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The critical role of families in addressing narcotics abuse crimes: A study in Indonesia

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Abstract
This study analyzes the urgency of the role of families in addressing narcotics abuse crimes in Indonesia from a legal perspective. Narcotics abuse has evolved into a complex issue affecting not only individual offenders but also social stability, public health, and national security. Although Indonesia has implemented strict regulations under Law Number 35 of 2009 concerning Narcotics and supporting legal instruments, narcotics abuse cases continue to increase in both scale and complexity. This research employs normative legal methods using statutory, conceptual, and case approaches with secondary legal materials. The findings show that Indonesian narcotics law adopts a balanced approach between punishment and rehabilitation, emphasizing the importance of community and family participation. Families are legally required to report narcotics addicts for rehabilitation purposes, as regulated in Article 134 of Law Number 35 of 2009, supported by Government Regulation Number 25 of 2011 and related legal instruments. However, this obligation raises issues related to criminal culpability, legal awareness, and social stigma. The study concludes that family involvement is crucial as the first line of prevention and rehabilitation support. Strengthening legal education, public awareness, and rehabilitation access is essential to ensure effective implementation of narcotics law and reduce drug abuse in Indonesia.

Keywords: Narcotics abuse, family role, rehabilitation, criminal law, Indonesia

Introduction

Narcotics abuse remains one of the most pressing challenges confronting Indonesia's criminal justice system and public health sector. Despite continuous preventive efforts and the enactment of stringent legal regulations, the incidence of narcotics abuse continues to increase in both quantity and complexity. Beyond violating criminal law, narcotics abuse creates severe physical, psychological, and social consequences, as repeated consumption frequently results in dependence characterized by periodic and chronic intoxication. Consequently, narcotics abuse not only threatens individual well-being but also undermines family resilience, public security, and national development (Endeh, 2019).

The seriousness of narcotics-related crimes has led both the international community and Indonesia to classify them as extraordinary crimes This classification reflects the transnational nature of narcotics trafficking, which is closely associated with organized criminal networks operating across national borders (Husni 2024[2]).

The illicit narcotics trade forms part of broader activities undertaken by transnational criminal organizations, including human trafficking, migrant smuggling, arms trafficking, trafficking in nuclear materials, terrorism financing, trafficking in human organs, vehicle smuggling, and money laundering. The transnational and organized characteristics of these crimes require not only criminal law enforcement but also preventive strategies involving multiple stakeholders, particularly families and communities (Husni 2024) [2].

In Indonesia, the legal framework governing narcotics is principally regulated under Law Number 35 of 2009[19] concerning Narcotics. Article 1 paragraph (1) defines narcotics as substances or drugs derived from plants, non-plant materials, or synthetic substances that may cause changes in consciousness, relieve pain, and produce dependence when consumed repeatedly. The Law not only criminalizes the unlawful production, distribution, and abuse of narcotics but also adopts a preventive approach by emphasizing the active participation of families and communities in preventing narcotics abuse and facilitating rehabilitation for addicts (UU No. 35 Tahun 2009 tentang Narkotika).

Recognizing the strategic role of the family as the primary social institution, the Narcotics Law imposes legal obligations upon family members. Article 134 paragraph (2) of Law Number 35 of 2009[19] concerning Narcotics provides that:

‘‘The family of a Narcotics Addict as referred to in paragraph (1) who deliberately fails to report the Narcotics Addict shall be punished with imprisonment for a maximum of three months or a fine of up to IDR 1,000,000’’

This provision reflects the legislature's intention to encourage early intervention and ensure that narcotics addicts receive rehabilitation rather than continue engaging in illicit drug use. However, it simultaneously raises significant legal and theoretical questions. (Krisley, 2024) [8]. The criminalization of family members who fail to report an addict appears to challenge the principle of criminal individualization, which generally holds that criminal liability should be imposed only upon individuals who personally commit wrongful conduct accompanied by culpability. Consequently, the imposition of criminal sanctions on family members for omission invites further examination regarding its compatibility with fundamental principles of criminal law (Krisley, 2024) [2].

The implementation of Article 134 paragraph (2) also encounters practical challenges. Many families remain unaware of their legal obligation to report narcotics addicts, despite Indonesia's adherence to the principle of legal fiction (presumptio iuris de iure), under which every person is presumed to know the law once it has been promulgated.

Although this principle serves legal certainty, limited public legal awareness frequently results in non-compliance. Moreover, families often choose to conceal narcotics abuse because of emotional attachment, social stigma, and fear that legal intervention will lead to imprisonment rather than rehabilitation. Such circumstances illustrate the tension between legal obligations imposed by the state and the protective instincts of family members (Tanielian, 2015) [4].

The urgency of strengthening family participation is further demonstrated by empirical evidence. According to the Central Java Provincial National Narcotics Agency (BNNP), during 2023 [15] authorities uncovered 25 narcotics-related criminal cases involving 28 suspects. Law enforcement officers confiscated 1,183.97 grams of methamphetamine, 3,657.97 grams of marijuana, 6.13 grams of ecstasy, and 9.97 grams of synthetic tobacco or gorilla tobacco (Jui Dermawati, 2026) [11]. These figures indicate that narcotics crimes remain prevalent in Central Java despite ongoing law enforcement efforts and demonstrate that punitive measures alone are insufficient to address the problem. Effective prevention requires active cooperation among law enforcement agencies, families, and the wider community (Jui Dermawati, 2026) [11].

Against this background, examining the legal and social significance of family participation in combating narcotics abuse becomes increasingly important. This study therefore analyzes the urgency of the role of families and communities in countering narcotics-related crimes, particularly within the framework of Law Number 35 of 2009[19] concerning Narcotics, while evaluating the legal rationale underlying the reporting obligation imposed upon family members and its implications for criminal law policy in Indonesia.

Research Methodology

This study employs a normative legal research method, which examines law as a system of norms through the analysis of legislation, legal principles, legal doctrines, judicial decisions, and other authoritative legal materials. Normative legal research is intended to identify, interpret, and evaluate legal norms governing the role of families in addressing narcotics abuse crimes, as well as to formulate legal arguments regarding the effectiveness and coherence of the existing legal framework (Arief Budiono, 2022[6]).

The research relies primarily on secondary legal materials. Primary legal materials consist of statutory regulations relevant to the study, including Law Number 35 of 2009[19] concerning Narcotics, Government Regulation Number 25 of 2011[13] concerning the Implementation of Mandatory Reporting for Narcotics Addicts, Law Number 1 of 2023 [15] concerning the Criminal Code, Law Number 17 of 2023 [15] concerning Health, Law Number 11 of 2012 [21] concerning the Juvenile Criminal Justice System, Law Number 39 of 1999[20] concerning Human Rights, Supreme Court Circular Letter (SEMA) Number 4 of 2010 [25], and the Joint Regulation of Seven State Institutions of 2014 [26] concerning the Handling of Narcotics Addicts and Victims of Narcotics Abuse. Secondary legal materials include books, peer-reviewed journal articles, legal commentaries, and other scholarly publications discussing narcotics policy, criminal liability, rehabilitation, and family participation in criminal justice.

This study adopts three analytical approaches. First, the statutory approach (statute approach) is employed to examine and interpret the relevant legislative framework regulating narcotics prevention, rehabilitation, criminal responsibility, and mandatory reporting by family members. Second, the conceptual approach is used to analyze fundamental legal concepts and doctrines, including the principles of criminal culpability, individual criminal responsibility, rehabilitation, public health, and community participation. Third, the case approach is utilized by examining relevant judicial decisions and legal practices concerning narcotics abuse, particularly those relating to the application of mandatory reporting obligations and rehabilitation measures (Gazali, 2026) [14].

The collected legal materials are analyzed qualitatively using descriptive-analytical and prescriptive methods. The descriptive analysis explains the applicable legal framework governing the role of families in combating narcotics abuse, while the prescriptive analysis evaluates the consistency and effectiveness of the existing legal provisions and formulates legal arguments concerning the implementation of family responsibilities within Indonesia's narcotics control policy. Through these approaches, the study seeks to provide a comprehensive understanding of the legal urgency of family involvement in preventing narcotics abuse crimes and supporting rehabilitation within Indonesia's criminal justice system.

Results and Discussion

Legal Perspective on the Urgent Role of Families in Combating Narcotics Abuse Crimes in Indonesia

The increasing prevalence of narcotics abuse in Indonesia has transformed drug-related offenses from an individual legal issue into a multidimensional social, health, and criminal justice problem. Narcotics abuse not only threatens the physical and psychological well-being of individuals but also undermines family resilience, public order, and national security (Eko Prasetyanto, 2024[8]). Consequently, Indonesia has adopted an integrated legal framework that combines criminal law, public health policy, rehabilitation mechanisms, and community participation to address narcotics-related crimes. Within this framework, the family occupies a strategic position as the first institution responsible for preventing, detecting, and responding to narcotics abuse.

The legal foundation governing narcotics in Indonesia is primarily contained in Law Number 35 of 2009 [19] concerning Narcotics. This statute establishes a comprehensive policy regulating narcotics classification, criminal offenses, law enforcement, prevention, rehabilitation, and community participation. Unlike conventional criminal legislation that primarily focuses on punishment, the Narcotics Law recognizes that narcotics addicts are not merely offenders but also individuals requiring medical and social rehabilitation. This dual approach demonstrates Indonesia's adoption of a balanced criminal policy that combines punitive measures against illicit narcotics trafficking with therapeutic interventions for users and addicts (George Havenhand, 2020) [9].

One of the distinctive features of Law Number 35 of 2009[19] is its recognition of the family as an essential component of narcotics prevention. Article 104 expressly provides opportunities for community participation in preventing and eradicating narcotics abuse and illicit trafficking (Iwansyah, 2025) [10] this provision reflects the understanding that combating narcotics cannot be accomplished solely through law enforcement agencies but requires active involvement from society. Within this broader concept of community participation, families constitute the smallest yet most influential social institution because they maintain direct and continuous interaction with individuals who may become victims of narcotics abuse (Iwansyah, 2025) [10].

The significance of family participation becomes even more apparent through Article 134 of Law Number 35 of 2009[19], which imposes a legal obligation upon families to report narcotics addicts to designated institutions for rehabilitation. Paragraph (2) further stipulates criminal sanctions for family members who deliberately fail to fulfill this obligation. This provision represents an unusual legislative approach because criminal liability is imposed not for directly committing narcotics abuse but for intentionally omitting a legal duty established by statute. The rationale behind this provision lies in the assumption that families are in the best position to recognize early symptoms of addiction and facilitate timely intervention before narcotics abuse develops into more serious criminal conduct (Iwansyah, 2025) [10].

Nevertheless, the criminalization of family members raises significant legal questions concerning the principle of culpability recognized within Indonesian criminal law. Criminal responsibility generally requires the existence of unlawful conduct accompanied by fault (schuld). The imposition of criminal sanctions upon family members who merely fail to report an addict appears to extend criminal liability beyond direct perpetrators (Fauzan, 2026[11]). Such an approach has generated scholarly debate regarding whether criminal sanctions should be imposed upon omissions motivated by emotional attachment, social stigma, or the desire to protect family members. Consequently, the reporting obligation should not merely be interpreted as a punitive mechanism but as an instrument designed to encourage rehabilitation and early intervention (Sarah Singh, 2017) [12].

The implementation of the reporting obligation is further elaborated through Government Regulation Number 25 of 2011[13] concerning the Implementation of Mandatory Reporting for Narcotics Addicts. This regulation serves as the implementing legislation for Article 55 of the Narcotics Law by establishing detailed procedures regarding mandatory reporting, designated reporting institutions, and rehabilitation mechanisms. Under this regulation, narcotics addicts or their families may report voluntarily to appointed health institutions or rehabilitation centers without automatically triggering criminal prosecution. Instead, mandatory reporting functions as an entry point for medical assessment and rehabilitation (Rinayati et al; 2025).

Government Regulation Number 25 of 2011 [13] therefore demonstrates that the primary objective of mandatory reporting is therapeutic rather than punitive. Families are encouraged to seek assistance from authorized institutions to ensure that narcotics addicts receive appropriate medical treatment and social rehabilitation (DWI Melati Et Al; 2026) [14]. This policy reflects contemporary criminal justice principles recognizing that addiction constitutes a health condition requiring professional intervention. Accordingly, criminal sanctions against family members should be viewed as a last resort applicable only where there is deliberate refusal to fulfill statutory obligations despite opportunities for voluntary reporting (Dwi Melati et al; 2026) [14].

The importance of rehabilitation is reinforced through Law Number 17 of 2023 [15] concerning Health, which positions substance dependence as a public health issue requiring comprehensive treatment. The Health Law emphasizes that individuals suffering from addiction have the right to receive accessible, quality, and non-discriminatory health services. Rehabilitation therefore becomes an integral component of healthcare rather than merely a consequence of criminal proceedings (Afrianita et al, 2026) [11].

This public health perspective complements the objectives of the Narcotics Law by reducing excessive reliance on imprisonment for narcotics users. Numerous studies demonstrate that incarceration alone rarely resolves drug dependence and may instead contribute to recidivism. Rehabilitation, psychological counseling, family support, and social reintegration provide more sustainable solutions for individuals experiencing substance dependence. Consequently, the involvement of families is indispensable because successful rehabilitation frequently depends upon continuous emotional support, supervision, and reintegration within the household environment.

The relationship between family obligations and criminal responsibility should also be examined in light of Law Number 1 of 2023 [16] concerning the Criminal Code (KUHP). The new Criminal Code codifies fundamental principles of Indonesian criminal law, including legality, culpability, proportionality, and individualized punishment. Criminal liability under the Criminal Code is generally based upon the existence of unlawful conduct accompanied by fault attributable to the offender. Accordingly, punishment should only be imposed where an individual possesses both legal responsibility and personal culpability (Maulana, 2025) [10].

From this perspective, Article 134 paragraph (2) of the Narcotics Law should be interpreted consistently with the principle of culpability. Criminal sanctions against family members cannot be imposed solely because narcotics abuse occurs within the household. Instead, prosecutors must establish that the family intentionally failed to report the addict despite possessing legal knowledge and the practical ability to fulfill this obligation. Such interpretation preserves harmony between the Narcotics Law and the general principles of criminal responsibility embodied in the Criminal Code while preventing excessive criminalization of families acting in good faith.

Another relevant legal instrument is Law Number 39 of 1999 [20] concerning Human Rights, which recognizes the right of every person to obtain legal protection, health services, and humane treatment. Narcotics addicts retain their status as rights holders despite violating criminal law. Consequently, mandatory reporting and rehabilitation should be implemented in a manner consistent with human dignity and the protection of fundamental rights. Criminal justice policies that excessively emphasize punishment while neglecting rehabilitation may conflict with constitutional and human rights principles recognizing the state's obligation to protect public health (Sasmito et al; 2026) [11].

The legal framework becomes even more comprehensive where narcotics abuse involves children. Law Number 11 of 2012 [21] concerning the Juvenile Criminal Justice System establishes diversion and restorative justice as the primary mechanisms for resolving criminal cases involving minors. If narcotics users are children, family participation becomes even more significant because parents or guardians play a central role throughout investigation, diversion, rehabilitation, and post-treatment supervision. Rather than emphasizing imprisonment, juvenile justice prioritizes recovery, education, and reintegration into society (Hasnah Aziz et al; 2022) [17].

Judicial policy also reinforces rehabilitation as the preferred approach. Supreme Court Circular Letter (SEMA) Number 4 of 2010 [25], together with subsequent judicial guidance, encourages judges to place narcotics addicts and victims of narcotics abuse in rehabilitation facilities rather than correctional institutions where appropriate. This policy seeks to distinguish drug users requiring treatment from traffickers and organized criminal actors who deserve severe criminal sanctions. Judicial discretion therefore contributes to balancing law enforcement objectives with humanitarian considerations (Maulana, 2025).

Similarly, the Joint Regulation of Seven State Institutions of 2014 [26] concerning the Handling of Narcotics Addicts and Victims of Narcotics Abuse establishes an integrated coordination mechanism involving law enforcement agencies, health authorities, prosecutors, judges, and the National Narcotics Agency (BNN). Through integrated assessment procedures, narcotics addicts may be evaluated medically and legally to determine whether rehabilitation constitutes the most appropriate response. This collaborative approach demonstrates that effective narcotics control requires institutional cooperation extending beyond conventional criminal prosecution.

Collectively, these legal instruments reveal that Indonesia has progressively shifted toward an integrated legal policy combining criminal law, healthcare, rehabilitation, and community participation. Within this legal framework, families are not merely passive observers but active participants entrusted with legal responsibilities to prevent narcotics abuse, encourage voluntary reporting, facilitate rehabilitation, and support social reintegration. The effectiveness of narcotics policy therefore depends not only upon law enforcement agencies but also upon the willingness and capacity of families to fulfill their legal and social obligations (Tanielian, 2015) [4].

Accordingly, strengthening the family's role should not be limited to imposing criminal sanctions for non-reporting. Equal attention must be directed toward improving public legal awareness, expanding access to rehabilitation services, reducing social stigma associated with addiction, and providing legal education regarding mandatory reporting mechanisms. Such measures would better realize the objectives of the Narcotics Law by encouraging early intervention rather than creating fear of criminal consequences. Ultimately, the urgency of family participation lies in its preventive function, enabling narcotics abuse to be identified and addressed before it develops into more serious criminal behavior, thereby contributing to the realization of Indonesia's broader objectives of public health, legal certainty, and social welfare (George Havenhand, 2020) [9].

Conclusion

Narcotics abuse in Indonesia constitutes a complex phenomenon that encompasses legal, social, and public health dimensions. The existing legal framework, particularly Law Number 35 of 2009 [19] concerning Narcotics, adopts a balanced approach that integrates both punitive measures and rehabilitation strategies in addressing narcotics-related crimes. Within this framework, families occupy a fundamental position as the primary social institution responsible for the early identification, prevention, and response to narcotics abuse.

Article 134 of Law Number 35 of 2009 [19] further establishes a mandatory reporting obligation for families of narcotics addicts; however, its implementation raises legal concerns regarding criminal culpability and the principle of individual criminal responsibility. The effectiveness of this provision is highly dependent on public legal awareness, social support systems, and adequate access to rehabilitation services. Therefore, strengthening the role of families is essential to ensure the implementation of a narcotics control policy that is not only effective but also proportionate and humane in Indonesia.

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