



Juridical Analysis Of The Factors That Encourage Recidivism Of Narcotics Crimes (Research Study In Batam Class Iia Prison)

Muhammad Adi Putra ¹, Erniyanti ², Ramlan ³, Soerya Respationo ⁴
Postgraduate Master of Law, University of Batam, Batam City, Indonesia ^{1,2,3,4}

Abstract *The problem of recidivist narcotics is a significant complex issue in Indonesia, including in Batam Class IIA Prison. This phenomenon raises concerns because of its negative impact on society and social stability. This study aims to analyze the juridical factors that encourage recidivism of narcotics crimes and identify obstacles in the implementation of rehabilitation programs in Batam Class IIA Prison. The research methods used are normative juridical and empirical sociology. The normative juridical method is used to analyze various laws and regulations that are the legal basis for handling recidivism, such as Law Number 35 of 2009 concerning Narcotics. Meanwhile, empirical sociological methods are used to collect data through interviews and direct observations in the field to understand the implementation of rehabilitation programs and social factors that contribute to recidivism. The results of the study show that weaknesses in the criminal justice system, lack of post-release support, social stigma, and an unsupportive social environment are the main factors that encourage recidivists. A justice system that focuses more on punishment than rehabilitation leads to a lack of effective rehabilitation programs. Minimal post-liberation support, such as difficulty finding work and housing, also contributes to high rates of recidivism. Social stigma and discrimination exacerbate the condition of ex-convicts, hindering them from reintegrating into society. An unstable social environment, especially one with easy access to narcotics, is also a driving factor for recidivism. Based on these findings, this study provides several suggestions, including increasing the number and quality of professionals in the field of rehabilitation, adjusting skills training programs to be relevant to the needs of the job market, and closer cooperation between law enforcement agencies, the government, and the community in supporting the reintegration of former prisoners. It is hoped that these suggestions can help reduce recidivism rates and increase the effectiveness of the penitentiary system in Indonesia.*

Keywords: *Juridical Analysis, Recidivist, Narcotics Crime*

1. INTRODUCTION

The problem of recidivism in drug crimes is a complex and serious issue in various countries, including Indonesia. Recidivism refers to individuals who re-commit drug crimes after previously serving a sentence or rehabilitation for similar acts. This phenomenon raises deep concerns because it has a negative impact on society, security, and social stability. Batam City, as one of the areas with high drug cases, is a relevant and important research location to understand the factors that drive recidivism in drug crimes. Drug crimes in Indonesia are very worrying for everyone. However, Indonesia's commitment to suppress the level of drug abuse, especially for the younger generation, must be taken seriously and carried out by everyone. Drugs can attack anyone, regardless of age, including children, who are the generation of hope for the nation. (W Gracias,2014)

Indonesia will become a developed country if Indonesia continues to develop its potential and resources in order to compete with other nations. Efforts to deal with conditions like this by developing the nation's capabilities, without these capabilities a nation will lose and die. Specifically, the impact of drug abuse on the joints of national resilience includes the

fields of defense and security (hankam), ideology, politics, economy, and socio-culture, in the field of ideology, the impact is the existence of hedonism and unlimited freedom. Drug abuse is a very dangerous thing, because in addition to having an effect on the user's personal self where he will become addicted and his life will depend on narcotics, which if not prevented (treated), the type of narcotics that will be used will be stronger and the dose will be greater, so that for him it will be worse. Users will do anything to fulfill, if by chance the user's finances are sufficient, it may not bring other effects outside of his personal self, even the user can go unnoticed (can still hide) but if drug addicts do not have enough money to fulfill their addiction continuously, the consequences will be widespread, not only to themselves but also to society, because users who are addicted cannot fulfill their needs from their own money or belongings, they will try in various ways, which is not impossible to do actions that are included in crimes. (Dirdjosisworo Soedjono,2013)

The mandate of Law Number 35 of 2009 concerning Narcotics clearly states that rehabilitation is important for drug users. Article 103 states that a judge examining a drug addict's case can decide to order the person concerned to undergo treatment and/or care through rehabilitation if the drug addict is proven guilty of committing a drug crime. Drug abuse committed by a person is a deviation of behavior or an unlawful act, it is very unfortunate if someone has experienced a repeat of the crime of drug abuse and can even repeat it again. Repetition of crime, in everyday life, especially among criminals/thugs is known as "recidivist" (should be recidive). According to Sudarsono, someone who suffers from addiction or dependence on narcotics will harm themselves, also damage the lives of society. (Made Darma Weda,2009)

This study aims to conduct a comprehensive and holistic legal analysis related to the factors that contribute to the high rate of recidivism of narcotics crimes in RUTAN Kota Batam. Through a legal approach, this study will examine the legal aspects related to this problem, including existing regulations and policies, their implementation, and the role of law enforcement agencies in overcoming recidivism of narcotics crimes. Socially, the phenomenon of recidivism of drug crimes has a detrimental impact on society. The presence of recidivists can worsen the security situation and threaten the welfare of Batam City residents. The high rate of recidivism also raises questions about the effectiveness of the existing correctional and rehabilitation systems. Therefore, it is important to investigate what factors cause recidivism of drug crimes to occur repeatedly and continuously.(Tri Andrisman,2011)

Based on preliminary research conducted at Class IIA Penitentiary in Batam City, the most common cause of the increase in recidivism of drug offenders is often related to the lack

of systematic support for rehabilitation and social reintegration for former inmates. Factors such as strong social stigma, difficulty in finding employment, and lack of access to effective rehabilitation programs exacerbate this situation. Many former drug convicts return to the same social environment and networks that facilitated their initial drug use, due to the lack of alternatives or support to change their lifestyle. Lack of education and awareness about the dangers of drugs, along with easy access and social pressure, also contribute to the cycle of drug abuse and related crimes. The results of this study are expected to be a reference for law enforcement agencies and local governments in developing more effective policies and strategies in preventing and handling recidivism of narcotics crimes, so that they can contribute to efforts to create a safer and more drug-free environment in Batam City.

Based on the background description above, the author raises several problems that will be discussed further. The problems are as follows:

1. What are the legal factors that contribute to the occurrence of recidivism of drug crimes in Class IIA Batam Penitentiary?
2. How is the implementation and effectiveness of the rehabilitation program for drug crime prisoners in reducing the recidivism rate in Class IIA Batam Penitentiary?
3. What is the role of law enforcement agencies in preventing and handling cases of recidivism of drug crimes and the obstacles faced in Class IIA Batam Penitentiary?

Based on the formulation of the problem stated above, it can be seen that the objectives of this research are:

1. Comprehensively analyze the legal factors that contribute to the occurrence of recidivism of drug crimes in Indonesia, with a focus on the related regulatory, policy, and criminal justice system aspects.
2. Evaluate the implementation and effectiveness of rehabilitation and resocialization programs for drug crime prisoners in detention centers/correctional institutions, with the aim of identifying weaknesses and potential improvements to reduce the recidivism rate.
3. Examine the role of law enforcement agencies, such as the police and prosecutors, in preventing and handling cases of recidivism of drug crimes, and identify the obstacles faced in efforts to effectively overcome this recidivism phenomenon.

2. LITERATURE REVIEW

Recidivism is often used as an indicator of the effectiveness of the criminal justice system, including correctional institutions, rehabilitation programs, and post-release support, in preventing re-offending and helping former inmates reintegrate into society. The causes of

recidivism are varied and often complex, encompassing individual, social, economic, and systemic factors. (Harsono C.I,2015) Social and economic factors also play a significant role in recidivism. Unstable environments, such as troubled families, high-crime communities, and lack of social support networks, can push individuals back to criminal behavior as a means of survival or seeking acceptance. Addressing recidivism requires a comprehensive approach that addresses these factors. Effective rehabilitation programs, mental health support, job training, and educational initiatives inside prisons can help prepare inmates for life after release. Outside of prison, strong post-release supports, including career guidance, affordable housing, and access to health services, are critical in helping former inmates reintegrate into society.

By addressing the root causes of recidivism, societies can build more just and effective systems that not only reduce crime but also support the recovery and reintegration of individuals who have served time. Addressing recidivism requires a holistic approach that addresses not only the criminal behavior itself but also the factors that cause it. This can include in-prison education and job training programs, mental health support and addiction treatment, and post-release initiatives that provide counseling, housing, and job search assistance. The goal is to provide individuals with the tools and resources necessary to build productive and fulfilling lives without returning to crime, effectively reducing recidivism rates and improving the safety and well-being of the community as a whole. (Dwidja Priyanto,2019)

Theories about the purpose of punishment that revolve around the differences in the nature of basic ideas about punishment can be seen from several perspectives. Herbert L. Packer stated that there are two conceptual views that each have different moral implications from each other, namely the retributive view and the utilitarian view. The retributive view assumes that punishment is a negative reward for deviant behavior committed by members of society, so this view sees punishment only as retribution for mistakes made on the basis of their respective moral responsibilities. This view is said to be backward-looking. The utilitarian view sees punishment in terms of its benefits or uses, where what is seen is the situation or condition that is intended to be produced by imposing the punishment.

According to the law, on the one hand, drug addicts are perpetrators of drug abuse crimes, with the provisions of the drug law regulating the prison sentences given to drug abusers. Then, on the other hand, it can be said that according to the drug law, drug addicts are victims, as shown by the provisions that drug addicts can be sentenced to rehabilitation. This means that on the one hand, the law still considers drug addicts as perpetrators of criminal acts, and on the other hand, they are victims of the drug abuse they commit. The new law, namely Law Number 35 of 2009 concerning Narcotics, also regulates criminal provisions for narcotics

abuse in Articles 116, 121, 127.

Penal provisions for repeat offenders of drug crimes are often designed to be harsher than those for first-time offenders, in an effort to provide a deterrent effect and reduce the rate of repeat drug crimes. In many legal systems, there is an increased penalty scale for individuals who have been convicted of drug crimes more than once, recognizing that recidivism shows a failure in the rehabilitation process or a lack of willingness to change. This reflects a more stringent preventive approach to drug crimes, which are considered to have a wide and damaging social impact. Regulations in some countries introduce graduated penalty schemes that explicitly differentiate between first-time and recidivists. For example, for drug possession, a recidivist may face a longer prison sentence or a larger fine than a first-time offender who may have the opportunity for rehabilitation. In addition, legal provisions may include confiscation of assets derived from illegal activity and restrictions on certain rights after release. This approach aims to reduce the incentives for offenders to return to illegal drug activity and strengthen the criminal justice system as a crime prevention tool.

Thus, the criminal provisions for recidivists of drug crimes reflect an effort to balance the need to provide fair and effective punishment with the recognition that prevention and rehabilitation are important parts of a long-term strategy to reduce drug crime and support the recovery of individuals involved.

3. RESEARCH METHOD

The specification of this research only carries out analysis up to the level of synthesis, namely analyzing and presenting facts systematically so that they can be more easily understood and concluded. (Bambang Sugono,2001) The specification and/or type of this thesis research is normative legal research while combining it with sociological (empirical) legal research using secondary data obtained directly from the first source through field research through interviews and primary data as a source/information material in the form of primary legal materials, secondary legal materials and tertiary legal materials.

The approach method in this study is a combination of the normative approach "legal research" with the empirical approach method "Juridical Sociologies". The research mechanism with this combined approach method is carried out by describing the explanation of the inductive research method leading to the deductive method and vice versa. This is done by the author to help explain the relationship between research variables and research objects so that it can produce an understanding that is very helpful for readers, especially researchers and academics.

The location of this research is carried out in Batam City, Riau Islands Province, precisely in the Class IIA Prison in Batam City. This location is determined based on the data that is the object of this thesis research. The population is all elements related to the object of research. The sample used by the researcher is a random technique to find out for sure related to the research to be studied. As for the sample used by the author is a purposive sampling technique in determining respondents and informants who will be interviewed to meet the primary data needed to complete the research.

4. RESULTS AND DISCUSSION

Legal Factors Contributing to the Occurrence of Recidivism in Narcotics Crimes in Class IIA Batam Prison

The legal factors that contribute to the occurrence of recidivism of narcotics crimes in Class IIA Batam Prison can be divided into several main categories, namely:

a. Weaknesses in the Criminal Justice System

Weaknesses in the criminal justice system that contribute to the occurrence of recidivism of drug crimes in Class IIA Batam Prison include several important aspects. First, the justice system often places more emphasis on the aspect of punishment than rehabilitation. This excessive emphasis on punishment results in a lack of attention to rehabilitation programs that should help prisoners improve themselves and prepare them to return to society. Existing programs are often inadequate in providing the psychological support, counseling, and skills training needed by prisoners to avoid returning to a life of crime after release.

b. Social Stigma and Discrimination

Social stigma and discrimination against former drug convicts is one of the main factors contributing to the high recidivism rate. After serving their sentences, former convicts often face prejudice and negative stereotypes from society. This stigma can come in many forms, including unfair treatment, social rejection, and prejudice that views them as irreversible criminals. As a result, former convicts often feel isolated and alienated from society, making it difficult for them to reintegrate and build a better life. Discrimination in employment is one of the most significant impacts of social stigma. Many companies are reluctant to hire former convicts because they are concerned about the risks they may pose or the tarnished reputation of the company.

c. Lack of Post-Release Support

Lack of post-release support is a significant factor contributing to high rates of recidivism

among former drug offenders. After being released from prison, many former offenders find themselves without access to basic services that are essential for successful reintegration into society. Mental and psychological support, which is especially important for those with a history of addiction or trauma, is often unavailable. Without these supports, former offenders may struggle with stress, depression, or addiction that has not been fully addressed, all of which can increase their risk of reoffending.

d. Unsupportive Social Environment

Unsupportive social environments play a large role in the high recidivism rates among former drug offenders. When former offenders return to the same communities where they first became involved in criminal activity, they often find themselves surrounded by the same negative factors that led them to crime in the first place. Neighborhoods with high crime rates, easy access to drugs, and negative influences from certain groups or individuals can greatly affect the behavior and decisions of former offenders. Without a change in environment, former offenders may find it difficult to break the cycle of crime and make positive changes in their lives.

e. Economic Issues

Economic problems are one of the main factors that drive former drug convicts to re-offend after being released. When former convicts leave prison, they often face significant challenges in finding decent jobs. The social stigma attached to the status of former convicts makes many employers reluctant to hire them. Even if they do manage to find work, it is often low-paying and inadequate to meet their living needs. (Erniyanti, Roni Syahputra, 2024)

Implementation and Effectiveness of the Narcotics Crime Convict Rehabilitation Program in Reducing the Recidivism Rate in Class IIA Batam Prison

The implementation and effectiveness of the rehabilitation program for drug-related prisoners in Class IIA Batam Penitentiary in reducing recidivism rates requires in-depth analysis based on field data and empirical findings. Based on research conducted in Class IIA Batam Penitentiary, the rehabilitation program implemented includes several main components such as counseling, group therapy, skills training, and educational programs. However, the effectiveness of this program varies greatly depending on the resources available, the quality of implementation, and the involvement and commitment of the prisoners themselves. From field data, it was found that counseling and group therapy in Class IIA Batam Penitentiary are carried out routinely, but are often limited by the number of available professionals. With an

inadequate ratio of counselors to the number of prisoners, many prisoners do not receive enough intensive attention.

Counseling and group therapy at Class IIA Batam Prison are an integral part of the rehabilitation program designed to help prisoners overcome psychological problems and drug addiction. This program is run routinely with the aim of providing emotional support, increasing self-understanding, and building social skills needed for life after release. However, in practice, the implementation of this program often experiences significant obstacles, one of which is the number of available professionals. Class IIA Batam Prison faces a shortage of competent counselors and therapists, which impacts the effectiveness of the program. With an inadequate ratio of counselors to inmates, many inmates do not receive enough intensive attention during counseling and group therapy sessions. Ideally, these sessions require in-depth and personal interaction between counselors and inmates to achieve optimal results.

Skills training and education programs are also important components of the rehabilitation program at Class IIA Batam Prison. However, from interviews and field observations, it was found that these programs are often unsustainable and less relevant to the needs of the labor market. Skills training and education programs at Class IIA Batam Prison are part of the rehabilitation efforts to provide provisions for prisoners to be able to reintegrate into society after being released. These programs are designed to improve the practical skills and knowledge of prisoners, so that they have a greater chance of getting decent jobs and living productive lives. To improve the effectiveness of skills training and education programs, a more focused and labor market-based approach is needed. This includes regular evaluation of the relevance of existing training programs, adjusting curricula to match labor market trends and needs, and increasing collaboration with the private sector and professional training institutions. In addition, ensuring that these programs are adequately resourced and sustainable will help prisoners acquire truly useful skills and have a greater chance of successful reintegration into society after their sentence ends.

The Role of Law Enforcement Agencies in Preventing and Handling Cases of Recidivist Narcotics Crimes and the Obstacles Faced at Class IIA Batam Prison

The role of law enforcement agencies in preventing and handling recidivism cases of narcotics crimes in Class IIA Batam Prison is very crucial. These institutions include the police, prosecutors, courts, and the correctional institution itself. Each institution has a special role that complements each other in efforts to reduce the rate of recidivism among narcotics prisoners.

a. The role of the police

The police play a role in law enforcement in the early stages, from arrest to investigation.

To prevent recidivism, the police are expected to conduct thorough and professional investigations so that every narcotics case can be handled thoroughly.

b. The role of the prosecutor's office and the courts

The prosecutor's office and the courts play a role in the prosecution process and fair legal decisions in accordance with applicable regulations. In the context of preventing recidivism, prosecutors and judges must ensure that the sentences imposed not only serve as a deterrent but also provide an opportunity for rehabilitation. For example, a judge can order a perpetrator of a drug crime to undergo rehabilitation as part of the sentence, in accordance with Law Number 35 of 2009 concerning Narcotics. The prosecutor's office can also play a role in ensuring that the mandatory rehabilitation program is carried out properly during the sentence, as well as monitoring the progress of the prisoner's rehabilitation.

c. The role of correctional institutions

Correctional institutions, especially Class IIA Batam Prison, have a central role in the rehabilitation and reintegration of prisoners. Rehabilitation programs in prisons must be well designed and implemented to help prisoners overcome addiction and prepare them to return to society. This includes the provision of counseling services, group therapy, skills training, and education.

The obstacles faced by law enforcement agencies in preventing and handling cases of recidivism of narcotics crimes in Class IIA Batam Prison are quite complex and diverse. Here are some of the main obstacles faced:

- a. One of the main obstacles is the lack of adequate personnel. In both the police, the prosecutor's office, and correctional institutions, the lack of staff specifically trained in handling drug cases and inmate rehabilitation severely limits the effectiveness of existing programs. The ratio between the number of inmates and officers is often unbalanced, so that many inmates do not receive enough intensive attention. Facilities at Class IIA Batam Prison are often inadequate to support effective rehabilitation programs. Limited space, equipment, and other supporting facilities hamper the implementation of skills training and education programs for prisoners. In addition, facilities for therapy and counseling are often inadequate.
- b. Many rehabilitation and reintegration programs require significant funding, whether to pay for professional staff, provide training materials, or upgrade prison facilities. Budget constraints are often a major barrier to running these programs sustainably and effectively. Without adequate funding, rehabilitation programs often fail to run smoothly or must be

- terminated before achieving their intended goals.
- c. Cooperation between various law enforcement agencies such as the police, prosecutors, courts, and correctional institutions is often less than optimal. Lack of effective coordination and communication can lead to overlapping tasks or even negligence in handling cases. For example, the absence of an integrated monitoring system for former prisoners who are at high risk of re-offending. In addition to cooperation between law enforcement agencies, collaboration with non-governmental organizations, the private sector, and local communities is also very important. However, there are often gaps in communication and cooperation with these external parties, which can hinder the implementation of more comprehensive rehabilitation and reintegration programs.
 - d. The stigma against drug convicts is still very strong in society. This not only affects their chances of getting a job or social support after release, but can also affect the motivation of convicts to really try to improve themselves during rehabilitation. Without adequate social support, convicts may feel isolated and less motivated to change their behavior.
 - e. Sometimes, existing regulations and policies do not support rehabilitation programs optimally. For example, policies that focus more on punishment than rehabilitation can reduce the effectiveness of rehabilitation programs run in prisons. In addition, the lack of clarity or lack of enforcement of regulations regarding the rehabilitation and reintegration of prisoners is also an obstacle.

5. CONCLUSION AND SUGGESTION

Conclusion

Based on the discussion in the previous chapter, the following conclusions can be drawn:

- a. Legal factors contributing to the occurrence of drug crime recidivism in Class IIA Batam Penitentiary include weaknesses in the criminal justice system that focuses more on punishment than rehabilitation, lack of support and facilities for relevant rehabilitation and skills training programs, and social stigma and discrimination faced by former prisoners after release. In addition, minimal post-release support, an unsupportive social environment, and economic problems including difficulty in finding employment and financial stability also play a significant role.
- b. The implementation and effectiveness of the drug crime rehabilitation program in Class IIA Batam Penitentiary in reducing the recidivism rate still face significant challenges. Although counseling, group therapy, and skills training programs are run routinely, limited

number of professionals, inadequate facilities, and unsustainable programs hinder the achievement of optimal results. In addition, the relevance of skills training that is not in accordance with the needs of the labor market reduces the opportunities for former prisoners to get decent jobs after release.

- c. Law enforcement agencies in Class IIA Batam Penitentiary play an important role in preventing and handling cases of recidivism of drug crimes through law enforcement, fair prosecution, and comprehensive rehabilitation programs. However, the effectiveness of these efforts is often hampered by limited human and physical resources, lack of budget, and suboptimal coordination between various related agencies. In addition, social stigma and discrimination against former prisoners, as well as weaknesses in the legal system that emphasizes punishment over rehabilitation, exacerbate the situation. To overcome these obstacles and reduce the rate of recidivism, increased resources, adequate funding, improved coordination between institutions, and policy reforms that place more emphasis on rehabilitation and reintegration of prisoners into society are needed.

Suggestion

From this conclusion, the author can provide several suggestions, namely:

- a. It is recommended that law enforcement agencies, including police, prosecutors, and correctional institutions, invest in improving training for officers and counselors working with drug offenders.
- b. It is recommended that communities play an active role in reducing stigma and discrimination against former drug offenders. Public awareness campaigns and educational programs that emphasize the importance of reintegrating former offenders into society can help create a more inclusive and supportive environment.
- c. It is recommended that the government implement policy reforms that emphasize rehabilitation rather than punishment alone. These policies should include the development of comprehensive and sustainable rehabilitation programs, as well as adequate post-release support.

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