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Reconstructing Judicial Discretion in Drug Rehabilitation Sentencing: A Ratio Decidendi Analysis of Judgment No. 1365/Pid.Sus/2017/PN.Tjk

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Abstract

Judicial decisions on rehabilitation for narcotics abusers often require judges to reconcile criminal accountability with rehabilitative objectives, yet the parameters guiding such discretion remain insufficiently structured. This study examines the ratio decidendi underlying judicial discretion in Judgment No. 1365/Pid.Sus/2017/PN.Tjk and develops parameters for more consistent rehabilitation decisions. This study employs normative legal research using statutory, case, and conceptual approaches to examine the legal provisions on narcotics rehabilitation, Judgment No. 1365/Pid.Sus/2017/PN.Tjk, and the concepts of judicial discretion, *ratio decidendi*, punishment, and rehabilitation. The legal materials are analyzed through qualitative legal interpretation and prescriptive reasoning. The findings show that the decision combined imprisonment with rehabilitation; however, the reasoning within it lacked an explicit and structured framework for exercising discretion. This study reconstructs four parameters: normative, medical, juridical, and the purpose of sentencing. These parameters are operationalized through six stages of legal reasoning, ranging from identifying applicable norms, reconstructing proven facts, integrating assessment findings, correlating facts with legal requirements, exercising structured discretion, and formulating sanctions. This model contributes to individualized sentencing by providing a more transparent framework for balancing legal certainty, justice, rehabilitation, and the protection of society.

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INTRODUCTION

Criminal justice policies regarding drug abuse in various jurisdictions have undergone a paradigm shift from a repressive approach (crime control approach) moving towards a health paradigm that views drug abuse as an issue of dependency requiring medical and social intervention (Herman, 2026; Ward & Kawalek, 2024). This shift is based on the premise that drug abusers occupy a dual rather than a singular position: on the one hand, they are offenders, but on the other, they are individuals suffering from substance dependence who require medical and social intervention, not merely incarceration (Tobing & Hutapea, 2023). It is this dualistic perspective that subsequently underpinned the emergence of rehabilitation policies as an integral part of the drug criminal justice system, rather than as an exception to it (Rivanie et al., 2022).

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Indonesia adopted this paradigm through Law No. 35 of 2009 on Narcotics, which incorporates medical and social rehabilitation as part of criminal justice policy toward drug addicts and victims of drug abuse (Panjaitan et al., 2025). The provisions of Articles 54, 103, and 127 of Law No. 35 of 2009 provide judges with the discretion to impose rehabilitation as an alternative to imprisonment if the defendant meets certain requirements (Margono, 2026). The construction of these legal norms affirms that rehabilitation is not intended to negate criminal liability, but rather serves as a legal instrument that operates within the framework of the formal criminal justice system. The nature of this provision, which grants authority without specifying detailed operational criteria, in turn places judicial discretion at the crux of determining how rehabilitation is applied in practice (*UU No. 35 Tahun 2009*). This crucial point, in reality, has not been followed by consistent rulings. In cases with relatively comparable factual characteristics, disparities in rulings have been found, with some judges imposing rehabilitation measures while others impose prison sentences (Magaba, 2023). This disparity cannot be attributed solely to differences in the construction of trial facts but also stems from variations in how judges assess the defendant’s status, the weight of evidence, the results of integrated assessments, and the orientation toward the objectives of criminal punishment to be achieved (Margono, 2026b).

Judgment No. 1365/Pid.Sus/2017/PN.Tjk provides a particularly relevant context for examining this problem because it illustrates how a court combines imprisonment and rehabilitation within a single sentencing decision. The case therefore enables an examination not merely of the final sanction imposed, but of the ratio decidendi through which legal norms, evidentiary findings, the defendant's circumstances, medical considerations, and sentencing objectives are connected. In this study, ratio decidendi is understood as the judicial reasoning process that links applicable legal norms with facts and ultimately provides the juridical justification for a particular sentencing choice. Examining this reasoning is essential because the legitimacy of judicial discretion depends not simply on the existence of statutory authority but also on the rational and transparent manner in which that authority is exercised.

Previous studies have established the importance of rehabilitation in narcotics cases from several complementary perspectives. Najemi et al., (2020) Identify the continuing dominance of imprisonment in narcotics cases, particularly involving child offenders, whereas Hidayatun & Widowaty (2020) emphasize the need to place rehabilitation within a more justice-oriented framework supported by medical and legal assessment. More recent studies have extended this discussion by examining rehabilitation in relation to narcotics policy, legal protection, offender treatment, and correctional problems (Simbolon et al., 2025; Mardiman et al., 2025; Halimatusakdiah et al., 2026). Taken together, these studies demonstrate that rehabilitation has acquired an increasingly significant normative and policy position in responding to narcotics abuse. Nevertheless, their primary concern remains whether rehabilitation is legally justified, available, or appropriately implemented, rather than how judges construct the reasoning that leads to its application in an individual case.

A related body of literature has examined difficulties in applying Law No. 35 of 2009, particularly in distinguishing drug users from persons involved in possession or illicit distribution (Pratama, 2022; Ashaf & Andaryuni, 2025; Akrom et al., 2024). These studies demonstrate that statutory provisions alone do not automatically produce uniform judicial outcomes because the legal characterization of the defendant depends substantially on the evidentiary circumstances established during trial. At the implementation level, rehabilitation is also affected by assessment mechanisms, institutional capacity, procedural arrangements, and coordination between criminal justice and health institutions (Hadiansyah & Rochaeti, 2022; Akib et al., 2026). These findings indicate that rehabilitation decisions involve an interaction between legal determination and non-legal evidence, particularly medical and professional assessments, yet these dimensions have generally been examined separately rather than as interconnected components of judicial reasoning.

The literature on the double-track system provides a further conceptual basis for understanding the relationship between punishment and rehabilitation. Studies have emphasized that imprisonment and rehabilitative measures need not be treated as mutually exclusive responses but may perform complementary functions within the sentencing system (Andito et al., 2022; Purba et al., 2022; Widyaningsih & Sukma, 2024). This approach has also been discussed in relation to children involved in narcotics offences (Syahputra et al., 2026). Nevertheless, the existing literature largely addresses the legitimacy, implementation, or policy relevance of combining punitive and rehabilitative measures. It provides less explanation of the reasoning required to determine when rehabilitation should be imposed, when imprisonment remains necessary, and under what factual and legal circumstances both measures may be justified simultaneously.

Despite these developments, an important analytical gap remains. Recent studies have increasingly examined judicial considerations, sentencing disparity, offender classification, and integrated assessment in narcotics rehabilitation cases (Laksana et al., 2025; Arianti et al., 2025; Triyono & Fadhilah, 2026; Oktaviana et al., 2026). However, these studies have largely addressed these elements as separate legal or institutional problems and have not yet reconstructed them into an explicit, sequential framework of ratio decidendi explaining how judges move from applicable norms and proven facts to a particular sentencing choice. In particular, limited attention has been given to how the offender's juridical status, evidentiary findings, integrated-assessment results, medical recommendations, and sentencing objectives are systematically combined within a single judicial reasoning process. This gap is significant because judicial discretion is exercised precisely at this intersection.

This study addresses that gap by shifting the analytical focus from rehabilitation merely as a legal entitlement or sentencing policy to rehabilitation as the outcome of a structured process of judicial reasoning. Using the ratio decidendi of Judgment No. 1365/Pid.Sus/2017/PN.Tjk as the principal case of analysis, the study reconstructs four interrelated parameters governing judicial discretion: normative, medical, juridical, and sentencing-objective parameters. These parameters are subsequently operationalized through a six-stage legal reasoning model comprising: (1) identification of applicable legal norms; (2) reconstruction of proven facts; (3) integration of integrated-assessment findings; (4) correlation of facts with applicable legal requirements; (5) structured exercise of judicial discretion; and (6) formulation of the appropriate sanction. The proposed model therefore seeks to explain not merely whether rehabilitation is legally available, but how judges may rationally move from legal norms and evidentiary findings toward imprisonment, rehabilitation, or a combination of both.

The contribution of this study is twofold. Theoretically, it connects ratio decidendi and judicial discretion by conceptualizing discretion not as an autonomous judicial freedom but as the outcome of a structured and reviewable reasoning process. Practically, the reconstructed framework provides an analytical basis for evaluating the consistency and accountability of rehabilitation decisions while preserving judicial independence and the principle of individualized sentencing. Accordingly, this study addresses two research questions: (1) How is the judge's ratio decidendi constructed in exercising discretion regarding rehabilitation for drug abusers in Judgment No. 1365/Pid.Sus/2017/PN.Tjk? (2) How can the legal parameters governing judicial discretion in the application of rehabilitation to drug abusers be formulated?

METHOD

This study employs a normative legal research method focused on the analysis of legal norms, legal doctrines, and judges' legal reasoning (ratio decidendi) in court decisions as the primary objects of study (Askin & Masidin, 2023). The approaches used include the statutory approach to examine the provisions on rehabilitation for drug abusers in Law No. 35 of 2009 on Narcotics and its implementing regulations, and the case approach to analyze Judgment No. 1365/Pid.Sus/2017/PN.Tjk as the focus of the study, and the conceptual approach to examine the concepts of judicial discretion, ratio decidendi, the purposes of criminal punishment, and rehabilitation from a criminal law perspective (Marzuki, 2017).

The legal sources used in this research consist of primary, secondary, and tertiary legal sources selected based on their relevance to the research questions and their capacity to explain the legal basis, parameters, and judicial reasoning underlying the application of rehabilitation to drug abusers. Primary legal sources comprise Law No. 35 of 2009 on Narcotics, the Code of Criminal Procedure, Law No. 48 of 2009 on Judicial Power, Supreme Court Circular Letter No. 4 of 2010 as amended by Supreme Court Circular Letter No. 3 of 2011, and the Joint Regulation of the Chief Justice of the Supreme Court, the Minister of Law and Human Rights, the Minister of Health, the

Minister of Social Affairs, the Attorney General, the Chief of the Indonesian National Police, and the Head of the National Narcotics Agency of 2014 concerning the placement of drug addicts and victims of drug abuse into rehabilitation facilities. Judgment No. 1365/Pid.Sus/2017/PN.Tjk was selected as the principal unit of analysis because it provides a concrete judicial context in which statutory provisions on rehabilitation, the results of an integrated assessment, medical considerations, evidentiary findings, and the objectives of punishment intersect in the judge's exercise of discretion. Accordingly, the judgment is examined not merely for its outcome, but primarily for its *ratio decidendi* to identify the considerations and parameters underlying the judicial determination to impose rehabilitation.

The selection of primary legal sources was limited to legislation, judicial instruments, and the selected judgment that directly regulate or substantively relate to narcotics rehabilitation, judicial authority, and the exercise of judicial discretion in criminal adjudication. Secondary legal sources were selected based on their substantive relevance and scholarly authority, comprising books, articles published in reputable national and international journals, relevant research findings, and legal doctrines concerning criminal law, narcotics rehabilitation, judicial discretion, and *ratio decidendi*. Tertiary legal sources were limited to legal dictionaries, encyclopedias, and other authoritative reference materials used primarily to clarify legal concepts and terminology. Sources that do not directly address the legal framework, rehabilitation of drug abusers, judicial discretion, or the reasoning underlying the selected judgment were excluded from the analysis. This delimitation was applied to ensure that the legal materials remained focused on reconstructing the parameters of judicial discretion reflected in the selected judgment.

Legal materials were collected through library research using relevant legal databases and repositories, including the Supreme Court Decision Directory, Google Scholar, and HeinOnline, with searches conducted during the research period. Secondary legal materials, including scholarly books and journal articles, were identified using keywords related to narcotics rehabilitation, judicial discretion, *ratio decidendi*, and the *double track system*. Materials were selected based on their legal relevance, scholarly credibility, and substantive connection to judicial considerations in imposing rehabilitation on drug abusers. Primary legal materials comprised relevant laws and regulations and court decisions, particularly Judgment No. 1365/Pid.Sus/2017/PN.Tjk. Comparative judgments were selected based on their relevance to narcotics rehabilitation and their capacity to illustrate variations in judicial reasoning concerning imprisonment, rehabilitation, or the combination of both. The collected materials were subsequently inventoried, classified according to their subject matter, and analyzed through qualitative legal interpretation and prescriptive reasoning.

The analysis of legal materials was conducted qualitatively using a prescriptive-analytical method. The analysis began by identifying the legal norms governing the rehabilitation of drug abusers, followed by an examination of the judges' legal considerations in Judgment No. 1365/Pid.Sus/2017/PN.Tjk through an examination of the legal facts, the application of statutory provisions, the use of evidence, assessment results, and the legal arguments forming the ratio decidendi. The results of this analysis are then synthesized with the theory of judicial discretion, the theory of the purpose of punishment, and criminal law doctrine to construct parameters for judicial discretion in the application of rehabilitation for drug abusers. This construction is aimed at producing a formulation of parameters grounded in normative, conceptual, and practical foundations, thereby serving as a reference for ensuring consistency in the application of rehabilitation within the practice of criminal justice.

RESULTS AND DISCUSSION

The Construction of the Judge's Ratio Decidendi in the Exercise of Discretion Regarding Rehabilitation for Drug Abusers

The Legal Status of Rehabilitation in the Drug Penal System

The regulation of rehabilitation under Law No. 35 of 2009 on Narcotics reflects a sentencing framework that distinguishes between punitive and rehabilitative responses to narcotics-related conduct. The Law differentiates among illicit traffickers, drug addicts, victims of drug abuse, and individuals who abuse narcotics for personal use, with such classification affecting the legal consequences that may be imposed, including medical and social rehabilitation (Hartono et al., 2023). However, the Law does not provide sufficiently precise criteria for determining the boundaries between these categories. Their legal classification therefore depends substantially on the facts established during judicial proceedings and the interpretation of the applicable provisions.

This normative ambiguity is particularly important in determining whether rehabilitation, imprisonment, or a combination of both is appropriate. Although the integrative theory of punishment supports a balance between social protection and offender rehabilitation (Muladi & Arief, 1984) and (Arief, 2016), it does not establish concrete criteria for resolving that choice in individual cases. Accordingly, the central issue is not the general legitimacy of rehabilitation, but how judges translate the offender's juridical status, evidentiary circumstances, and relevant assessment findings into a legally reasoned sentencing decision. This provides the basis for examining the exercise of judicial discretion in Judgment No. 1365/Pid.Sus/2017/PN.Tjk.

Systematically, the legal framework governing rehabilitation is constructed through the interrelationship among Articles 54, 103, and 127 of Law No. 35 of 2009. Article 54 establishes the principle that drug addicts and victims of drug abuse are required to undergo both medical and social rehabilitation. Article 103 authorizes judges to order drug addicts to receive treatment or rehabilitation regardless of whether they are found guilty or acquitted of a narcotics offence. Conversely, Article 127 continues to classify the personal use of narcotics as a criminal offence punishable by imprisonment. When examined closely, these provisions do not exist in complete harmony. While Article 127 retains a punitive framework through custodial sanctions, Articles 54 and 103 simultaneously introduce a non-punitive mechanism in the form of rehabilitation for legal subjects whose factual circumstances may substantially overlap (Parindo, 2025). This structural tension among the statutory provisions places the entire burden of legal justification upon judges in determining which legal regime should apply to a defendant charged with drug abuse. Accordingly, the sentencing disparities that motivate this research are not merely the result of inconsistent judicial application of the law but are structurally embedded within the legislative design itself. Rehabilitation, therefore, should not be regarded as a mechanism for exempting offenders from criminal liability; rather, it constitutes one of the sentencing measures intended to address an offender's dependency while preserving criminal accountability (Hiariej, 2016).

This legal construction is further reinforced by Supreme Court Circular Letter (SEMA) No. 4 of 2010 concerning the Placement of Drug Abusers, Victims of Drug Abuse, and Drug Addicts in Medical and Social Rehabilitation Institutions (*SEMA No. 4 tahun 2010*). The Circular provides operational guidance for judges in identifying offenders eligible for rehabilitation by considering, among other factors, the quantity of narcotics seized as evidence, laboratory examination results, medical or psychiatric opinions, and the absence of involvement in illicit drug trafficking networks. Although the Circular does not constitute legislation within the hierarchy established by Law No. 12 of 2011 on the Formation of Laws and Regulations, it plays a significant role in promoting consistency in judicial decision-making and reducing sentencing disparities in narcotics cases (Saputra & Septiningsih, 2021). Its relatively weak hierarchical status, however, produces a dual consequence. On the one hand, it serves as a practical guideline that facilitates judicial identification of eligible drug abusers; on the other hand, because it lacks formally binding legal force, judges may depart from its provisions without explicit legal consequences. Paradoxically, this condition may widen, rather than reduce, the sentencing disparities that the Circular was intended to address.

The implementation of rehabilitation is further strengthened by the 2014 Joint Regulation of the Chief Justice of the Supreme Court, the Minister of Law and Human Rights, the Minister of Health, the Minister of Social Affairs, the Attorney General, the Chief of the Indonesian National Police, and the Head of the National Narcotics Board concerning the Placement of Drug Addicts and Victims of Drug Abuse in Rehabilitation Institutions. This Joint Regulation introduces the integrated assessment mechanism as an objective instrument for determining an individual's legal status and provides a basis for law enforcement authorities and judges to assess whether a defendant should be regarded as a drug user requiring rehabilitation or as a criminal offender deserving imprisonment. Nevertheless, it should be recognized that the results of an integrated assessment, regardless of the procedural rigor with which they are conducted, remain recommendatory rather than legally binding upon judges. Their influence ultimately depends upon the weight assigned to them by judges alongside other evidence presented during trial.

The philosophical foundation of rehabilitation has also been reinforced through the enactment of Law No. 1 of 2023 on the Indonesian Criminal Code, which adopts a more comprehensive conception of sentencing objectives. These objectives include preventing criminal offences, facilitating the social reintegration of offenders through rehabilitation, resolving conflicts arising from criminal conduct, restoring social equilibrium, and fostering remorse on the part of offenders. This formulation demonstrates that contemporary Indonesian criminal law has progressively embraced corrective, restorative, and rehabilitative approaches to punishment, thereby providing a stronger philosophical justification for the rehabilitation of drug abusers within the national sentencing system (Venerdi & Edrisy, 2025).

Accordingly, when adjudicating cases involving drug abuse, judicial consideration should extend beyond merely determining whether the constituent elements of the offence under Article 127 of Law No. 35 of 2009 have been satisfied. Judges must also assess whether the relevant legal and factual indicators justify the application of rehabilitation as an appropriate means of achieving the objectives of sentencing. This perspective provides the analytical foundation for understanding the construction of the judge's *ratio decidendi* in Judgment No. 1365/Pid.Sus/2017/PN.Tjk.

Reconstruction of the Legal Facts in Judgment No. 1365/Pid.Sus/2017/PN.Tjk

An analysis of the judge's *ratio decidendi* cannot be undertaken merely by examining the operative part of the judgment. Rather, it must begin with a reconstruction of the legal facts that the panel of judges selected and considered relevant in formulating its reasoning. Within criminal adjudication, legal facts constitute the point at which statutory norms intersect with the evidentiary process.

The case originated on Saturday, 9 September 2017, when two officers from the Narcotics Unit of the Bandar Lampung Municipal Police arrested the Defendant (hereinafter "FK"), a 33-year-old private-sector employee, at his rented room on Pulau Tabuan Street following a public report alleging narcotics abuse at the premises. At the time of the arrest, FK was found smoking methamphetamine using a bong. The police seized one small packet of methamphetamine weighing 0.14 grams, which, after forensic examination by the Indonesian Food and Drug Authority (BBPOM), yielded only a remaining sample of 0.06727 grams testing positive for methamphetamine, as part of the substance had been consumed during laboratory analysis. The relatively small quantity of narcotics later became one of the factors expressly considered by the court in determining the proportionality of the sentence. It is noteworthy, however, that the Public Prosecutor, through alternative charges under Article 112(1) or Article 127(1) (a) of the Narcotics Law, sought a purely custodial sentence of six months' imprisonment without proposing rehabilitation as a sentencing alternative. This contrast between the prosecutor's punitive approach and the court's rehabilitative reasoning constitutes one of the principal issues examined in the following analysis.

The second decisive legal fact arose from the findings of the Integrated Assessment Team of the Lampung Provincial National Narcotics Board (BNNP), as documented in the Minutes of Case Assessment No. BA/27/IX/TAT/2017/BNNP dated 18 September 2017. The assessment diagnosed FK with F15 (mental and behavioural disorders due to the use of stimulants), identifying a pattern of recreational drug use during a period of abstinence, and recommended both medical and social rehabilitation through an Institution for Mandatory Reporting (*Institusi Penerima Wajib Lapor* IPWL). This conclusion was reinforced by the testimony of Agus Priambodo, S.H., M.H., a member of the Legal Division of the Integrated Assessment Team, who confirmed that FK qualified as a drug user under Supreme Court Circular Letter (SEMA) No. 4 of 2010 and was not involved in any illicit drug trafficking network. Nevertheless, the findings of the Integrated Assessment Team were inherently recommendatory rather than legally binding; their evidentiary weight depended entirely upon the manner in which the trial court evaluated them alongside the other evidence presented during the proceedings.

The third relevant legal fact emerged from the medical examinations conducted during FK's period of observation. According to the Rehabilitation Client Summary issued by the Lampung Provincial Psychiatric Hospital (RSJD) No. 441/2419/II.14/2017, no psychiatric disorder was identified during the observation period from 28 September to 31 October 2017. However, the expert testimony of Dr. Tendry Septa, Sp.KJ, the psychiatrist who directly supervised FK's inpatient rehabilitation, characterized FK as a victim of mild narcotics abuse whose recreational pattern of drug use had not yet developed into active dependence, while nevertheless recommending inpatient medical rehabilitation. The apparent inconsistency between the clinical observation, which found no psychiatric disorder, and the expert's recommendation for rehabilitation demonstrates that, in practice, eligibility for rehabilitation is not determined solely by the existence of a formal psychiatric diagnosis. Rather, it also depends upon a normative assessment of the offender's relationship with the narcotic substance itself. This nuanced distinction would not be fully appreciated by relying exclusively on the administrative conclusions without considering the expert testimony in its entirety.

Beyond the forensic and medical evidence, the court also considered FK's cooperative attitude throughout the proceedings, his straightforward confession, his expression of remorse accompanied by a commitment not to reoffend, and the fact that he had no prior criminal record. The only aggravating circumstance identified by the court was that his conduct undermined the Government's efforts to combat narcotics offences. Equally significant, and overlooked in earlier analyses, was the court's independent legal characterization of FK as a "drug addict" within the meaning of Article 1(13) of the Narcotics Law, namely, a person who uses or abuses narcotics while experiencing either physical or psychological dependence. This legal qualification was broader than the classification explicitly recommended by both the Integrated Assessment Team and the psychiatric expert. The court therefore did not merely accept the recommendations of other institutions as determinative but independently exercised its authority to determine the defendant's legal status based on its own juridical assessment.

The culmination of these factual findings is reflected in the dispositive ruling, which, upon closer examination, does not simply follow the conventional model whereby rehabilitation replaces imprisonment, as commonly described in the existing literature reviewed in the Introduction. Instead, the panel sentenced FK to four months' imprisonment while simultaneously ordering him to undergo medical and social rehabilitation for one month and ten days at the Gedong Tataan Provincial Psychiatric Hospital (RSJD). Pursuant to Article 103(2) of the Narcotics Law, the period spent in rehabilitation was credited toward the execution of the custodial sentence. This sentencing structure demonstrates that the judgment is more accurately understood as an application of the double track system, under which criminal punishment and rehabilitative measures are imposed concurrently rather than as mutually exclusive alternatives. Accordingly, the central analytical question is no longer why the court preferred rehabilitation over imprisonment, but rather how the court integrated both sanctions into a coherent *ratio decidendi* that justified their simultaneous application.

Analysis of the Ratio Decidendi

The *ratio decidendi* constitutes the core juridical reasoning that explains why a judge reaches a particular decision. From the perspective of criminal procedure, judicial reasoning extends beyond establishing the constituent elements of a criminal offence; it must also demonstrate the logical relationship between the legal facts, the applicable legal norms, and the objectives of law sought to be achieved. Accordingly, an analysis of the *ratio decidendi* cannot be confined to the operative part of the judgment but must instead examine the judge's reasoning process (*judicial reasoning*), beginning with the identification of the defendant's legal status and culminating in the determination of the most appropriate sentencing measure (Duxbury, 2008).

Unlike narcotics cases involving illicit trafficking, cases concerning drug abuse present a more complex evidentiary framework because judges are required not only to establish the fulfilment of the elements of Article 127 of Law No. 35 of 2009 on Narcotics but also to determine whether the defendant qualifies as a drug addict, a victim of drug abuse, or merely an occasional user. This determination directly affects the extent to which judges may exercise the authority granted under Article 103 of the Narcotics Law to combine rehabilitation with imprisonment, rather than simply choosing one sanction over the other. Consequently, the *ratio decidendi* in drug abuse cases essentially represents a process of selecting legal facts that bear direct relevance to the rehabilitative objectives of sentencing.

Based on an examination of Judgment No. 1365/Pid.Sus/2017/PN.Tjk, the panel of judges did not construct its *ratio decidendi* arbitrarily. Instead, the judgment reveals a systematic pattern of legal reasoning that may be reconstructed into five sequential stages, as presented below:

Table1. Reconstruction of the *Ratio Decidendi* in Judgment No. 1365/Pid.Sus/2017/PN.Tjk

Stage of Judicial Reasoning	Basis of Consideration	Significance to the Judgement
Stage 1	Defendant's legal status as a drug abuser	Determines the applicable legal regime
Stage 2	Relevant legal norms governing rehabilitation	Establishes the legal basis for judicial discretion
Stage 3	Results of the Integrated Assessment conducted by the National Narcotics Board (BNN)	Determines the defendant's legal classification and confirms the absence of involvement in drug trafficking
Stage 4	Medical condition and psychiatric recommendations	Confirms that rehabilitation is supported by objective medical evidence
Stage 5	Objectives of sentencing	Balances legal certainty, utility, and the protection of society

The reconstructed framework indicates that, in Judgment No. 1365/Pid.Sus/2017/PN.Tjk, the judges' reasoning extended beyond the determination of criminal liability and incorporated juridical, medical, and social considerations in assessing the appropriateness of rehabilitation. These considerations were connected within the reasoning process reflected in the judgment, particularly in determining the defendant's status and the suitability of rehabilitation. However, this finding describes the reasoning adopted in the analyzed case and should not be construed as evidence that all courts apply the same sequence or criteria. Based on this case analysis, this study further proposes that these interrelated considerations be formulated as structured parameters for judicial decision-making in future narcotics cases, so that the choice between rehabilitation, imprisonment, or a combination of both can be supported by transparent and legally accountable reasoning.

User Status as the Starting Point of the *Ratio Decidendi*

The first stage undertaken by the panel of judges was to determine the defendant's legal status. This determination was essential because the legal regime governing drug abuse differs fundamentally from that applicable to illicit drug trafficking. Based on the evidence presented at trial, the court observed that the quantity of narcotics seized was relatively small, accompanied by personal consumption equipment, and that no evidence indicated the defendant's involvement in narcotics distribution. These factual findings were corroborated by witness testimony and other evidentiary materials, leading the court to classify the defendant as a person who abused narcotics for personal use within the meaning of Article 127(1)(a) of Law No. 35 of 2009.

This legal classification carried significant juridical consequences. In narcotics cases, identifying the defendant's legal status constitutes the gateway to the application of rehabilitation measures. Had the court found evidence indicating that the defendant acted as a dealer or participated in an illicit trafficking network, the scope for applying Article 103 of the Narcotics Law would have been substantially reduced. Conversely, where the evidence demonstrated that the narcotics were used solely for personal consumption and bore no connection to trafficking activities, the court obtained a normative basis for considering rehabilitation. Accordingly, the defendant's status functioned not merely as a legal classification but as the principal foundation upon which the *ratio decidendi* was constructed (Mustafa et al., 2020).

The Integrated Assessment as an Instrument for Objectifying Judicial Discretion

The second stage concerned the evaluation of the Integrated Assessment. In Judgment No. 1365/Pid.Sus/2017/PN.Tjk, the panel of judges did not regard the assessment as an independent item of evidence but rather as an instrument for objectively verifying the factual findings established during the trial. According to the Minutes of the Integrated Assessment Team of the Lampung Provincial National Narcotics Board, the defendant was identified as a drug user exhibiting a pattern of recreational use and was found to have no involvement in any illicit drug trafficking network. The Team further recommended that the defendant undergo both medical and social rehabilitation.

This reasoning demonstrates that the court did not exercise judicial discretion solely based on intuition (*judicial intuition*), but grounded its assessment in the professional findings of the Integrated Assessment Team. In this context, the assessment served two complementary functions. First, it functioned as an evidentiary instrument distinguishing drug users from traffickers. Second, it legitimized the exercise of judicial authority to impose rehabilitation. In other words, the assessment mechanism limited judicial subjectivity while ensuring that judicial discretion remained anchored in objective scientific evaluation.

Indicators of Drug Dependence as the Basis for Rehabilitation

The third stage concerned the evaluation of the defendant's level of drug dependence. In the present case, the court did not automatically presume that every drug abuser should be regarded as a drug addict requiring rehabilitation. Instead, the judges first considered both the Integrated Assessment and the psychiatric examination to determine whether narcotics use had resulted in behavioural disorders or medical conditions requiring treatment. The assessment concluded that the defendant suffered from mental and behavioural disorders resulting from stimulant use, characterized as recreational drug use during a period of abstinence. Although no severe dependence had yet developed, the court considered this condition sufficient to justify rehabilitation as a preventive measure against the progression of more serious dependency.

Significantly, the court did not regard the degree of dependence as the sole prerequisite for rehabilitation. This reasoning reflects a shift from a purely curative approach toward a preventive one. Rehabilitation was viewed not only as a means of restoring individuals already suffering from severe addiction but also as an instrument for preventing drug users from developing more serious dependency that would become increasingly difficult to treat. Such reasoning is consistent with the objectives of Law No. 35 of 2009, which conceptualizes rehabilitation as an instrument of both *social defence* and *individual protection*.

Medical Evidence as Reinforcement of Juridical Reasoning

The fourth stage involved the evaluation of the defendant's medical condition. In this judgment, the psychiatrist's testimony was not treated as a mere procedural formality but rather as scientific evidence reinforcing the findings of the Integrated Assessment. The medical recommendation for rehabilitation demonstrated that the defendant's circumstances were more appropriately addressed through therapeutic intervention than through a purely punitive response. Accordingly, the relationship between the Integrated Assessment and the psychiatric recommendation formed a coherent evidentiary framework that substantially reduced judicial uncertainty in determining the appropriate sentencing measure.

From an evidentiary perspective, the reliance on expert testimony further illustrates that the court's *ratio decidendi* was constructed not only through the interpretation of legal norms but also through the integration of medical knowledge into juridical reasoning. This multidisciplinary approach reflects the distinctive nature of narcotics cases, in which the legitimacy of judicial decisions depends not only upon the accurate application of statutory law but also upon the court's ability to incorporate scientific evidence presented during the proceedings.

Sentencing Objectives as the Basis of the Judgment

The final stage in the construction of the *ratio decidendi* concerned the objectives of sentencing. Having determined that both the legal facts and scientific evidence satisfied the relevant legal requirements, the court then considered these findings in light of the purposes of criminal punishment. In the present case, the panel of judges did not regard imprisonment as the sole means of achieving deterrence. Rather, rehabilitation was considered the more proportionate response because it simultaneously protected society and provided the defendant with an opportunity to recover from drug abuse. This reasoning demonstrates that the judgment was not based solely upon proof that the defendant had violated Article 127 of Law No. 35 of 2009. Instead, it represented a synthesis of statutory norms, factual findings, the Integrated Assessment, medical evidence, and the sentencing philosophy adopted by the court. Accordingly, the *ratio decidendi* in Judgment No. 1365/Pid.Sus/2017/PN.Tjk demonstrates that rehabilitation is not an automatic consequence of an offender's status as a drug abuser. Rather, it is the product of a structured process of legal reasoning grounded in objective evidence and the measured exercise of judicial discretion.

Analysis of Judicial Discretion

Judicial discretion in drug abuse cases is a logical consequence of the regulatory framework governing rehabilitation under Law No. 35 of 2009, which does not prescribe rigid parameters for its application. Unlike criminal offences whose constituent elements are exhaustively defined, Article 103 merely authorizes judges to order rehabilitation for drug addicts without specifying operational criteria governing when such authority should be exercised. Consequently, judges are required to undertake a *judicial assessment* of the facts established during trial before determining the extent to which rehabilitation should form part of the sentence imposed (MacCormick & MacCormick, 2005). In other words, judicial discretion arises not because judges enjoy unlimited freedom, but because the law necessarily leaves room for the assessment of concrete circumstances that cannot be fully anticipated by the legislature (Barak, 1989).

Nevertheless, such discretion cannot be understood as an absolute authority. Within a state governed by the rule of law, judicial discretion is constrained by three principal dimensions: normative limits, factual limits, and the requirement of rational justification. Normative limits require judges to adhere to Articles 54, 103, and 127 of Law No. 35 of 2009, together with Supreme Court Circular Letter (SEMA) No. 4 of 2010 and the 2014 Joint Regulation. Factual limits require every exercise of discretion to be grounded in evidence established during trial, including the results of the Integrated Assessment, laboratory examinations, and expert testimony. Finally, the requirement of rational justification demands that judicial reasoning establish a coherent relationship between the facts, the applicable legal norms, and the dispositive ruling, thereby enabling the judgment to withstand both academic and legal scrutiny (Ashworth, 2015).

A fundamental question therefore arises: why do not all drug abusers receive rehabilitation, despite Article 54 of Law No. 35 of 2009 providing that drug addicts and victims of drug abuse are required to undergo rehabilitation? In the author's view, this question cannot be answered through a purely textual reading of Article 54. Rather, it must be interpreted systematically in conjunction with Articles 127 and 103, both of which continue to classify drug abuse as a criminal offence. Accordingly, not every individual who uses narcotics automatically qualifies for rehabilitation. The status of being a drug abuser merely constitutes the starting point of the legal analysis, whereas eligibility for rehabilitation depends upon proof concerning the purpose of drug use, the degree of dependence, the findings of the Integrated Assessment, and the absence of involvement in an illicit drug trafficking network. Rehabilitation, therefore, is not an inherent entitlement attached to every drug abuser; rather, it constitutes a legal consequence that arises only after all of these cumulative indicators have been established.

In Judgment No. 1365/Pid.Sus/2017/PN.Tjk, the court exercised this discretionary authority with considerable caution. The panel did not rely solely on the defendant's confession or the Integrated Assessment but instead correlated the assessment findings with the physical evidence, laboratory results, psychiatric testimony, and the absence of any involvement in illicit drug trafficking. This approach demonstrates that judicial discretion was exercised through a process of cross-verification among multiple forms of mutually corroborative evidence. From an evidentiary perspective, such reasoning reflects the application of *prudential reasoning*, ensuring that rehabilitation is not granted automatically to every defendant who merely claims to be a drug user.

Notwithstanding the relatively comprehensive reasoning presented in the judgment, its legal construction remains open to criticism. In the author's opinion, the criticism should not be directed toward the factual basis relied upon by the court but rather toward the manner in which the court connected the two forms of sanctions ultimately imposed. This issue deserves closer examination because the sentencing framework established by Law No. 35 of 2009 does not conceptualize imprisonment and rehabilitation as mutually exclusive measures. Article 103 authorizes judges to order rehabilitation, whereas Article 127 simultaneously preserves criminal liability for drug abuse. Consequently, when a court imposes both imprisonment and rehabilitation, as occurred in the present case, the central issue is no longer whether rehabilitation is appropriate, but rather why the combination of both sanctions represents the most proportionate response to the characteristics of the offender. It is at this point that the quality of the *ratio decidendi* becomes decisive, as it determines whether the relationship between punishment and rehabilitative measures genuinely reflects the objectives of sentencing or merely constitutes a literal application of statutory provisions.

Upon closer examination, the panel of judges had, in fact, before it all the factual elements necessary to construct such reasoning explicitly. The limited quantity of narcotics seized, the laboratory findings confirming narcotics use, the Integrated Assessment identifying the defendant as a recreational user, the psychiatrist's recommendation, and the absence of any involvement in illicit drug trafficking collectively constituted a body of evidence capable not only of supporting rehabilitation but also of explaining why imprisonment remained necessary to affirm criminal responsibility. In contrast, rehabilitation served the distinct objective of recovery. Unfortunately, the court did not articulate this relationship explicitly, leaving readers to infer it indirectly from the overall structure of its legal considerations.

From the perspective of the integrative theory of sentencing, this judgment accommodates two complementary sentencing orientations: the retributive function represented by imprisonment and the rehabilitative function represented by court-ordered rehabilitation (Lesmana et al., 2026). However, these two orientations were not integrated within a single, coherent argumentative framework. Yet it is precisely at this point that judicial discretion derives its academic legitimacy. Judicial discretion should not be evaluated solely by reference to the conformity of the judgment with Articles 54, 103, and 127 of Law No. 35 of 2009, but also by the court's ability to explain why the combination of criminal punishment and rehabilitative measures constitutes the most proportionate response to the specific facts established during trial.

This study further argues that the limits of judicial discretion in drug abuse cases extend beyond the fulfilment of the statutory requirements for rehabilitation. Judicial discretion must also be constrained by the consistency of the relationship between the proven facts, the applicable legal norms, and the type of sanction ultimately imposed. Where that relationship is not rationally explained, judicial decisions risk generating disparities in the application of rehabilitation to cases presenting substantially similar characteristics. From the standpoint of legal certainty, Judgment No. 1365/Pid.Sus/2017/PN.Tjk satisfies the principle of legality because its dispositive ruling is grounded in Law No. 35 of 2009, Supreme Court Circular Letter No. 4 of 2010, and the findings of the Integrated Assessment relevant to the defendant's circumstances. From the perspective of substantive justice, however, the quality of the court's legal reasoning could be strengthened through a more explicit explanation of the respective functions of each sanction in achieving the objectives of sentencing. Such clarification would ensure that rehabilitation is understood not as a form of judicial leniency, but as a measure that conceptually complements imprisonment in advancing both the protection of society and the recovery of drug abusers.

Reconstruction of the Juridical Parameters Governing Judicial Discretion in the Application of Rehabilitation for Drug Abusers

Weaknesses of the Existing Ratio Decidendi

The problem of inconsistency in judicial reasoning concerning the application of rehabilitation to drug abusers, as illustrated by the analysis of Judgment No. 1365/Pid.Sus/2017/PN.Tjk in the preceding section, is not an isolated phenomenon. Rather, it represents a structural consequence of the normative design of Law No. 35 of 2009 on Narcotics. Although Articles 54, 103, and 127 provide the legal basis for rehabilitation, none of these provisions establishes operational criteria to guide judges in determining when a drug abuser should receive imprisonment, rehabilitation, or a combination of both. This normative gap results in the exercise of judicial discretion being shaped primarily by each panel's construction of its *ratio decidendi*, rather than by a generally applicable evaluative framework. Consequently, cases presenting substantially similar factual circumstances do not necessarily result in comparable sentencing outcomes (Paparang & Tawang, 2022).

The issue does not lie in the existence of judicial discretion itself, since the authority to independently evaluate facts is inherent in judicial power. The real difficulty arises when such discretion is exercised without a structured assessment framework. Under these circumstances, judges may still construct legally valid reasoning, yet the quality of the *ratio decidendi* inevitably depends upon the individual reasoning preferences of each judicial panel. Differences in the weight assigned to Integrated Assessment findings, the degree of drug dependence, the quantity of narcotics seized, or the objectives of sentencing may therefore produce divergent decisions in cases exhibiting nearly identical factual characteristics.

This pattern is also evident in Judgment No. 1365/Pid.Sus/2017/PN.Tjk. The panel of judges developed its legal reasoning systematically by evaluating the defendant's status as a drug abuser, laboratory findings, the Integrated Assessment, the psychiatrist's recommendation, and the factual circumstances established during trial before ultimately imposing four months' imprisonment accompanied by rehabilitation. Nevertheless, upon closer examination, the *ratio decidendi* remains fundamentally case-specific. It is constructed on the basis of the factual configuration of the present case without explaining which factors should be given priority where one or more of the constituent elements are absent. For example, the judgment does not clarify the extent to which the Integrated Assessment should influence the exercise of judicial discretion when a larger quantity of narcotics is seized, nor does it explain how judges should proceed where medical recommendations are inconsistent with the evidence presented at trial. The absence of such guidance limits the judgment's value as a precedent capable of informing the resolution of future cases presenting different factual circumstances.

These shortcomings are not unique to the present judgment but are also reflected in previous scholarly research. Most studies concerning the rehabilitation of drug abusers have focused primarily on the effectiveness of rehabilitation as a criminal policy, the application of Article 127 of Law No. 35 of 2009, or the conformity of judicial decisions with Supreme Court Circular Letter No. 4 of 2010 (Tobing & Hutapea, 2023). Other studies have treated the findings of the Integrated Assessment as the dominant factor in determining rehabilitation, whereas some have emphasized the protection of the human rights of drug abusers (Saputra & Septiningsih, 2021).

To determine whether sentencing disparities constitute an actual phenomenon rather than merely a theoretical concern, a review of comparable judicial decisions reveals a striking lack of consistency. In Supreme Court Judgment No. 1901 K/Pid.Sus/2013 involving the defendant Muh. Sobur alias Uung, for example, a drug user apprehended with 0.0995 grams of methamphetamine, an amount nearly identical to the quantity involved in Judgment No. 1365/Pid.Sus/2017/PN.Tjk received three different legal assessments throughout the judicial process. At first instance, the Bekasi District Court classified the conduct as unlawful possession of narcotics under Article 112 and imposed four years' imprisonment together with a fine of IDR 800 million. On appeal, the Bandung High Court reclassified the offence under Article 127 as drug abuse for personal use and ordered one year and six months of rehabilitation without any custodial sentence. Subsequently, the Supreme Court overturned the appellate judgment and reinstated the original custodial sentence, not because it rejected rehabilitation as a sentencing measure, but because it considered that the appellate court had exceeded the scope of the Public Prosecutor's indictment. Significantly, one Justice of the Supreme Court delivered a dissenting opinion which, despite being in the minority, reinforces the principal finding of this study by maintaining that imprisonment under Article 127 (1) is mandatory, such that rehabilitation should not stand alone but should instead be implemented as part of the custodial sentence. Notably, despite the nine year interval separating the two cases, this very construction ultimately appears in Judgment No. 1365/Pid.Sus/2017/PN.Tjk.

A different pattern emerges in Surabaya District Court Judgment No. 1243/Pid.Sus/2022/PN Sby. Although the quantity of narcotics seized was only approximately 0.090 grams—less than that involved in the present case—and the defendant was charged under the same statutory provision, namely Article 127(1), the court did not refer whatsoever to the possibility of rehabilitation and instead imposed two years' imprisonment. The complete absence of any consideration of the Integrated Assessment or the defendant's degree of dependence, despite the comparatively smaller quantity of narcotics involved, demonstrates that medical considerations are frequently excluded from the construction of the court's *ratio decidendi*, notwithstanding the availability of such mechanisms within the applicable legal framework.

The comparative analysis conducted by Parindo (2025) of three additional judgments Judgment No. 108/PID/2020/PT SMR, Judgment No. 1069/Pid.Sus/2021/PN Jkt.Utr., and Judgment No. 9/PID.SUS/2020/PT DKI reinforces this pattern from the opposite perspective. In each of these cases, the defendants satisfied nearly all of the indicators commonly associated with rehabilitation, including favourable recommendations from the Integrated Assessment Team, medically verified dependence or mental disorders, quantities of narcotics below the threshold established by Supreme Court Circular Letter No. 4 of 2010, and the absence of involvement in illicit drug trafficking networks. Nevertheless, the courts imposed imprisonment without rehabilitation in every instance. This micro-level pattern is consistent with aggregate findings reported by the Indonesia Judicial Research Society (IJRS), which documented that, among 745 defendants in drug abuse cases examined between 2016 and 2020, only 3.2% received rehabilitation as the sole sanction, 3.1% received a combination of imprisonment and rehabilitation, whereas 92.3% were sentenced exclusively to imprisonment *(Indonesia Judicial Research Society* (IJRS), 2023). This comparison confirms that the disparity identified in the present study is not peculiar to Judgment No. 1365/Pid.Sus/2017/PN.Tjk but rather represents a recurring pattern across jurisdictions and levels of adjudication. Accordingly, the need for a more structured set of juridical parameters, as reconstructed in the following subsection, arises from both practical and scholarly considerations rather than from a generalization based upon a single judicial decision.

In the absence of structured parameters, judges remain free to assign different weights to identical legal facts without violating any statutory provision. As a consequence, judicial independence is preserved, but legal certainty regarding the application of rehabilitation becomes considerably less predictable. Over time, this condition has the potential to exacerbate sentencing disparities, particularly in cases involving narcotics abuse for personal use, where the factual characteristics are frequently comparable. As a result, judicial reasoning remains fragmented because each relevant factor is evaluated in isolation without clearly identifying either its hierarchical significance or its logical relationship to the other considerations involved in the exercise of judicial discretion. Yet transparency regarding the sequence of judicial evaluation is essential to ensure that rehabilitation is understood not as a form of judicial leniency but as the product of an objective, rational, and legally accountable process of judicial reasoning.

In light of these shortcomings, this study argues for the reconstruction of the juridical parameters governing judicial discretion in the application of rehabilitation to drug abusers. This reconstruction is not intended to restrict judicial independence in examining and adjudicating cases. Rather, it seeks to provide a more systematic framework of legal reasoning so that every exercise of judicial discretion rests upon a coherent and consistent argumentative foundation. Through an integrated set of parameters, the relationship among statutory norms, trial facts, the findings of the Integrated Assessment, medical evidence, and the objectives of sentencing may be incorporated into a transparent analytical framework capable of reducing sentencing disparities while preserving judicial independence in evaluating the unique characteristics of each individual case.

Reconstruction of the Juridical Parameters Governing Judicial Discretion in the Application of Rehabilitation for Drug Abusers

The analysis of Judgment No. 1365/Pid.Sus/2017/PN.Tjk presented in the preceding subsection demonstrates that the exercise of judicial discretion in ordering rehabilitation has not yet been founded upon a systematically structured set of juridical parameters. Although the panel of judges considered normative provisions, medical evidence, and the facts established during trial, the relationship among these considerations remained largely implicit, making the reasoning difficult to replicate as a reference for subsequent cases involving comparable factual circumstances. As a result, the quality of judicial reasoning depends heavily upon the individual argumentative construction adopted by each judge, thereby creating the potential for sentencing disparities in cases involving narcotics abuse for personal use.

The reconstruction proposed in this study is not intended to establish a new binding legal norm. Rather, it offers an argumentative framework that integrates positive law, scientific evidence, and the objectives of sentencing into a coherent process of judicial reasoning. Under this approach, judicial discretion is no longer understood as a sphere of freedom grounded primarily in *judicial* *intuition*, but as a reasoned process capable of academic and juridical scrutiny through clearly defined and measurable parameters. Theoretically, the need to structure judicial discretion stems from the problem that a broad scope of discretion without clear guidelines can result in variations in rulings that are not entirely attributable to differences in the facts of the case. Therefore, a structure or set of guidelines for the exercise of discretion is necessary to maintain a balance between the individualization of sentencing and the consistency of rulings. For this reason, structured judicial discretion demonstrates that the structuring of discretion is not intended to eliminate judicial independence, but rather to provide a framework for consideration that can enhance the consistency and accountability of sentencing decisions (Zaidah, 2024).

The model of legal reasoning reconstructed in this study is based on an analysis of Judgment No. 1365/Pid.Sus/2017/PN.Tjk, combined with legal reasoning theory, the theory of judicial discretion, and the principle of individualized sentencing. Methodologically, the determination of parameters was conducted in three stages. First, the elements explicitly or implicitly used in the judge's reasoning in the judgment which served as the unit of analysis were identified. Second, these elements were classified based on their argumentative functions using the theoretical frameworks of legal reasoning, judicial discretion, and the individualization of sentencing. Third, the results of this classification were synthesized with provisions of positive law regarding narcotics and rehabilitation to derive parameters that are not only relevant to the analyzed rulings but also possess a normative and conceptual foundation for use as an argumentative model in similar cases.

Based on this process, the four reconstructed parameters were not selected arbitrarily, but rather because they represent the four main dimensions that judges must reconcile when determining the application of rehabilitation. The normative parameter addresses the question of the legal legitimacy of the judge's actions; the medical parameter explains the condition of dependency or the need for rehabilitation based on scientific evidence; the juridical parameter examines the relationship between the proven facts, the defendant's legal status, and their relevance to sentencing options; while the parameter of the purpose of sentencing determines the ultimate orientation of the exercise of discretion, specifically the relationship between sentencing, rehabilitation, the protection of society, and the offender's rehabilitation. Thus, these four parameters are structured based on distinct yet complementary functions in shaping a judge's reasoning, rather than as four separate, independent categories. On this basis, this study reconstructs the exercise of judicial discretion in the application of rehabilitation through four interrelated parameters: the normative parameter, the medical parameter, the juridical parameter, and the sentencing objectives parameter.

Table 2. Reconstruction of the Juridical Parameters Governing Judicial Discretion in the Application of Rehabilitation

Parameter	Normatif Parameter	Function in the Exercise of Judicial Discretion
Normatif Parameter	Articles 54, 103, and 127 of Law No. 35 of 2009; Supreme Court Circular Letter (SEMA) No. 4 of 2010; Joint Regulation of 2014	Establishes the legal legitimacy of rehabilitation as an integral component of the narcotics sentencing system
Medical Parameter	Integrated Assessment results; forensic laboratory findings; recommendations from psychiatrists or medical practitioners	Ensures that rehabilitation is based upon objective medical necessity rather than merely upon the defendant's request
Juridical Parameter	Physical evidence; the defendant's role; purpose of narcotics possession; witness testimony; recidivist status; relationship with illicit drug trafficking networks	Determines whether the defendant genuinely qualifies as a person who abused narcotics for personal use and is therefore eligible for rehabilitation
Sentencing Objectives Parameter	Individualization of punishment; protection of society; rehabilitation; legal certainty; proportionality of sentencing	Determines the most appropriate sentencing measure, whether imprisonment, rehabilitation, or a combination of both

These four parameters do not operate on an equal footing; rather, they form a hierarchical framework. The normative parameter constitutes the foundational stage because judicial discretion may be exercised only where it is supported by statutory authority. Articles 54, 103, and 127 of Law No. 35 of 2009 establish the legal basis for rehabilitation as an integral part of Indonesia's response to narcotics abuse, while Supreme Court Circular Letter No. 4 of 2010 and the 2014 Joint Regulation provide technical guidance concerning the placement of eligible drug abusers in rehabilitation institutions. Accordingly, where the normative parameter is not satisfied, the exercise of judicial discretion lacks juridical legitimacy and would be inconsistent with the principle of legality.

Once the normative foundation has been established, the exercise of judicial discretion must be examined through the medical parameter. This study argues that the Integrated Assessment, forensic laboratory examinations, and psychiatric recommendations should not be regarded merely as supplementary evidence but rather as mechanisms for objectifying judicial decision-making and limiting judicial subjectivity. In drug abuse cases, issues such as the degree of dependence, patterns of narcotics use, psychological condition, and the necessity of rehabilitation cannot be adequately assessed through legal analysis alone. Consequently, the integration of medical science, psychiatry, and criminology constitutes an essential prerequisite for ensuring that judicial discretion remains grounded in evidence-based adjudication. Rehabilitation should therefore be granted not as an act of compassion toward the defendant, but because objective scientific evidence justifies the need for therapeutic intervention (Burkinshaw et al., 2017).

Nevertheless, medical findings do not automatically determine the court's final ruling. Judges must still evaluate the case through the juridical parameter as an expression of judicial independence. At this stage, the court assesses the entirety of the evidence presented during trial, including the quantity and type of narcotics seized, the purpose of possession, witness testimony, the defendant's recidivist status, and any connection with illicit drug trafficking networks. This assessment is essential because not every drug abuser satisfies the legal requirements for rehabilitation. Even where the Integrated Assessment produces favourable findings, rehabilitation remains inappropriate if the evidence demonstrates the defendant's active involvement in illicit drug trafficking. Conversely, where the legal facts establish that the defendant used narcotics solely for personal consumption and had no role in drug distribution, the juridical parameter provides a sufficient legal basis for the court to proceed to the final determination of the appropriate sentencing measure.

The final parameter concerns the objectives of sentencing, which this study identifies as the core element in the exercise of judicial discretion. Existing scholarship has largely focused on the legal requirements for rehabilitation without explaining how judges determine whether imprisonment, rehabilitation, or a combination of both constitutes the most appropriate sanction. Yet this question can only be answered through reference to the purposes of criminal punishment. At this stage, judges must evaluate whether the proposed sanction satisfies the principle of individualized sentencing, protects society, ensures legal certainty, and simultaneously provides an opportunity for the offender's rehabilitation. Accordingly, the sentencing objectives parameter functions as the final stage that integrates all preceding parameters into a coherent *ratio decidendi*.

The reconstruction of these four parameters demonstrates that the exercise of judicial discretion should no longer be understood as a linear process of evaluation but rather as a multi-layered legal reasoning framework. Each parameter functions as a prerequisite for the next, such that no individual indicator is capable of independently justifying the application of rehabilitation. This model directly addresses a fundamental weakness in current judicial practice, where courts frequently rely predominantly upon either the findings of the Integrated Assessment or Article 54 of Law No. 35 of 2009 without explicitly connecting those considerations to the broader legal facts and the objectives of sentencing. Through this reconstructed framework, the exercise of judicial discretion becomes more transparent, measurable, and supported by an argumentative structure capable of withstanding scrutiny both in judicial practice and in the continuing development of Indonesian criminal law doctrine.

It cannot be claimed that this four-parameter framework will deterministically eliminate disparities in rulings. However, academically, the model can be positioned as a mechanism to reduce unwarranted disparity by narrowing the scope of unstructured discretion. The literature on sentencing consistency indicates that unstructured discretion is one source of sentencing variation, whereas a structured decision-making process and clearer guidelines can be used to promote consistency without eliminating the scope for individualized sentencing. By requiring every decision to go through the same, traceable stages of deliberation, this model allows differences in sentencing outcomes to be explained based on differences in relevant norms, facts, medical conditions, or sentencing objectives rather than solely on differences in judges' preferences.

On that basis, the contribution of the four-stage model in this study is not to promise uniformity in judicial decisions, but rather to provide a framework for reasoning that allows discretion to be exercised in a more transparent, measurable, and accountable manner. With this framework, judges retain the freedom to impose criminal penalties, rehabilitation, or a combination of both according to the specific circumstances of the case, but each choice must be traceable through a consistent chain of reasoning. From this perspective, the consistency sought is not uniformity in the disposition of every case, but rather consistency in the process and basis of deliberation when dealing with cases that share comparable characteristics.

Judicial Legal Reasoning Model in the Exercise of Discretion for the Rehabilitation of Drug Abusers

The reconstruction of the juridical parameters discussed in the preceding subsection is, in itself, insufficient to address disparities in the exercise of judicial discretion unless it is accompanied by a systematic model of legal reasoning. Juridical parameters merely specify what judges must consider, whereas legal reasoning explains how those parameters should be applied in the decision-making process. Accordingly, this study does not stop at identifying the relevant parameters but proposes a legal reasoning model that integrates legal norms, factual findings, scientific evidence, and the objectives of sentencing into a coherent argumentative framework. Such an approach is essential because the quality of a judicial decision is determined not only by the correctness of its operative ruling but also by the rationality of the reasoning that underpins it.

The legal reasoning model reconstructed in this study is derived from an analysis of Judgment No. 1365/Pid.Sus/2017/PN.Tjk, combined with legal reasoning theory, the theory of judicial discretion, and the principle of individualized sentencing. The reconstruction demonstrates that judicial discretion in ordering rehabilitation should be exercised through six interrelated stages of legal reasoning.

The results of this reconstruction are then visualized in a legal reasoning model that illustrates the logical and sequential relationship between legal norms, trial facts, integrated assessment, the judge's legal analysis, the exercise of discretion, and the formulation of the judgment's disposition. This model is intended to show that each stage has an interrelated argumentative function, so that decisions regarding rehabilitation do not arise from separate considerations, but rather from a structured process of legal reasoning. The construction of this legal reasoning model can be seen in Figure 1.

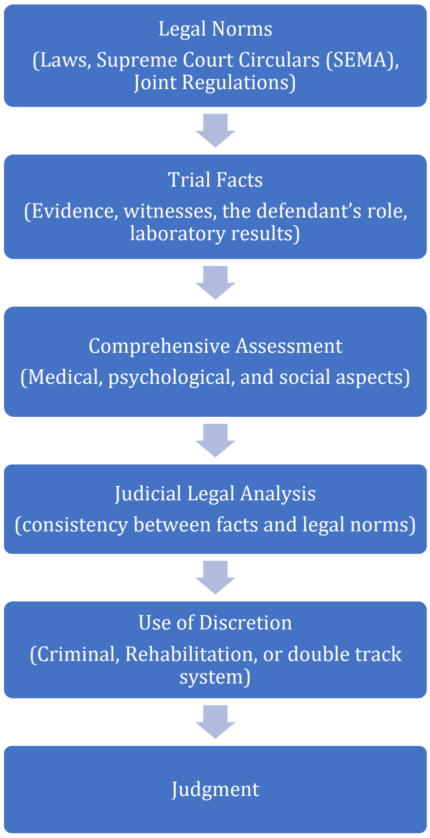

Figure 1. Model of Legal Reasoning

The model illustrates that judicial discretion is not the starting point of judicial decision-making but rather its outcome. Judges do not begin by asking whether a defendant deserves rehabilitation. Instead, they first identify the applicable legal framework, examine the facts established during trial, evaluate the findings of the Integrated Assessment Team, and only then exercise the discretionary authority conferred by statute. Judicial discretion, therefore, is the product of legal reasoning, rather than an autonomous freedom exercised independently of that reasoning.

The first stage involves identifying the legal norms governing the case. In cases involving drug abuse, judges must treat Articles 54, 103, and 127 of Law No. 35 of 2009 on Narcotics as the principal normative framework, supplemented by Supreme Court Circular Letter (SEMA) No. 4 of 2010 and the 2014 Joint Regulation concerning the handling of drug addicts and victims of drug abuse. Placing legal norms at the outset serves an important methodological function by ensuring that every subsequent stage of reasoning remains consistent with the principle of legality. Consequently, any exercise of judicial discretion derives its legitimacy from positive law before being connected to the specific facts of the case.

The second stage consists of reconstructing the facts established during trial. At this stage, judges do more than merely catalogue the evidence recognized under Article 184 of the Indonesian Criminal Procedure Code (KUHAP). Rather, they synthesize those facts that bear directly upon the defendant's legal status as a drug abuser. Physical evidence, forensic laboratory reports, witness testimony, and the defendant's role in possessing narcotics must be evaluated as an integrated body of evidence. In Judgment No. 1365/Pid.Sus/2017/PN.Tjk, these factual findings enabled the court to conclude that the defendant had possessed narcotics solely for personal use and that no evidence established involvement in an illicit drug trafficking network. Accordingly, the evidentiary stage serves not only to prove the constituent elements of the offence but also to determine the direction of judicial discretion in the subsequent stages.

The third stage entails integrating the findings of the comprehensive Assessment into the evidentiary framework. Unlike conventional forms of evidence, the integrated assessment introduces a scientific dimension that bridges legal analysis with medical, psychological, and social perspectives. Accordingly, this study argues that the assessment should neither be treated as an independent item of evidence nor regarded as a recommendation that automatically binds the court. Instead, it should be understood as an instrument of scientific verification, confirming or testing the factual findings established during trial. Within this model, the assessment functions as a bridge between the empirical realities of drug abuse and the legal consequences ultimately imposed. Rehabilitation is therefore justified not on the basis of judicial compassion but on objectively demonstrable therapeutic needs supported by scientific evidence.

The fourth stage is the court's legal analysis, namely the process of subsuming the facts under the applicable legal norms. At this stage, the court in Judgment No. 1365/Pid.Sus/2017/PN.Tjk went beyond merely accepting the recommendation of the Integrated Assessment Team by independently classifying the defendant as an "addict" within the meaning of Article 1(13) of Law No. 35 of 2009, as discussed in the preceding subsection. In the author's view, it is precisely at this stage that the quality of the ratio decidendi is formed, because judges are required not merely to identify the relevant facts and legal provisions but also to articulate the logical relationship between them. The more explicitly a judgment explains why particular facts are assigned decisive evidentiary weight, the stronger the rationality of the resulting decision.

The fifth stage concerns the exercise of judicial discretion. Contrary to the common perception that discretion merely reflects judicial freedom in choosing an appropriate sanction, this study conceptualizes discretion as an evaluative mechanism grounded in the entirety of the preceding reasoning process. Accordingly, the decision to impose imprisonment, rehabilitation, or a combination of both is not an intuitive choice but the logical consequence of normative analysis, factual proof, and scientific verification. This approach is consistent with the concept of structured judicial discretion, which situates judicial independence within a transparent and reviewable framework of legal reasoning, thereby reducing the risk of inconsistent judgments in cases involving similar factual circumstances.

The final stage is the formulation of the operative ruling. Under the model proposed in this study, the operative ruling is not merely a declaration of the sanction imposed but the culmination of the entire legal reasoning process undertaken by the court. Consequently, the legitimacy of the judgment depends not only on its conformity with statutory law but also on the court's ability to explain the interrelationship among the applicable legal norms, the facts established during trial, the integrated assessment, the exercise of judicial discretion, and the objectives of sentencing. The more comprehensively these argumentative links are articulated in the court's legal reasoning, the greater the judgment's accountability in terms of legal certainty, justice, and utility.

The reconstructed legal reasoning model carries significant implications. Existing practice tends to perceive judicial discretion in rehabilitation cases merely in terms of the outcome, whether the defendant receives imprisonment, rehabilitation, or a combination of both. As demonstrated by the comparative judgments discussed in the preceding subsection, outcomes ranging from pure imprisonment and pure rehabilitation to combined sanctions imposed without explicit reasoning all reflect the absence of a structured reasoning model. This does not necessarily indicate that those courts misinterpreted the applicable legal norms; rather, it reveals the lack of a methodological framework requiring judges to proceed through all six stages in a sequential and transparent manner. The present reconstruction therefore shifts the analytical focus from the outcome to the reasoning process that precedes it, making the exercise of judicial discretion more amenable to objective scrutiny while providing a methodological framework applicable to other cases requiring a balance between legal certainty, societal protection, and rehabilitative objectives.

Implications of the Reconstruction of Juridical Parameters for the Reform of Indonesian Criminal Law

The development of Indonesia's criminal law policy reflects a paradigmatic shift from an exclusively retributive approach toward one that emphasizes individualized sentencing, social protection, and offender rehabilitation. This transformation is embodied in Law No. 1 of 2023 on the Indonesian Criminal Code (KUHP), together with Law No. 20 of 2025 on the Indonesian Criminal Procedure Code (KUHAP), both of which redefine the objectives of punishment beyond mere retribution. Sentencing is now conceived as an instrument to prevent criminal offenses, facilitate offender reintegration, resolve conflicts arising from crime, restore social equilibrium, and cultivate a sense of responsibility in offenders. This development signifies a transition from the crime control paradigm toward correctional and rehabilitative justice. It should be emphasized, however, that because the judgment examined in this study was rendered in 2017, it remains governed by Law No. 35 of 2009 on Narcotics and the former Criminal Procedure Code under the principle of non-retroactivity. Accordingly, the implications discussed in this subsection are prospective, concerning how the reconstructed reasoning model may be applied to cases adjudicated after 2 January 2026, rather than reinterpreting a judgment that has already become final and binding (*inkracht*).

This policy shift has significant implications for the adjudication of drug abuse cases. In practice, Indonesian courts have continued to regard imprisonment as the primary response to drug abuse, notwithstanding the recognition of medical and social rehabilitation under Law No. 35 of 2009. The National Criminal Code further reinforces this orientation through its double track system, particularly under Articles 103 and 105, which conceptualize punishment and treatment measures as complementary rather than mutually exclusive forms of criminal responsibility. Article 105(1) expressly provides that rehabilitation measures may be imposed upon offenders suffering from addiction to alcohol, narcotics, psychotropic substances, or other addictive substances, and/or those with mental or intellectual disabilities. Moreover, Article 105(2) expands the scope of rehabilitation beyond the two forms recognized under the Narcotics Law—medical and social rehabilitation to include psychosocial rehabilitation. This normative framework essentially validates the approach adopted by the court in Judgment No. 1365/Pid.Sus/2017/PN.Tjk, where imprisonment and rehabilitation were imposed concurrently. What previously emerged from a case-specific judicial construction has now acquired a more explicit statutory foundation.

Within this context, the reconstructed juridical parameters proposed by this study have important implications for implementing the principle of individualized sentencing. This doctrine requires that the type and severity of punishment be determined not solely by the seriousness of the offense but also by the offender's personal characteristics, degree of culpability, individual circumstances, and prospects for rehabilitation. Accordingly, judicial discretion in drug abuse cases should not be exercised solely on the basis that the elements of Article 127 of Law No. 35 of 2009 have been established. It must also take into account the offender's medical condition, the findings of the Integrated Assessment Team, and any relationship with illicit drug trafficking networks. The four reconstructed parameters proposed in this study operationalize the principle of individualized sentencing by providing judges with a more objective and measurable framework for exercising judicial discretion.

Nevertheless, harmonization between the National Criminal Code and Law No. 35 of 2009 remains incomplete and should not be regarded as fully resolved. Several scholars have observed that the narcotics offenses incorporated into the National Criminal Code substantially resemble the possession offenses contained in Articles 111 and 112 of the Narcotics Law. This overlap risks creating normative duplication and, rather than resolving the interpretative problems that have contributed to sentencing disparities, including those evident in Supreme Court Judgment No. 1901 K/Pid.Sus/2013, may instead reproduce them under the new legislative regime (Chandra, 2026). The reconstructed juridical parameters and legal reasoning model proposed in this study therefore remain highly relevant, not only as a bridge between the Narcotics Law and the former Criminal Code but also as a safeguard against new forms of sentencing disparity arising from overlapping statutory provisions.

A further implication concerns strengthening the treatment model within Indonesia's criminal justice system. Unlike the classical paradigm, which emphasizes retributive punishment, the treatment model views certain offenders as individuals requiring interventions tailored to their personal circumstances. In cases of drug abuse, this approach is particularly justified because narcotics dependence involves not only legal issues but also medical, psychological, and social dimensions (Packer, 1968). Rehabilitation, therefore, should not be understood as eliminating criminal responsibility but rather as a form of state intervention addressing the underlying causes of criminal conduct. The simultaneous imposition of imprisonment and rehabilitation, as demonstrated in Judgment No. 1365/Pid.Sus/2017/PN.Tjk, reflects the implementation of the double track system, integrating punitive and corrective functions within a unified sentencing framework.

The reconstructed juridical parameters are likewise consistent with the development of therapeutic jurisprudence, which conceives law as an instrument capable of producing not only legal consequences but also beneficial psychological and social effects (Wexler & Winick, 2008). Therapeutic jurisprudence does not advocate abandoning legality or legal certainty. Rather, it encourages legal processes that generate therapeutic outcomes while remaining firmly within the boundaries of positive law. In drug abuse cases, rehabilitation grounded in normative, medical, juridical, and sentencing parameters demonstrates that offender recovery may coexist with effective law enforcement. Judicial discretion should therefore no longer be perceived as an act of leniency but as a mechanism for producing judgments that are more effective in preventing recidivism while simultaneously protecting the public interest.

Furthermore, the reconstructed legal reasoning model reinforces the principle of proportionality in sentencing. This principle requires an appropriate balance between the offender's culpability, the nature of the offense, and the sanction imposed (Pylypenko et al., 2025). Traditionally, proportionality in narcotics cases has been assessed primarily according to the statutory severity of the offense or the quantity of narcotics involved, whereas rehabilitative needs have received comparatively limited consideration. The reconstruction proposed in this study broadens the concept of proportionality by incorporating medical conditions, integrated assessment findings, and sentencing objectives as integral components of sanction determination. Consequently, proportionality should no longer be understood merely as a balance between crime and punishment, but also as a balance among public protection, legal certainty, and offender rehabilitation.

From the perspective of criminal law policy, this reconstruction contributes to the development of a structured framework of judicial reasoning. Existing regulations governing rehabilitation primarily establish substantive eligibility criteria without providing judges with a coherent methodology for choosing among imprisonment, rehabilitation, or a combination of both. Consequently, the quality of the ratio decidendi often depends upon the individual reasoning style of each judicial panel. Through the proposed four-parameter framework and legal reasoning model, this study demonstrates that judicial discretion may be exercised within a systematic argumentative structure that preserves judicial independence while enhancing consistency across judicial decisions. From a criminal law policy perspective, this model may serve as an interpretative guideline for the Supreme Court of Indonesia or as a reference in developing sentencing guidelines for drug abuse cases (Arief, 2018).

Another important implication concerns the ongoing reform of Indonesia's criminal procedure law, which has now moved beyond theoretical discourse. The new Criminal Procedure Code (KUHAP 2025) explicitly institutionalizes restorative justice through the trial stage, rather than limiting its application to the investigation or prosecution stages as under previous practice. It also strengthens the regulation of electronic evidence and pretrial procedures. Within this new procedural framework, integrated assessment reports, medical examinations, and professional recommendations should no longer be regarded merely as supplementary evidence but as essential components in the formation of judicial conviction, now supported by a clearer procedural foundation than under the 1981 Criminal Procedure Code (KUHAP 1981). Consequently, the six-stage legal reasoning model reconstructed in the preceding subsection has greater potential for formal adoption than when the judgment examined in this study was delivered in 2017. Evidentiary processes in drug abuse cases are progressively moving toward an integrated approach combining law, medical science, and behavioral science, thereby strengthening the quality of the ratio decidendi while reducing the scope for subjective judicial discretion.

On this basis, this study argues that the reform of Indonesian criminal law requires not only amendments to substantive legal norms but also a transformation in judicial reasoning concerning the exercise of discretion. The reconstructed juridical parameters and legal reasoning model are not intended to restrict judicial independence. Rather, they provide an argumentative framework through which every exercise of judicial discretion may be evaluated according to the rational relationship among legal norms, facts, scientific evidence, and the objectives of sentencing. With the implementation of the National Criminal Code and the new Criminal Procedure Code, this reconstructed model now possesses an institutional opportunity to be tested in judicial practice rather than remaining merely an academic proposal.

LIMITATION

This study has several limitations. First, the analysis primarily focuses on Judgment No. 1365/Pid.Sus/2017/PN.Tjk as the principal case for reconstructing the *ratio decidendi* and the juridical parameters governing judicial discretion in the application of rehabilitation for drug abusers. Although comparative judgments were examined to identify variations in sentencing, they were selected for their analytical relevance and were not intended to constitute a representative sample of narcotics cases. They therefore serve only as supporting references rather than primary objects of analysis. Consequently, the proposed four-parameter and six-stage legal reasoning framework should be understood as a normative analytical reconstruction rather than an empirical generalization applicable to all narcotics cases. Moreover, the framework has not yet been empirically validated through its application across a broader range of judicial decisions. Second, this study adopts a normative legal approach based on statutory analysis, case analysis, and legal doctrine without incorporating empirical data from judges, prosecutors, or Integrated Assessment Teams. Accordingly, the study does not assess how the proposed parameters operate in judicial practice or how institutional factors may influence the exercise of judicial discretion. Future research should therefore empirically test the four-parameter and six-stage framework through broader and systematically selected judicial decisions, complemented by interviews with criminal justice practitioners, to assess its practical applicability, consistency, and explanatory value across different jurisdictions.

CONCLUSION

This study finds that the exercise of judicial discretion in ordering rehabilitation for drug abusers in Judgment No. 1365/Pid.Sus/2017/PN.Tjk was not based on a single consideration but on a ratio decidendi constructed through the integration of normative provisions, facts established at trial, the findings of the Integrated Assessment Team, forensic laboratory results, medical recommendations, and the objectives of sentencing before imposing a four-month term of imprisonment combined with a rehabilitation measure. Nevertheless, the study also demonstrates that this reasoning remains case-specific and is not grounded in a structured set of juridical parameters, thereby creating the potential for disparities in the exercise of judicial discretion in drug abuse cases involving comparable factual circumstances. In response to these findings, this study proposes a reconstruction of the juridical parameters governing judicial discretion, comprising normative, medical, juridical, and sentencing-objective parameters, which are operationalized through a staged legal reasoning model encompassing the identification of applicable legal norms, reconstruction of trial facts, integration of integrated assessment findings, judicial legal analysis, the exercise of judicial discretion, and the formulation of the operative ruling. This reconstruction constitutes the principal contribution of the study by providing a more systematic, transparent, and reviewable argumentative framework for the exercise of judicial discretion without diminishing judicial independence, while reinforcing the balance among legal certainty, justice, utility, and the protection of society in the adjudication of drug abuse cases.

AUTHOR CONTRIBUTIONS

TT contributed to the conceptualization, research design, investigation, legal analysis, and preparation of the original manuscript. HS contributed to the methodology, validation, formal analysis, and critical review of the manuscript. MU contributed to the conceptual framework, interpretation of legal materials, supervision, and writing–review and editing. MR contributed to data curation, collection and organization of legal sources, analysis, and manuscript revision. RA contributed to the literature review, legal source verification, visualization of the analytical framework, and writing–review and editing.

DECLARATION OF GENERATIVE AI AND AI-ASSISTED TECHNOLOGIES IN THE WRITING PROCESS

During the preparation of this manuscript, the authors used generative AI and AI-assisted technologies solely to improve the language, grammar, readability, and clarity of the manuscript. These technologies were not used to generate research data, conduct legal analysis, formulate research findings, or make substantive scholarly interpretations. All AI-assisted outputs were carefully reviewed, verified, and revised by the authors, who take full responsibility for the accuracy, originality, integrity, and final content of the manuscript.

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