



Research Paper

Narcotics Handling Policy Based on The Principles of Sustainable Development Goals to Realize Progressive Criminal Law Enforcement

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ABSTRACT: The problem of narcotics abuse and trafficking is an urgent global and national challenge, causing multidimensional impacts on public health, social stability, and economic development. In Indonesia, the approach to narcotics policy has traditionally been dominated by a repressive paradigm and heavy punishments, which fundamentally focus on eradication and enforcement. Although Number 35 of 2009 concerning Narcotics mentions the objectives of prevention, eradication, abuse, and illicit trafficking, implementation in the field often results in unintended consequences, such as severe prison overcapacity and ineffectiveness of rehabilitation programs for narcotics users. There is a deep tension between the goals stated in the law and the actual impact of their implementation, which points to the urgent need for a policy reorientation. The problem in this study is how to manage narcotics policies based on the principles of the Sustainable Development Goals (SDGs) to realize progressive criminal law enforcement. This research uses normative legal research methods with legislative and theoretical approaches, and is analyzed in a qualitative prescriptive manner.

KEYWORDS: Policy, Narcotics, SDGs, Criminal Law Enforcement, Progressive

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I. INTRODUCTION

The issue of narcotics, both abuse and illicit trafficking, has become a serious global and national threat. This problem has a very complex impact, not only limited to public health aspects, but also extends to social stability, economic development, and even human rights violations[1]. In Indonesia, the handling of narcotics has historically been dominated by a highly repressive approach, often described as the "war on drugs". The main focus of this policy is eradication and enforcement, with a strong emphasis on severe punishment for perpetrators[2]. Law Number 35 of 2009 concerning Narcotics (Narcotics Law) is the main legal basis in handling this problem in Indonesia. The law sets a noble goal, namely the prevention, eradication of abuse, and illicit circulation of narcotics. However, in practice, this highly punitive approach has had a significant set of negative consequences. One of the most striking impacts is severe overcapacity in correctional facilities, with most inmates being narcotics-related cases. This condition not only creates a huge financial burden for the state to maintain overcrowded facilities, but also limits the effectiveness of rehabilitation programs that should be an integral part of handling narcotics users[3]. In addition, this approach often perpetuates stigma against drug users, hampering their social reintegration efforts.

Legal sanctions against perpetrators of narcotics abuse and illicit trafficking are regulated in the Narcotics Law, classifying sanctions based on the type of crime committed. Article 127 of the Narcotics Law explains that narcotics users consist of narcotics addicts class I (maximum prison for 4 years), narcotics addicts class II and III (maximum prison for 2 years). Narcotics dealers or providers are regulated in Articles 112 and 114 of the Narcotics Law, explaining that possessing or storing class I narcotics (above 5 grams) is punishable by imprisonment for a minimum of 5 years and a maximum of 20 years, as well as a maximum fine of IDR 8 billion. Producing or distributing class I narcotics is punishable by a minimum of 6 years to life imprisonment, or the death penalty in cases involving large quantities (Article 114). However, if the narcotics user voluntarily

reports to the authorities or undergoes rehabilitation, then the crime can be replaced with a rehabilitation program (Article 54).

The "war on drugs" approach directly leads to problems such as prison overcapacity and ineffectiveness of rehabilitation[4]. This is a clear cause-and-effect relationship, forming the core of the problem that this article seeks to unravel and address. Rigid and punitive policies reflect a positivistic view of the law that may prioritize legal certainty over substantive justice[5]. On the other hand, the world has adopted the SDGs framework as a global blueprint for holistic and sustainable development, which also includes the development of laws. As a crucial social issue, narcotics policy must be in line with this global commitment. The concept of "Progressive Law" initiated by Satjipto Rahardjo offers the intellectual foundation needed to reform narcotics policy. Progressive law emphasizes that law is not an end in itself, but rather a tool to achieve human well-being and justice, by prioritizing substance over rigid forms of legal formalism[6]. This philosophy calls for the law to always be responsive to social changes and the needs of society.

There is a significant gap between Indonesia's punitive narcotics policy and the principles of the SDGs and the spirit of progressive law. This gap leads to suboptimal and even counterproductive outcomes. The failure of punitive narcotics policies has systemic implications that go far beyond individual narcotics users. This puts a strain on the entire justice system, diverts resources from other critical areas, and has the potential to erode public trust in law enforcement. Therefore, narcotics policy reform is not only about reducing crime, but also about contributing to the achievement of broader national and global development goals. Based on the background description, the problem in this study is how to handle narcotics policies based on the principles of the SDGs to realize progressive criminal law enforcement.

II. RESEARCH METHODS

This research uses a normative legal research method, which is research that focuses on the study of positive legal norms as a basis for analysis in formulating narcotics handling policies that are in line with the principles of the SDGs in order to realize progressive criminal law enforcement. This method was chosen because it is relevant to examine the normative and theoretical framework of the applicable legal system, especially in the context of humanistic, inclusive, and sustainable narcotics policies[7]. The approaches used include *statute approaches* and *theoretical approaches*, and are analyzed in a qualitative prescriptive manner. *The statute approach* is used to examine laws and regulations related to narcotics handling, environmental protection, and sustainable development goals as stated in the SDGs document, especially the 3rd goal (healthy and prosperous life), 16th (peace, justice, and resilient institutions), as well as the legal principles underlying progressive criminal law enforcement. This approach also includes the study of legal principles, legal doctrine, and the views of relevant legal experts.

Meanwhile, the *theoretical approach* is used to build a conceptual foundation in analyzing the relationship between narcotics handling policies and the principles of sustainable development and the progressive criminal law enforcement paradigm. This approach allows the use of relevant legal theories as scientific analysis tools to interpret legal phenomena, understand inefficiencies in prevailing repressive policies, and formulate alternative policies based on human rights and social justice. Through the combination of these two approaches, this research aims to make a conceptual contribution to the reform of narcotics handling policies in Indonesia that are not only oriented towards repressive aspects, but also on rehabilitative, preventive, and structural aspects, so that they are in line with the goals of sustainable development and the principles of criminal law enforcement that are transformative and progressive.

III. RESULTS AND DISCUSSION

3.1. Analysis of Existing Narcotics Handling Policies in Indonesia

The main legal framework that regulates the handling of narcotics in Indonesia is the Narcotics Law. This law, together with its implementing regulations, forms the foundation for the country's approach to the narcotics problem[8]. The analysis shows that the dominant paradigm in this policy is a highly punitive approach, with a strong emphasis on "eradication" and "crackdown" on illicit trafficking and narcotics abuse. The main visible goal is to suppress supply and demand through strict arrests, prosecutions, and imprisonment. This repressive approach has had significant and often counterproductive consequences:

- a. **Prison Overcapacity:** One of the most obvious impacts is severe overcapacity in correctional institutions. Data shows that most of the inmates in Indonesia are narcotic-related cases, leading to overcrowded and inhumane prison conditions. This excess capacity not only poses humanitarian problems but also puts a significant strain on the state budget for the cost of maintaining and operating the prison.
- b. **Ineffective Rehabilitation:** Although the Narcotics Law No. 35 of 2009 explicitly mandates rehabilitation for narcotics addicts, its implementation in the field faces many challenges. Limited rehabilitation facilities, lack of coordination between institutions, and strong social stigma against narcotics users are major barriers. Often, law enforcement prioritizes detention over rehabilitation, even for narcotics users

who should be receiving treatment. This creates a legal paradox, where the spirit of the law that leads to rehabilitation is often eroded by more punishment-oriented law enforcement practices.

- c. High Costs: The approach of mass incarceration and overcrowded prison maintenance places a huge financial burden on the state budget. Resources allocated for detention can be diverted for more effective prevention, treatment, and rehabilitation programs if policies are changed.

This "war on drugs" approach, while aimed at providing a deterrent effect, often fails to address the root of the problem of drug abuse and trafficking. Rather, it can perpetuate cycles of recidivism and social marginalization. This punitive approach not only harms individual narcotics users, but also burdens the entire justice system, diverting resources from other important areas and potentially exacerbating social problems instead of solving them[9].

3.2. The Relevance of the Principles of Sustainable Development Goals in Handling Narcotics

The Sustainable Development Goals (SDGs) provide a comprehensive and holistic global framework for equitable and sustainable development. In the context of narcotics policy, the SDGs offer a powerful lens for shifting the paradigm from a criminal approach to one centered on public health, human rights, and development[10]. This shift is critical to gaining broader support for policy reform. Several SDGs have direct relevance to narcotics policy reform:

- a. SDG 3: Healthy and Prosperous Lives: This goal directly addresses the prevention and treatment of the abuse of harmful substances, including narcotics (Target 3.5). Integrating SDG 3 means shifting the focus from criminalizing drug users to public health priorities, emphasizing harm reduction, adequate access to treatment, and comprehensive health care for those in need.
- b. SDG 16: Peace, Justice and Resilient Institutions: These goals call for access to justice for all, effective, accountable, and inclusive institutions, and the rule of law. In the context of narcotics, this implies the need for a justice system that is fair, non-discriminatory, and prioritizes human rights in narcotics cases, away from arbitrary detention and disproportionate punishment.
- c. SDG 10: Reducing Disparities: This goal aims to reduce inequality within and between countries. Narcotics policies often disproportionately affect marginalized and vulnerable populations. Alignment with SDG 10 means addressing these disparities, ensuring equal access to justice and rehabilitation regardless of socioeconomic status.
- d. SDG 8: Decent Work and Economic Growth: These goals promote sustainable, inclusive, and decent economic growth, as well as full and productive employment for all. This can be linked to rehabilitation programs that include vocational training and support for reintegration into the workforce, reducing recidivism and promoting economic stability for former drug users.
- e. SDG 17: Partnerships to Achieve the Goals: These goals emphasize the importance of multi-stakeholder partnerships to achieve the SDGs. Effective narcotics policy requires strong collaboration between government agencies, civil society, health care providers, and international organizations.
- f. Other SDGs are also relevant, such as SDG 4 (Quality Education) for prevention through education, SDG 5 (Gender Equality) for gender-sensitive policies, and SDG 11 (Sustainable Cities and Settlements) for community-based interventions.

This analysis reveals the interconnectedness of various social problems. Narcotics abuse is not isolated, but is influenced by and impacts on health, education, economic opportunities, and social equality[11]. The SDGs provide a framework to address this dependency holistically. The various SDGs do not stand alone; they are interrelated. For example, poor health (SDG 3) can be associated with lack of education (SDG 4) and economic inequality (SDG 10), which can contribute to narcotics abuse. Conversely, effective narcotics policy reform can positively impact multiple SDGs simultaneously.

Table 1: SDGs Mapping to Narcotics Policy and Progressive Law Enforcement

SDG Number & Title	Relevant SDG targets (if applicable)	Implications for Narcotics Policy	Relevance to Progressive Law Enforcement
SDG 3: Good Health and Well-Being	Target 3.5: Prevention and treatment of substance abuse	Prioritize public health, expand access to treatment, harm reduction	Emphasize rehabilitation over punishment, human-centered approach, non-criminalization of users
SDG 16: Peace, Justice and Resilient Institutions	Target 16.3: Access to justice for all	Ensure fair legal process, proportionate courts, and accountable institutions	Prioritizing human rights, humane law enforcement discretion, alternatives to detention
SDG 10: Reducing Disparities	Target 10.2: Social, economic, and political empowerment and	Overcome socio-economic disparities, ensure equal access to services, promote social	Focus on restorative justice, protection of vulnerable groups, stigma reduction

	inclusion	reintegration	
SDG 8: Decent Work and Economic Growth	Target 8.5: Full and productive work for all	Return to the job market, vocational training, economic support for former users	Facilitate socio-economic reintegration, avoid discrimination in employment
SDG 17: Partnerships to Achieve the Goals	Target 17.17: Encourage and promote effective partnerships	Multi-stakeholder collaboration (government, NGOs, international, community)	Collaborative approach in policy formulation and implementation, sharing best practices

Source: Data processed by the author, 2025

The table shows a comprehensive framework that links the SDGs to a progressive approach to narcotics policy, where each relevant SDG provides a specific perspective on the transformation of the narcotics law enforcement paradigm from punitive to rehabilitative and restorative. SDG 3 emphasizes public health priorities through harm reduction, SDG 16 advocates for humanistic justice with the discretion of law enforcement that considers human rights, SDG 10 focuses on reducing social disparities and eliminating stigma against drug users, SDG 8 promotes economic reintegration through vocational training and non-discriminatory access to employment, while SDG 17 underscores the importance of multi-stakeholder collaboration in policy implementation. This overall framework reflects the evolution of a progressive legal paradigm that no longer views the narcotics problem as a purely criminal issue, but rather as a multidimensional challenge that requires a holistic, humanist, and evidence-based approach, where law enforcement is directed to support public health, social justice, and sustainable development by placing human beings as subjects who have the right to be rehabilitated and reintegrated into society.

3.3. The Concept of Progressive Criminal Law Enforcement in the Context of Narcotics

The concept of Progressive Law, introduced by Satjipto Rahardjo, is a crucial philosophical foundation for reforming narcotics policy. The core philosophy of progressive law states that law is not the end goal in itself, but rather a tool to achieve human well-being and justice. Progressive law challenges rigid legal formalism, which tends to prioritize form and procedure over the substance of justice. Instead, he emphasized that the law must serve human interests and promote human dignity. Progressive law is dynamic and responsive to changes and societal needs. It is a "movement" that seeks to break through stagnation in legal thought and practice, ensuring that law remains relevant and effective in the face of evolving social challenges[12]. In the context of narcotics policy, this concept can be applied to criticize the current punitive approach. This approach is often an example of legal formalism that prioritizes "rules" (e.g., mandatory minimum sentences, severe sanctions) over "justice" and human well-being (e.g., effective rehabilitation, social reintegration). Progressive law provides an essential philosophical justification for moving beyond the current punitive approach. This legitimizes the shift from a "law as is" perspective to "law as it should be" in narcotics policy.

Progressive law also implies a fundamental shift in the role of law enforcement[13]. They are no longer just applying the letter of the law, but are also expected to exercise discretion that prioritizes human rights, rehabilitation, and social justice, especially for narcotics users. This is an important transformation in the mindset and actions of law enforcement, from mere enforcers to agents of social justice and human welfare. Practical manifestations of progressive laws in narcotics policy include:

- Decriminalization/Diversion: A shift away from criminalizing the use of narcotics, by shifting users to health and social services rather than the criminal justice system. It recognizes that narcotics use is a health problem, not a crime.
- Harm Reduction: The implementation of public health strategies aimed at reducing the negative consequences of narcotics use, such as syringe exchange programs or opioid substitution therapy.
- Rehabilitation as a Priority: Ensure that rehabilitation is truly prioritized and supported with adequate resources, including comprehensive support for social reintegration.
- Proportionality in Punishment: Ensuring that punishments for narcotics offenses are proportionate to the harm incurred, with a focus on dealing with high-level traffickers while providing alternatives for low-level offenders and users.

The concept of progressive law is not just an abstract idea; It has concrete policy implications. This directly leads to actionable policy recommendations, such as decriminalization, diversion, and harm reduction[14].

3.4. Integration of SDGs Principles and Progressive Law Enforcement to Realize Sustainable Narcotics Policy

The integration of SDGs principles and progressive legal philosophy offers a strong framework to transform Indonesia's narcotics policy into a more effective, humane, and sustainable system[15]. The SDGs provide direction for sustainable development goals, while progressive law provides a philosophical and

practical means to achieve those goals through legal reform. It is a synergistic relationship where the two frameworks complement each other.

The key pillars of this integrated policy include:

- a. **Public Health-Centered Approach:** The top priority is prevention, treatment, and harm reduction based on SDG 3, moving away from criminalizing the use of narcotics. This means treating the use of narcotics as a health problem that requires medical and social intervention, not just criminal law enforcement.
- b. **Human Rights and Justice:** Ensure fair due process, proportionate trials, and balanced punishments in accordance with SDG 16 and the progressive law's emphasis on human dignity. This includes advocacy for alternative detention for narcotics users and low-level offenders.
- c. **Equality and Social Inclusion:** Addressing the root causes of narcotics involvement, such as poverty, lack of education, and inequality, and ensuring equal access to services for all, in line with SDG 10. Policies should promote social reintegration and reduce stigma.
- d. **Evidence-Based Policymaking:** Emphasizes the need for robust data and research to inform policy decisions, moving away from ideologically driven approaches alone. Effective policies should be based on scientific evidence about what works.
- e. **Multi-Stakeholder Partnerships:** Highlight the crucial role of collaboration between governments, civil society, international organizations, and affected communities in policy formulation and implementation. This approach ensures that multiple perspectives are considered.
- f. **Adaptive and Evaluative Framework:** Emphasizes the importance of continuous monitoring and evaluation to ensure policy effectiveness and allow for necessary adjustments over time.

Integrating this framework will drive policy coherence, ensuring that narcotics policy is aligned with broader national development strategies and international commitments. This avoids policy fragmentation and ensures that narcotics control efforts contribute positively to other sectors such as public health, social welfare, and economic development. This integrated approach is inherently more sustainable than the current sentencing model. By addressing the root of the problem, promoting health, and encouraging social reintegration, this approach aims for long-term solutions rather than the short-term oppression that often leads to recurring problems[16]. However, the implementation of this framework is not free from challenges. Potential resistance from conservative elements, limited resources, and lack of political will can be obstacles. To address these challenges, strategies such as strong public advocacy, capacity building for stakeholders, and the implementation of pilot projects are needed to demonstrate the success of the new approach.

Table 2: Comparison of the Current Narcotics Policy Framework vs. Progressive Aligned with the SDGs

Policy Aspects	Indonesia's Current Narcotics Policy	Progressive Narcotics Policy Aligned with the SDGs (Proposed)
Main Objectives	Eradication & Punishment	Public Health & Human Rights
Approach to Narcotics Users	Criminalization & Incarceration	Decriminalization, Diversion, & Rehabilitation
The Role of Law Enforcement	Repressive & Rule-Bound	Human-Centered & Discretionary (justice first)
Focus of Intervention	Supply & Demand Emphasis (through enforcement)	Harm Reduction & Social Reintegration
Expected Results	Prison Capacity Overload & Stigma	Improving Public Health & Reducing Recidivism

Source: Data processed by the author, 2025

The comparative table illustrates a fundamental paradigmatic transformation in Indonesia's narcotics policy, from a conventional repressive-punitive approach to a progressive policy that is aligned with the principles of the SDGs and oriented towards human welfare. These changes include shifting from the goal of eradication and punishment to a priority of public health and human rights protection, a transformation of approaches to users from criminalization and imprisonment to decriminalization with an emphasis on diversion and rehabilitation, the evolution of the role of law enforcement from repressive and rigid rules to humanist with discretion that prioritizes substantive justice, and a shift in the focus of intervention from emphasis on Supply and demand through harsh crackdowns towards harm reduction and sustainable social reintegration. The consequences of this transformation are expected to change policy outcomes from the problem of prison overcapacity and counterproductive stigmatization, to measurable improvements in public health and significant reductions in recidivism rates, so that narcotics policy is no longer a socio-economic burden on the state but a sustainable development instrument that supports the achievement of SDGs targets in a comprehensive and integrated manner.

IV. CONCLUSION

Indonesia's current narcotics handling policy, which is dominated by a harsh punitive approach, has proven to be unsustainable and ineffective. This has led to significant negative consequences, including severe prison overcapacity and suboptimal rehabilitation implementation. There is a profound inconsistency between the stated objectives of the Narcotics Act and the actual impact of its implementation. The integration of SDGs principles and progressive legal philosophies offers a strong framework for creating a more humane, effective, and equitable narcotics policy. This approach allows for a fundamental shift from handling narcotics as a purely criminal justice issue to a comprehensive public health and human rights issue. The SDGs provide global goals for sustainable development, while progressive law, with its emphasis on human well-being and justice, provides the philosophical and practical means to achieve those goals through legal reform.

Progressive law provides the necessary philosophical and practical tools for law enforcement to prioritize human well-being and justice in their every action. This encourages humanitarian-oriented discretion, which will ultimately result in a more just and effective system. Therefore, it is urgent for policymakers and stakeholders in Indonesia to embrace this paradigm shift. By adopting an integrated policy framework between the SDGs and progressive law, Indonesia can achieve positive social impact, reduce the burden on the justice system, and build a healthier and more equitable society. For future research, it is recommended to explore specific implementation models of progressive narcotics policies, conduct a cost-benefit analysis of a public health-centered approach compared to a punitive approach, as well as comparative studies with other countries that have successfully implemented more humanistic and sustainable narcotics policies. This demonstrates the ongoing nature of policy development and the contribution of this article as a basis for continued scientific and practical engagement.

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