

## REHABILITATION SANCTIONS AGAINST THE NARCOTICS USER ACCORDING TO THE PERSPECTIVE OF MAQASHID SHARIAH

Andriyani<sup>1</sup>  
Rusmala Dewi<sup>2</sup>

**Abstract:** *The government through the law makes a policy to aggressively seek rehabilitation for the drug users. This is done in the context of tackling the abuse of narcotics in Indonesia. Thus, it is necessary to study the policy objectives based on the perspective of maqashid sharia by conducting qualitative research using secondary data. From the results of the research, the Indonesian Government has implemented rehabilitation sanctions for the narcotics user because the users are victims of other people's crimes, namely illegal narcotics dealers. If a narcotics user is given a sanction of imprisonment/imprisonment, it will have a worse impact and cannot eliminate his dependence on narcotics. Seen from the perspective of maqashid sharia, this government policy does not conflict with the objectives contained in the maqashid sharia concept, as the goal of rehabilitation which requires the users to be aware of their mistakes, so that they will become better humans both towards their God and those around him.*

**Keywords:** *Narcotics Abuse, Narcotics User, Rehabilitation, Maqashid Sharia*

### The Introduction

In dealing with the narcotics, Komjen National Narcotics Agency (BNN), Heru Winarko, said that the abuse and circulation of narcotics in the community has increased. This can be seen from the widespread victimization of drugs. He also said that victims of narcotics spread to include children, adolescents, the younger generation, ASN, members of the TNI and Polri, regional heads, members of the legislature, even in the household environment. One of the factors for this increase occurred because of the existence of internet technology which would certainly facilitate illicit narcotics transactions. This increase also occurred in the transaction value and the types of narcotics themselves (Ristianto, 2019).

According to data from the National Narcotics Agency (BNN), the rate of drug abuse among students in 13 provincial capitals of Indonesia has reached 3.2% or the equivalent of 2.29 million people. Meanwhile, in 2017 it was 1.77% or equivalent to 3,376,115 people (Ristianto, 2019). From these data it can be concluded that the increase in victims of drug abuse in 2018 is 1.43%. When compared to 2017, the increase in drug abuse victims was almost 100%, where in 2017 it was 1.77% and in 2018 it was 3.2%.

In 2019, the number of drug users from mineral circles has increased dramatically. According to Komjen National Narcotics Agency (BNN), Heru Winarko, a few years ago, millennial drug users were only 20%, now it has increased to 25%. The 25% of drug users are children and adolescents (Felisiani, 2019). The distribution and abuse of narcotics has become a

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<sup>1</sup> Fakultas Syariah dan Hukum UIN Raden Fatah Palembang, Email: andriyani\_uin@radenfatah.ac.id

<sup>2</sup> Fakultas Syariah dan Hukum UIN Raden Fatah Palembang, Email: rusmaladewi\_uin@radenfatah.ac.id

serious threat to the survival of the nation with more than two million narcotics addicts, 90% of whom are young generation (Fadhli, 2018: 51).

This will certainly damage the nation's future generations, because drug users tend to use them (addiction). In this case, if the government is not firm in dealing with the problem of narcotics in Indonesia, various kinds of bad effects of narcotics can threaten the younger generation and the future of the Indonesian nation itself. As mentioned above, drug abuse in Indonesia is increasing and is not limited to the wealthy community, given the high drug prices, but has also penetrated the low economic community. In fact, this does not only happen in cities, but also in villages to remote villages.

In conditions of increasing narcotics abuse in Indonesia, the government through Law Number 35 of 2009 concerning Narcotics is expected to aggressively seek rehabilitation for narcotics abusers and addicts. The abuse of narcotics is prohibited because in narcotics there are substances that can damage the mind of the user. Narcotics is included in the *khamr* category (Zulamri, 2017). As for Islam explicitly prohibits all forms of actions that can destroy reason, such as the prohibition of alcoholic beverages which is an indicator for the firmness of Islamic law in maintaining reason. Thus, the author would like to further investigate the rehabilitation sanctions for narcotics addicts in the *Maqashid Sharia* Perspective.

### **Research Methods**

The type of research that will be used in this writing is qualitative research. In addition, this research is also included in the category of research types with descriptive methods. The data used are secondary data consisting of primary legal materials and secondary legal materials.

Data collection in this study is that researchers collect problem topics by conducting literature studies. In this case the researcher collects legal materials by reading, quoting, taking notes and studying reading material related to research problems. Researchers will collect data on rehabilitation sanctions for narcotics addicts. If the data has been collected, the next step is to present the data by putting it in the form of descriptions. The data analysis used in this research is descriptive qualitative analysis.

### **Discussion and Results**

#### **Rehabilitation As The Sanction Of The Narcotics User**

The implementation of rehabilitation is a policy that supports the prevention of narcotics crime for narcotics user. Especially if the narcotics addicts are children. So he must be rehabilitated, because in addition to being the perpetrator he is also a victim (Hartanto, 2017). The rehabilitation for narcotics abusers / narcotics addicts is divided into two types, namely, medical rehabilitation and social rehabilitation.

Narcotics user must undergo a rehabilitation process in order to get rid of addiction / dependence on these illegal drugs. The other reasons why addicts to narcotics and other illegal drugs should be rehabilitated are as follows: drug abusers/addicts cannot be said to be lawbreakers because they are just victims; drug abusers / addicts are people who must be treated from dependence on narcotics; to reduce the number of requests for illegal drugs; and protecting the Indonesian generation from the influence of narcotics (Haerana, 2019)

The obligation to undergo the process of medical rehabilitation and social rehabilitation for narcotics addicts is contained in article 54 of Law Number 35 of 2009 concerning Narcotics. The obligation to undergo medical rehabilitation and / or social rehabilitation applies to narcotics addicts who are ordered based on a court decision if a narcotic addict is found guilty of committing a narcotics crime and a court ruling if a narcotic addict is not found guilty of committing a narcotics crime.

### **Maqasid Shariah**

According to maqashid sharia, everyone who has studied it always associates it with the name Abu Ishaq asy-Syatibi, because he is popularly known as Mr Maqashid Sharia. His work which is widely known is the al-Muwafaqat book (Nasution & Nasution, 2020: 41).

Imam Ash-Syatibi explained that there are five forms of maqashid sharia or what is commonly called kulliyat al-khamsah (five general principles) such as maintaining religion (hifzh al din), maintaining the soul (hifzh al nafsi), maintaining reason (hifzh al 'aqli), maintain offspring (hifzh an-nasl), and maintain property (hifzh al maal). The five principles are as follows:

#### **1. Maintaining of religion**

Maintaining religion means that in the teachings of sharia, that is, every human being has the right to embrace a religion based on their respective beliefs, so that a sense of security and peace will emerge in religion (Barkah & Andriyani, 2019: 73). Islam really protects the rights and freedoms of mankind. One of these freedoms is the freedom to worship according to one's religion. As Jauhar said, every religious adherent has the right to his religion and sect. He should not be forced to leave his religion or mazhab to go to another religion or school. In addition, he also should not be pressured to convert from his belief and then convert to Islam, because the basis of this right is in accordance with the word of Allah in Surah Al-Baqarah: 256 and Surah Yunus: 99: (Jauhar, 2017: 1).

#### **2. Maintaining of Soul**

Nurturing the soul is the next priority after religion. There is no justification from the Islamic provisions to play with other people's souls and also one's own soul. Allah SWT has absolute power over the lives of others, no one has the right to release it from someone except Allah SWT. When there are people who precede the power of Allah SWT by eliminating the lives of others, of course in addition to eliminating the existence of someone's soul. also has preceded what he did not deserve before Allah SWT. Therefore, Allah SWT threatens people who kill other people on purpose with severe punishment to be put into hell and are considered to have killed everyone (Busyro, 2019:120).

Islam forbids killing human souls and eliminating their lives, damaging and destroying some parts of the body, or injuring and the like. The person who does any of these things, especially the act of killing, has committed the greatest sin. After the sin of disbelief, there is no greater sin than the sin of killing the believer and taking his life. Therefore, this person really deserves the punishment that Allah threatens in the afterlife (Jauhar, 2017: 43). Thus, Islam's first and foremost concern is the right to

life. The right to live is a sanctified right and its glory cannot be destroyed. Only Allah can give human life and only Allah can kill it.

### 3. Maintaining of Mind

Intellect is the source of wisdom (knowledge), the light of guidance, the light of the heart's eyes and the medium of human happiness in the world and the hereafter. With reason, a letter from Allah was conveyed, with which humans have the right to be leaders on earth, and with it humans become perfect, noble, and different from other creatures (Jauhar, 2017: 43).

Islam commands us to guard our minds, prevent all forms of persecution directed at them or that can cause them to be damaged and diminished in order to honor and glorify them, and to realize all the general benefits which are the foundation of human life, namely by protecting religion, guarding the soul, protecting them. intellect, safeguarding offspring and safeguarding property.

The aspect of preserving reason is one of the objectives of Islamic law (maqashid al-syari'ah) which one of the indicators is the prohibition of alcoholic beverages (khamr) and anything intoxicating. Reason occupies an important position in Islam, because it is only with reason that human existence can be guaranteed. Intellect is also a characteristic of humans which distinguishes it from other creatures of Allah. Intellect is also a prerequisite for someone to be categorized as mukallaf (Ariyanti, 2017).

To fight sin and prevent crime, then among the right of syara 'to reason is to impose sanctions on violations of the cause or protection factor. Therefore, Islamic law imposes sanctions on drinkers of khamr and users of illegal drugs, regardless of type, from and with any name or characteristic (Jauhar, 2017: 94). Therefore, in relation to the maintenance of this reason, Allah SWT makes certain rules, both in the form of orders and prohibitions that are aimed at maintaining and protecting human reason.

### 4. Maintaining of Descendant

The maintenance of descendant is one of the main things that must be cared for by humans (Busyro, 2019:124). This form of guarding against descendant is that humans must abstain from adultery. Therefore, Islam allows polygamous marriages (Al-Atsari).

Against such sexual deviation, Islam imposes sanctions on perpetrators of immoral acts with the aim of preserving the sanctity of a descendant. There needs to be a common awareness that free sex and homosexuality are heinous acts that can destroy human sustainability. This is where the urgency of implementing Islamic sharia within the framework of the Islamic Khilafah with a set of rules and concepts in regulating the relationship between men and women. That way the human offspring is preserved. Society is also free from deviant behavior that is very dangerous to human existence (Wahyuni, 2016).

### 5. Maintaining of Assets

Treasure is one of the core needs in life which humans will not be separated from. Man is motivated to seek wealth in order to maintain his existence and to increase material and religious enjoyment, he must not stand as a barrier between himself and property. However, all motivation is limited by three conditions, namely that the assets are collected in a

lawful manner, used for lawful things, and from this property the rights of Allah and the community where he lives must be issued. After that, then he can enjoy these assets as he pleases, but without any waste because waste for material enjoyment will result in the opposite, namely bodily pain as a result of excess (Jauhar, 2017: 167).

Assets should not be used for haram things. Through property, do not make bribes or false testimonies, or be used to seek illicit pleasures, as well as various kinds of illegal work, such as lending them using the usury system, being used to buy lottery papers, joining an illegal pawnshop and so on.

### **The Application Of Rehabilitation Sanction To The Narcotics User**

Rehabilitation is regulated in Undang-undang Nomor 35 Tahun 2009 concerning Narcotics. One of the objectives of the formation of this law is to guarantee the provision of rehabilitation efforts for narcotics addicts, both medical rehabilitation and social rehabilitation. The law even requires the implementation of medical rehabilitation and social rehabilitation for narcotics Rehabilitation is regulated in Undang-undang Nomor 35 Tahun 2009 concerning Narcotics. One of the objectives of the formation of this law is to guarantee the provision of rehabilitation efforts for narcotics addicts, both medical rehabilitation and social rehabilitation. The law even requires the implementation of medical rehabilitation and social rehabilitation for narcotics Rehabilitation is regulated in Undang-undang Nomor 35 Tahun 2009 concerning Narcotics. One of the objectives of the formation of this law is to guarantee the provision of rehabilitation efforts for narcotics addicts, both medical rehabilitation and social rehabilitation. The law even requires the implementation of medical rehabilitation and social rehabilitation for narcotics user.

In addition Undang-undang Nomor 35 Tahun 2009 concerning Narcotics to above, regulations regarding rehabilitation are also contained in Peraturan Pemerintah Nomor 25 Tahun 2011 concerning Pelaksanaan Wajib Laport Pecandu Narkotika; Surat Edaran Mahkamah Agung Nomor 4 Tahun 2010 concerning Penempatan Penyalah Guna, Korban Penyalahgunaan dan Pecandu Narkotika To The Lembaga Rehabilitasi Medis dan Rehabilitasi Sosial; Surat Edaran Mahkamah Agung Nomor 3 Tahun 2011 (Placement of Abusers, Victims of Abuse and Narcotics Addicts into Medical Rehabilitation and Social Rehabilitation Institutions; as well as the existence of Peraturan Bersama (PERBER) Nomor 7 Tahun 2014 concerning Penanganan Pecandu Narkotika dan Korban Penyalahgunaan Narkotika ke dalam Lembaga Rehabilitasi (the Handling of Narcotics User and Victims of Narcotics Abuse into Rehabilitation Institutions).

Rehabilitation can be carried out for narcotics user who have carried out the mandatory report to the recipient institution, narcotics addicts who are found guilty of committing narcotics crimes based on a court decision and narcotics addicts who are not proven guilty of committing narcotics crimes based on a court ruling.

As stated in Peraturan Pemerintah Nomor 25 Tahun 2011 concerning the Implementation of Mandatory Reporting for Narcotics User, that narcotics user who are of legal age can report themselves to the recipient institution, they are obliged to report to receive rehabilitation. As for

narcotics user who are not yet old enough, the addict's parents / guardians are obliged to report it to the receiving institution must report it. According to article 128 paragraph 1 Undang-undang Nomor 35 Tahun 2009 concerning Narcotics, if a parent or guardian of a narcotic user who is not old enough deliberately does not report the addict, he will be punished with imprisonment for a maximum of 6 (six) months or a maximum fine. Rp. 1,000,000 (one million rupiah).

Narcotics user who have reported must undergo an assessment before carrying out rehabilitation to find out the condition of the narcotics addict. The assessment consists of a medical assessment and a social assessment. This assessment is carried out by means of interviews, observations, physical and psychological examinations of narcotic addicts. Things that are included in the interview include medical history, history of narcotics use, history of medication and treatment, history of involvement in crime, psychiatric history, and family and social history of the narcotic addict. The observation includes observation of the behavior of narcotics addicts.

The results of the assessment as above will be recorded in medical records or records of changes in the behavior of narcotics user. The results of this assessment are confidential and form the basis for the rehabilitation plan for the narcotics addict. The rehabilitation plan is agreed upon by the narcotic user, parent, guardian, or family of the narcotic addict himself and the head of the receiving institution is obliged to report. After undergoing the assessment, narcotics user will be given a report card by the mandatory reporting institution. The report card is valid for two treatment periods.

Narcotics user who are undergoing treatment and / or treatment in hospitals and other health service facilities, and medical and social rehabilitation institutions are obliged to report to the receiving institution must report, as well as narcotics addicts who are undergoing treatment and / or treatment through community-based therapy (therapeutic community) or through religious and traditional approaches.

Based on the description above, it can be seen that narcotics user do not have to be penalized by imprisonment for their actions. Undang-undang Nomor 35 of 2009 concerning Narcotics explains that imposing criminal sanctions is not the only way to deal with Narcotics addicts, but there are still other ways, namely rehabilitation. The imposition of rehabilitation sanctions for narcotics user can be in the form of providing care and treatment through medical rehabilitation or social rehabilitation, although the rehabilitation sanctions have certain criteria for Narcotics addicts.

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### **The Analysis of Narcotics User Sanction Rehabilitation According To The Maqasid Shariah in Maintaining Religion**

In carrying out religious activities, humans certainly need a healthy sense. As explained in Islam, a madman is not obliged to pray, fast and so on. Allah created humans to worship Him. The purpose of worship itself is the servitude of a human being to God to get closer to Him as a realization of the implementation of life's duties as creatures created by Allah (Pratama, 2019).

Thus, for narcotics user it may be possible that he cannot carry out his obligations to Allah SWT, namely performing worship. Just like a drunk person is not allowed to pray, as in the word of Allah in Surah An-Nisa ': 43 which means: "O people who believe, do not pray, while you are drunk, so you understand what is happening. you say".

For people who are using narcotics, they will lose their minds. If a person has lost his mind, of course he cannot perform prayers or other acts of worship. If this happens and takes place continuously, a person's religion will be damaged because it does not enforce it.

In connection with one of the objectives of government policies to rehabilitate narcotics addicts is to save narcotics addicts themselves. Here the government assumes that narcotics addicts are victims of illegal narcotics trafficking. Therefore, narcotics addicts must be treated by means of rehabilitation, both medically and socially.

The rehabilitation efforts for narcotics user through an Islamic religious approach can be in the form of the Imtaq program, namely the

delivery of tauhid material, worship practices (such as fardhu and sunnah prayers, fasting, etc.) (Saefulloh, 2018), reading al-ma'tsurat, thaharah, dzikir programs and so on. Ahmad Saefulloh argues based on the word of Allah in Surah Al-Maidah: 90, that for people who have already abused themselves so that they have crossed the limits of prohibitions, Islam still gives care in the form of special attention to addicts who really want to repent by controlling suggestions. himself. One of the efforts that can be made so that someone who is already an addict can control his own suggestion is to instill the values of Islamic education (Saefulloh, 2018).

Such rehabilitation aims at maintaining religion itself, in which the user is directed to carry out all obligations in religion, is directed to leave the habit of using narcotics illegally, so that he can re-enforce his religion by obeying all of Allah's orders and avoiding all His prohibitions.

### **The Analysis of Narcotics User Sanction Rehabilitation According To The Maqasid Shariah in Maintaining Soul**

Man was created by Allah in the best and most perfect form. Humans are also given His favors and are glorified. Therefore, the human soul is highly respected in Islamic law. Therefore, this soul must be nurtured, guarded, defended and avoided from anything that can damage it.

One of the pleasures of life is when a human being is able to take care of his soul or self as a whole, both physically and mentally, because if one is damaged, it certainly causes that person to be imperfect. It has become the basic character of humans that they like everything related to goodness for themselves so that if this is achieved, then he will get a good view with Allah (Dalamislam.com).

In this case the abuse of narcotics by drug users will have a negative impact on the soul of the user. This impact will damage the physical user, such as damage to the central nervous system, namely the brain and spinal cord, damage to the autonomic organs, namely the heart, lungs, liver and kidneys and damage to the five senses as explained in the previous chapter. Not only that, the worst impact on drug abuse for addicts is to cause death. Cases of death due to narcotics abuse have often occurred, this is due to excessive use of narcotics or often referred to as an over dose.

Such actions are not justified in Islamic law, because without realizing it, these actions include actions that expose the human soul to the sources of damage / destruction of the human soul itself. Of course this contradicts one of the five basic principles / five general principles in Islam that all human beings must protect and maintain, namely the soul.

A person who is already a narcotics user will find it difficult to stop using it, because he is already dependent on these drugs. Therefore, the user must undergo medical rehabilitation to cure them from dependence on narcotics, because if the addict is allowed to be left it will be bad for his soul. For narcotics addicts, they are not given criminal sanctions but are required to undergo rehabilitation. The government considers that if a drug addict is placed in prison, it will have a worse impact as previously explained. The process of undergoing rehabilitation is counted as a period of serving a sentence. That is, rehabilitation itself is a sanction for narcotics addicts. Thus, it can be said that the government policy to rehabilitate narcotics addicts is in accordance with one of the five basic principles / five general

principles in Islam that must be guarded and maintained by all humans, namely the soul. Such actions are actions that can save human souls at sources that can cause damage / destruction to the human soul itself.

### **The Analysis of Narcotics User Sanction Rehabilitation According To The Maqasid Shariah in Maintaining Mind**

Islam calls on the believers to have a mind that can provide guidance and be protected from futility and to have tremendous power that can guard that reason from being complicit and weak in opinion, always wavering and engaging in debilitating imitation. As At-Tirmidhi narrated the hadith of the Prophet which means: "*do not become a chameleon who says, 'If humans are good, then we will be good and if they do wrong, we will do wrong too'. But place (firmly) yourself; if humans are good, then you will be good and if they behave badly, then don't do wrongdoing*".

Thus Islam put man before his reason, showing the position of reason in his religion, so that he would know that reason is a gift of a very noble degree. Humans must maintain and not pollute the mind with bad things and when their reason is defective due to madness, then all the calculations of his deeds are lifted, there is no burden and punishment or sanction for him (Jauhar, 2017: 99).

The scholars agree that consumers of khamr are subject to had legal sanctions, namely the law of chastisement according to the severity of the offense committed by a person. With regard to people who consume drugs that are dangerous to the extent that they cause a disturbance of consciousness, Hanafi and Malik are of the opinion that a person will be sentenced to be caned 80 times. As for Shafi'i's opinion, the punishment is whipping 40 times (Ali, 2009: 101).

The application of these sanctions aims to protect human reason from damage. In maintaining human intellect, Islam has made it mandatory to forbid drinking khamr and anything that can be intoxicating as well as imposing sanctions on someone who drinks khamr or uses other illegal drugs, such as narcotics. In this case, the maintenance of reason is ranked *ad-dharuriyah*, because it will put human safety at risk both in this world and in the hereafter.

As explained by Rahmat Hakim, reason functions as a moral controller. If the mind is damaged, the control function is also damaged. Therefore, reason must be protected and preserved. Thus, punishing the perpetrator of alcoholism or other things that can damage the mind is an effort to maintain and maintain the health of the mind (Hakim, 2010: 101-102).

Narcotics is identical to khamr, because khamr is not only limited to liquid substances, but also solid objects (Ashar, 2015). With regard to narcotics and other illicit drugs, Ibn Taymiyyah said that the cannabis type of marijuana is the greatest evil, from all aspects it is the worst kind of khamr (Jauhar, 2017: 114). This could be due to the fact that the impact is worse than khamr. Not only that, these types of narcotics and illegal drugs are always developing.

The abuse of narcotics will have a bad impact on the mind of the user, because the substances contained in narcotics can damage the mind. This will have an even worse impact when drug users have become addicts. As it is

known that for a narcotic addict it is not easy to get rid of narcotics itself, because he is already dependent on narcotics, if he doesn't use it then he will feel pain. If this happens, then the addict's mind will suffer even more damage.

In this case the Indonesian government does not impose criminal sanctions on narcotics addicts, but instead obliges them to undergo rehabilitation, both medical rehabilitation and social rehabilitation. The government considers that he is a victim of someone else's crime. Thus, narcotics addicts must be treated and saved so that they can become human beings who return to normal and can get along in society.

If viewed from the government's goal of requiring rehabilitation for narcotics addicts, this is in line with the *maqashid sharia* concept which is divided into five general principles / five basic principles in Islam that must be guarded and maintained by all humans, one of which is the maintenance of reason. This government policy aims to save or maintain human reason from the damage caused by narcotics abuse.

### **The Analysis of Narcotics User Sanction Rehabilitation According To The Maqasid Shariah in Maintaining Descendant/*Nasl***

The descendant is one of the main things that must be cared for by humans. Therefore, maintaining a clear lineage is the obligation of Muslims. In maintaining and maintaining offspring, Islam forbids adultery. Maintenance of descendant in this case is the maintenance of offspring at the *al-dharûriyah* rank. The importance of maintaining a clear lineage is not only beneficial in the world, but also for the afterlife. Meanwhile, the legal way to get descendant is by getting married, because offspring caused by adultery are not recognized as legitimate descendants.

Talking about narcotics, the writer will look at it in terms of the impact caused by narcotics which are related to descendant. It has been explained in the previous chapter, that narcotics can cause reproductive system disorders such as sexual dysfunction and even infertility and can cause congenital defects in the fetus.

The impact caused by narcotics above is to break the lineage, because narcotics can cause infertility and make descendant imperfect because narcotics can cause congenital defects in the fetus that is conceived. Maintaining offspring is not only by getting descendant legally, but also by maintaining, preserving and educating the descendant properly so that what is taught can shape morals based on the teachings of Islamic law. In addition, it also does not cause offspring to experience disabilities, because most children who experience disabilities will feel discriminated against in social situations.

Thus, using narcotics is an act that can damage the offspring. The perpetrator will get sin, because keeping descendant is an obligation. However, in the opinion of the author, the preservation or maintenance of descendant in this case is in the rank of *hajiyat*, because the impact is difficulty and is not yet at the stage of damage.

Based on the above, the rehabilitation of narcotics addicts as mandated by law also aims to protect and maintain descendant. This is because rehabilitation aims to cure narcotics addicts from dependence on narcotics and cure user from all diseases caused by illegal use of narcotics.

### **The Analysis of Narcotics User Sanction Rehabilitation According To The Maqasid Shariah in Maintaining Assets**

Apart from being seen in terms of obtaining it, the form of maintenance of assets is also seen in terms of spending it. Assets should not be used for haram things, such as spending assets to seek illicit pleasures, spending them for wickedness, buying alcohol and buying narcotics and other illegal drugs.

In this regard, a person who has been addicted / dependent on narcotics, will always try to get the narcotics, because, he will feel excruciating pain if there is an attempt to reduce its use or even if the use is stopped. Thus, it can be said that narcotics user will always spend their wealth on things that are forbidden by Allah. If he does not have money to buy narcotics, then it is possible that he will commit theft and even other crimes in order to get the money he needs to buy narcotics.

Thus, it can be said that the use of narcotics can cause damage to property and maintenance / protection of assets cannot be implemented. As previously explained, the role of maqashid sharia in safeguarding / preserving assets is by prohibiting them from obtaining and spending material impulsively.

To save narcotics user from the above actions, the government requires them to undergo a rehabilitation process. This government decree is in accordance with the maqashid sharia concept in terms of protecting assets. With rehabilitation, narcotics addicts will be cured of dependence on narcotics, besides that in the implementation of rehabilitation, addicts will be guided to become better human beings. Thus, addicts will no longer use narcotics and will not commit other prohibited acts, either prohibited by religion or the government even though the implementation of such rehabilitation requires a lot of money.

### **Conclusion**

The Indonesian government through a law makes a policy for narcotics user not to be penalized with imprisonment, because criminal sanctions are not the only way to deal with narcotics user. Narcotics user can be given rehabilitation sanctions in the form of treatment and medication, both medically and socially. Narcotics user who are undergoing treatment and / or treatment through rehabilitation are counted as a period of serving their sentence. The provision of rehabilitation sanctions is an alternative to government programs in tackling narcotics abuse in Indonesia.

According to the perspective of maqashid sharia, the objectives of government policies have the same aim to the objectives contained in the maqashid sharia concept, both in terms of religious maintenance (hifzh al din), maintenance of the soul (hifzh al nafsi), maintenance of reason (hifzh al 'aqli) , maintenance of offspring (hifzh an-nasl), and maintenance of property (hifzh al maal).

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