

The Double-Track System Method to Prevent Narcotics Recidivism

Muhammad Selfano Hidayat

Law Science, Faculty of Law and Politic Science, Universitas Muhammadiyah Surakarta

c100200136@student.ums.ac.id

Fahmi Fairuzzaman

Law Science, Faculty of Law and Politic Science, Universitas Muhammadiyah Surakarta

ff936@ums.ac.id

Abstract

Drug abuse is a serious problem facing many countries, including Indonesia, due to its negative impacts on public health, social stability, and the law enforcement system. The high number of drug offenders sentenced to prison indicates that conventional criminal justice approaches have not fully addressed the root causes of drug abuse. This situation also contributes to the increasing recidivism rate among drug abusers. Therefore, a criminal justice approach is needed that is not only oriented toward punishment but also toward the rehabilitation of offenders through the application of the double-track system. This study aims to analyze the implementation of the Double Track System in handling drug abusers and its effectiveness in preventing recidivism. The research method used is empirical juridical with a descriptive approach. Research data was obtained through a literature review of relevant laws and regulations, books, and scientific journals, and supported by field data through interviews and observations. The results show that the double track system provides a balance between criminal sanctions and disciplinary sanctions within the penal system for drug abusers. The implementation of medical and social rehabilitation as part of this system can assist the recovery process for drug addicts, enabling them to return to normal functioning in society. However, the implementation of this system still faces various obstacles, such as limited rehabilitation facilities, a lack of professional staff, and a law enforcement paradigm that still focuses on imprisonment. Therefore, strengthening rehabilitation policies and improving coordination between law enforcement agencies are necessary to ensure that the double-track system can be implemented effectively and run optimally.

Keywords: *Double Track System*, drug abuse, rehabilitation, penal system, recidivism.

INTRODUCTION

Drug abuse is a global problem that has serious impacts on public health, social stability, and the law enforcement system. This phenomenon occurs not only in developed countries but also presents a complex problem in developing countries, including Indonesia. Drug abuse can lead to various negative impacts such as health damage, increased crime, and disruption of social order in society. Therefore, overcoming drug abuse is a shared responsibility between the government, law enforcement officials, and society at large. (1)

In Indonesia, drug crimes are showing a growing trend and are one of the largest contributors to the number of prisoners in correctional institutions. Many drug abusers are sentenced to prison without adequate rehabilitation efforts. This situation has given rise to new problems, namely overcrowding in correctional institutions and an increased potential for recidivism among drug convicts after they have completed their sentences. (2)

Imprisonment of drug abusers is often considered ineffective in addressing the root causes of drug abuse. This is because many drug abusers are essentially victims of substance dependency who require medical treatment and social rehabilitation, not just criminal punishment. Without an adequate rehabilitation process, perpetrators have the potential to return to drug abuse after being released from prison. (3)

In response to these issues, the concept of the double-track system has developed in modern criminal law, combining criminal penalties with disciplinary measures. In the context of narcotics crimes, this approach allows for the application of prison sentences accompanied by medical and social rehabilitation measures for narcotics abusers. This system aims not only to provide a deterrent effect on perpetrators, but also to restore the perpetrators' physical and psychological condition so that they can function normally in society again. (4)

The implementation of this rehabilitative approach is in line with Indonesia's narcotics law policy, which provides space for drug abusers to undergo rehabilitation. Rehabilitation is seen as an important step in the recovery of drug addicts and abusers, enabling them to break free from dependency and reduce the likelihood of repeating criminal acts in the future. (5)

Furthermore, in the development of modern criminal law, there has been a paradigm shift from a repressive approach to a more humanistic and rehabilitative one. This shift is driven by the realization that not all criminals should be treated as fully deserving of punishment, but rather

as individuals.

Certain cases also require protection and rehabilitation. In the context of drug abuse, perpetrators are often in a dual position, namely as perpetrators of criminal acts and victims of substance dependence. Therefore, a criminalization approach that only emphasizes imprisonment is considered no longer relevant to address the complexity of this problem. (6)

Furthermore, criminal policy in addressing narcotics crimes cannot be separated from the goals of social defense and social welfare. An inappropriate criminalization approach can actually worsen the conditions of perpetrators, increase the burden on the state due to overcrowding in correctional institutions, and increase the chances of repeat offenses. This indicates that the conventional criminal system requires reform to meet the challenges of more effective and equitable law enforcement.(2)

On the other hand, Indonesia has normatively recognized the importance of rehabilitation for drug abusers, as reflected in various legal policies, including Law Number 35 of 2009 concerning Narcotics. However, in practice, there is still often a disparity between normative provisions and implementation in the field. Many drug abusers who should receive rehabilitation are instead sentenced to prison, so that the goal of recovery is not optimally achieved.(3)

This situation indicates a gap between *das sollen* (what should be) and *das sein* (what actually happens) in the application of criminal punishment policies to drug abusers. Therefore, an approach is needed that can bridge the interests of punishment and rehabilitation in a balanced way. The Double Track System is presented as a concept that offers a solution through a combination of criminal sanctions and action sanctions, so that it is hoped that it will be able to create a more proportional, effective, and recidivism-preventing criminal punishment system. (4)

Thus, strengthening studies on the Double Track System is important not only from a theoretical perspective but also from a practical perspective within the Indonesian criminal justice system. This study is expected to contribute to the development of criminal law policies that are more responsive to drug abuse issues and capable of reducing recidivism. Based on this description, the implementation of a double track system is important to study this further, especially in the context of the development of drug-using prisoners in correctional institutions.

This study is needed to determine how the system is implemented in practice and its effectiveness in preventing recidivism among drug convicts.

METHOD/IDEA

This research employs an empirical juridical approach, a legal research method that examines law not only as written norms within statutory regulations, but also observes how the law is applied in practice within society. This approach is essential for understanding the implementation of the double-track system concept in the rehabilitation of narcotics-addicted inmates within correctional institutions, as well as for determining its effectiveness in preventing recidivism. (7)

The type of research used in this study is analytical descriptive research., namely research that aims to provide a systematic description of the phenomenon being studied and analyze the relationship between various factors that influence the implementation of a legal policy. Through this approach, researchers can clearly describe the implementation of rehabilitation and development policies for drug-using prisoners as part of the modern criminal system. (2)

The data sources in this study consist of primary data and secondary data.. Primary data was obtained through interviews with correctional officers, community counselors, and parties involved in implementing rehabilitation programs for drug-using prisoners. Meanwhile, secondary data was obtained through a literature study that included laws and regulations, scientific journals, books, and official documents related to drug control policies and the correctional system in Indonesia. (5)

The data collection techniques in this research were conducted through literature studies and interviews. Literature studies were conducted to obtain theoretical and conceptual foundations related to the double track system, the criminal justice system, and rehabilitation of drug abusers. Meanwhile, interviews were conducted to obtain direct information regarding the implementation of the development and rehabilitation program for drug convicts in correctional institutions. (8)

The data obtained were subsequently analyzed using qualitative analysis, which involves categorizing, interpreting, and correlating data gathered from various sources to provide a comprehensive overview of the implementation of the double-track system in the rehabilitation of narcotics-addicted inmates. This analysis aims to identify both the supporting and inhibiting factors that influence the effectiveness of implementing this system in preventing recidivism. (9)

RESULTS AND DISCUSSION

1. Implementation of Double Track System in Handling Drug Abuse

Developments in modern criminal law demonstrate a paradigm shift from a retributive approach to a more humanistic and rehabilitative one. This shift is inseparable from criticism of the conventional criminal justice system, which is deemed incapable of addressing the complexities of certain crimes, including drug abuse. In this context, the double track system presents a concept that integrates criminal sanctions and action sanctions in a comprehensive penal system. (10)

Double track system is a penal system that combines criminal sanctions and disciplinary sanctions in handling a crime. In the context of drug abuse, this system places imprisonment as a form of legal accountability while also providing rehabilitation measures for perpetrators who are addicted to narcotics. This approach has developed in the modern criminal law system, which is not only oriented towards retribution, but also towards improving the behavior of perpetrators of criminal acts. (11)

In the Indonesian legal system, the application of the double track system in handling narcotics crimes can be seen in Law Number 35 of 2009 concerning Narcotics. This law provides the possibility for judges to impose criminal sanctions as well as rehabilitation measures for narcotics abusers. Rehabilitation is seen as an important step in restoring the physical and psychological condition of narcotics addicts so that they can return to living a normal social life in society. (12)

Research shows that the approach of the double track system has an important role in the criminal policy for drug abusers. This system provides a balance between the deterrent effect of criminal punishment and the rehabilitation of the perpetrator. Thus, criminal punishment functions not only as a means of punishment, but also as a means of development and rehabilitation for drug abusers. (10)

However, the implementation of the double track system in Indonesia still faces various obstacles. In judicial practice, judges tend to impose more prison sentences than rehabilitation measures. This indicates that the law enforcement paradigm is still dominated by a repressive approach.

2. Effectiveness of Implementation *Double Track System* In Preventing Recidivism

The effectiveness of a penal system can be measured by its ability to suppress recidivism rates. In cases of drug abuse, recidivism often occurs due to substance dependency that is not handled comprehensively. Imprisonment as the main form of sanction in the conventional penal system has limitations in dealing with drug abusers. Prisons are not designed as places of rehabilitation, so they are unable to overcome the dependency experienced by perpetrators. In fact, in some cases, correctional institutions have become places where drug trafficking networks develop. (13)

On the other hand, the rehabilitative approach that is part of the double track system has significant potential in reducing recidivism. Medical rehabilitation aims to address physical dependency, while social rehabilitation aims to restore an individual's social functioning. However, the effectiveness of rehabilitation is greatly influenced by the quality of the program provided. Rehabilitation programs that are not comprehensive and sustainable tend not to produce optimal results.

Furthermore, the social stigma against former drug abusers is also a hindering factor in the social reintegration process. Without community support, former narcotics abusers will struggle to return to a normal life. The implementation of the double-track system in narcotics offenses primarily aims to suppress recidivism rates, or the re-offending by perpetrators. The rehabilitative approach applied within this system is designed to overcome narcotics dependency, which is one of the main factors leading individuals to relapse into substance abuse after serving a prison sentence. (14)

However, the implementation of the double-track system still faces various challenges. Several studies show that the criminal justice system in Indonesia still places more emphasis on imprisonment than on rehabilitation. This results in the goal of rehabilitation for drug addicts have not been fully achieved, so the potential for repeating criminal acts is still quite high. (15)

In addition, the effectiveness of rehabilitation is also influenced by various factors such as the availability of rehabilitation facilities, adequate medical personnel, and social support from the community for former drug abusers. Without this support, the process of social reintegration for former drug convicts will be difficult, increasing the likelihood that they will re-commit the same crime. (4)

The double-track system emerges as an alternative solution in modern sentencing systems by integrating criminal sanctions and disciplinary measures. In the context of narcotics abusers, this system accommodates the implementation of both medical and social rehabilitation as part of the offender's recovery efforts. Thus, the system aims not only to provide a deterrent effect, but also to restore the physical, psychological, and social conditions of offenders to prevent them from re-offending. Theoretically, the effectiveness of the double-track system in preventing recidivism can be explained through a criminological approach that emphasizes the importance of addressing the causes of crime. Narcotics abuse is generally influenced by various factors, such as environmental pressure, psychological conditions, social interactions, and substance dependency itself. Without interventions targeting these factors, offenders exhibit a high tendency to relapse into narcotics abuse after serving a prison sentence. (16)

Imprisonment, as a conventional form of punishment, has limitations in dealing with drug abuse. Correctional institutions are not essentially designed as places of medical rehabilitation, but rather as places of correction for criminals. In practice, many correctional institutions experience over capacity, thus failing to provide optimal guidance. In fact, in some cases, correctional institutions have become breeding grounds for drug trafficking networks. This situation demonstrates that imprisonment not only fails to prevent recidivism but also has the potential to worsen the situation. Conversely, the rehabilitative approach that is part of the double-track system has the advantage of treating drug abusers more comprehensively. Medical rehabilitation aims to overcome physical dependence through detoxification therapy and medication, while social rehabilitation aims to restore individual social functions through coaching, counseling, and skills training. With rehabilitation, perpetrators are not only punished but are also given the opportunity to improve themselves and return to society as productive individuals. (17)

The effectiveness of the double-track system cannot be separated from the quality of the implementation of the rehabilitation program itself. Rehabilitation that is carried out partially, unsustainably, or without adequate professional support tends not to provide optimal results. Therefore, the success of this system is highly dependent on the availability of adequate rehabilitation facilities, competent medical personnel and counselors, and a continuous monitoring and evaluation system. In addition to internal factors within the rehabilitation program, the effectiveness of the double-track system is heavily influenced by

external factors, particularly the offender's social environment. The negative stigma against former drug abusers is one of the main obstacles in the social reintegration process. Many former drug users experience discrimination in obtaining employment, education, and other social access. This condition can cause psychological stress that could potentially drive them to return to drug use as a form of escape. (18)

From this perspective, the effectiveness of the double-track system is not only determined by the penal system itself, but also by community support. Successful social reintegration requires the involvement of various parties, including families, communities, and the government. Programs such as job training, economic empowerment, and community education on the importance of rehabilitation are important factors in supporting the success of this system. On the other hand, the effectiveness of the double-track system is also influenced by the consistency of law enforcement officers in implementing rehabilitation policies. In practice, there is still a tendency to impose prison sentences on drug abusers, even though rehabilitation options are normatively available. This indicates a gap between legal policy and its implementation in the field. Therefore, it is necessary to increase the understanding and awareness of law enforcement officers regarding the importance of a rehabilitative approach in handling drug abusers. (19)

Furthermore, the integrated assessment system plays an important role in determining the effectiveness of the double-track system. This assessment aims to identify the perpetrator's level of dependency and determine the most appropriate type of treatment.

Without accurate assessment, there is a risk of errors in the placement of offenders, for example, abusers who should be rehabilitated are instead convicted, or vice versa. Therefore, strengthening the assessment system is an important step in increasing the effectiveness of this system. From a public policy perspective, the double-track system also has implications for the efficiency of the criminal justice system. By reducing the number of imprisoned drug abusers, this system can help address the problem of overcrowding in correctional institutions. Furthermore, a rehabilitative approach is also considered more economical in the long term because it can reduce the social costs of recidivism. (20)

Overall, the effectiveness of the double-track system in preventing recidivism depends heavily on various factors, both internal and external. Conceptually, this system has advantages over conventional sentencing approaches because it integrates aspects of

punishment and rehabilitation. However, in practice, the effectiveness of this system still faces various challenges, such as limited facilities, a lack of professional staff, social stigma, and inconsistencies in law enforcement.

Thus, to increase the effectiveness of the double-track system in preventing recidivism, comprehensive and integrated efforts are needed. These efforts include strengthening rehabilitation policies, increasing the capacity of law enforcement officers, providing adequate rehabilitation facilities, and educating the public to reduce the stigma against drug abusers. Without these efforts, it will be difficult for the double-track system to achieve its main objective, namely reducing the recidivism rate and creating a fairer and more effective criminal justice system.

3. Barriers to Implementation of Double Track System

In its implementation, the application of **the double-track system** in handling drug abuse in Indonesia still faces various complex structural, cultural, and substantive obstacles. These obstacles indicate that although this system has been normatively accommodated in laws and regulations, its implementation in the field remains suboptimal. This condition ultimately impacts the achievement of the main objectives of **the double-track system**, namely creating a balance between punishment and the rehabilitation of the perpetrator. (21)

One of the main obstacles is the suboptimal coordination between law enforcement agencies, such as the police, prosecutors, and courts, with correctional institutions and rehabilitation institutions. In practice, each institution often works partially without effective system integration. As a result, the process of handling drug abusers is not synchronized, especially in determining whether the perpetrator should be sentenced to prison or rehabilitated. This lack of coordination also causes the integrated assessment that should be the basis for determining action to be often not carried out optimally. In addition, the limited number of rehabilitation facilities in Indonesia is also a significant obstacle. The number of available rehabilitation institutions, both government and private, is still not comparable to the number of drug abusers who need recovery services. Not only in terms of quantity, the quality of rehabilitation services is also still a problem, especially related to the limited number of professional staff such as doctors, psychologists, and addiction counselors. This condition results in the implementation of rehabilitation not running optimally and is unable to provide maximum results in the recovery process of perpetrators. (2)

Another obstacle is the continued dominance of the punishment-oriented paradigm (*retributive justice*). In law enforcement practices in Indonesia, imprisonment remains the primary option in handling narcotics cases, including against drug abusers. However, within the framework of the double-track system, rehabilitative sanctions hold an equal standing with criminal sanctions. The dominance of this repressive approach shows that law enforcement officers have not fully adopted the modern criminalization paradigm that places more emphasis on rehabilitative and restorative aspects. Furthermore, the social stigma against drug abusers also poses a serious obstacle to the implementation of the double-track system. In society, drug abusers are still often viewed as criminals who must be punished, rather than as individuals in need of help. This stigma not only influences society's perspective but can also impact the law enforcement process and the success of rehabilitation. Former drug abusers often experience difficulties in the social reintegration process, such as in obtaining employment and being accepted back into society, thus increasing the risk of recidivism. (21)

From a regulatory perspective, although Indonesia has a legal basis that regulates rehabilitation for drug abusers, there are still weaknesses in implementation. Several legal provisions do not yet provide clear technical guidelines regarding the implementation mechanism of the double-track system. This leads to disparities in court decisions for similar cases, where some perpetrators receive rehabilitation while others are sentenced to prison. This legal uncertainty is one of the factors hindering the system's effectiveness. Another contributing factor is the lack of understanding and capacity among law enforcement officials regarding the concept of the double-track system, as not all officers possess adequate knowledge regarding the importance of a rehabilitative approach in handling drug abusers. As a result, the approach used still tends to be conventional and solely oriented towards punishment. This indicates the need for increased capacity and training for law enforcement officers to be able to implement this system effectively. (11)

Thus, the implementation obstacles of the double-track system in Indonesia are not merely technical, but encompass structural, cultural, and policy dimensions. Therefore, comprehensive efforts are required to overcome these diverse challenges, including strengthening inter-institutional coordination, improving rehabilitation facilities, shifting the punitive paradigm, and increasing public awareness. Without these efforts, it will be difficult for the double-track system to achieve its objective of creating a more effective, fair, and

rehabilitation-oriented criminal justice system. (10)

CLOSING

CONCLUSION

Based on the results of the research and discussion regarding the implementation of the double-track system in handling drug abusers, it can be concluded that this penal system is an approach that combines criminal sanctions and disciplinary measures in addressing criminal offenses. In the context of drug abuse, the double-track system provides a balance between the imposition of prison sentences as a form of legal accountability and rehabilitative measures aimed at restoring perpetrators who are dependent on narcotics.

Implementation *Double Track System* in the Indonesian legal system has been accommodated in the narcotics law policy which provides space for narcotics abusers to Undergoing medical and social rehabilitation. This approach aims not only to deter offenders but also to improve their physical, mental, and social condition so they can return to normal functioning in society.

However, in practice, the implementation of the double-track system still faces various obstacles, such as limited rehabilitation facilities, a lack of professional staff in the field of drug rehabilitation, and a law enforcement paradigm that heavily emphasizes imprisonment. Consequently, these conditions prevent the goals of rehabilitation and recidivism prevention from being optimally achieved.

SUGGESTION

Based on the results of the research, the implementation of the double-track system in handling drug abusers must be continuously strengthened to become more effective in preventing recidivism. The government is expected to improve policies that support the implementation of rehabilitation for drug abusers, both through the provision of adequate rehabilitation facilities and through strengthening regulations governing the application of sanctions in the criminal justice system. Furthermore, law enforcement officials such as judges, prosecutors, and investigators need to optimize the use of rehabilitation mechanisms for drug abusers who meet the criteria for victims of dependence, so that the criminalization approach is not only oriented towards punishment but also towards efforts to rehabilitate the perpetrator. Correctional institutions are also expected to improve the quality of development and rehabilitation programs for drug

convicts through personality development, education, and job skills training so that inmates are prepared to return to society after serving their sentences. Furthermore, community support is also essential in the social reintegration process for former drug abusers so that they can be accepted back into their social environment and minimize the risk of reoffending..

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