulate their ethics and procedures for behavior in carrying out their duties. This regulation establishes standards of integrity, professionalism, and accountability that must be upheld by all police members. The actions of individuals who commit extortion are considered to have tarnished institutional ethics because, according to the provisions of Article 5, members of the National Police Chief are obliged to maintain and enhance the image, solidarity, credibility, reputation, and honor of the National Police. By committing criminal acts of extortion, members of the National Police have damaged the reputation and honor of the National Police itself, thus violating institutional ethics. Furthermore, this Article also stipulates the obligation of members of the National Police to carry out their duties, authorities, and responsibilities professionally, proportionally, and procedurally. Extorting victims of drug abuse in order to obtain leniency in criminal law and rehabilitation is an act of abuse of authority, thus the National Police have acted unprofessionally and committed illegal actions or actions that do not comply with applicable legal procedures.

Extortion of victims of drug abuse is expressly prohibited in Article 10 Paragraph (1) of the Chief of Police Regulation because the actions carried out do not comply with the provisions of the applicable Law and have violated the provisions of Article 369 Paragraph (1) of the Criminal Code. This act of extortion is a form of criminal act which, if carried out by a member of the police, will be enforced through an investigation into violations of the professional code of ethics first and then proceed to the general courts. Indonesian National Police members who commit extortion against victims of drug abuse must basically be subject to general courts. The criminal liability of Indonesian National Police is subject to general courts in accordance with the provisions of Article 29 Paragraph (1) of Law Number 2 of 2002 concerning the Police, which emphasizes that Indonesian National Police members are subject to the authority of general courts. Therefore, after carrying out an investigation into alleged violations of the professional code of ethics, Indonesian National Police members who commit extortion must still receive criminal penalties in accordance with applicable provisions.

Efforts and recommendations to address extortion practices by police officers against victims of drug abuse must be implemented in an integrated and comprehensive manner, encompassing improving the welfare and integrity of police officers to prevent economic motivations behind extortion, as well as strengthening ethical education and ongoing professional training. Law enforcement and internal discipline must be firmly enforced. Furthermore, legal outreach and education for the public, particularly drug users, need to be increased so they understand their rights and are prepared to report extortion. The involvement

of external institutions such as the National Police Commission (Kompolnas) and the Legal Aid Institute (LBH) is essential to assist victims and oversee the fairness of the law enforcement process.

CONCLUSION

Drug addicts must receive rehabilitation because they are not only criminals but also victims who must be rehabilitated. The state is responsible for rehabilitating users through rehabilitation facilities regulated by law. The obligation to provide rehabilitation is stipulated in Article 54 of the Narcotics Law. Victims of drug abuse receive two types of rehabilitation as a form of self-healing effort to reintegrate into society: medical rehabilitation and social rehabilitation. However, the implementation of rehabilitation still faces various challenges, such as negative stigma from society, a lack of human resources and facilities, and the varying characteristics of each individual in accepting treatment.

Factors that cause police officers to commit extortion against victims of drug abuse are economic factors, family and social environment, low levels of supervision, and cultural factors within the police organization. This will hinder the process of eradicating drugs in society because actions carried out by police officers can damage the image and public trust in the institution. The act of extorting victims of drug abuse is a form of violation of the code of ethics, especially institutional ethics with abuse of authority according to the provisions of Article 5 of the Regulation of the Chief of Police Number 7 of 2022 concerning the Police Code of Ethics and Article 369 Paragraph (1) of the Criminal Code.

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Chrisman Panjaitan Dishonorably Discharged, Public Trust Continues to Decline.
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