

How to keep drugs users out of jail: Building a drug diversion policy in Indonesia

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Introduction

The HIV Cooperation Program for Indonesia (HCPI) promote the adoption of evidence-informed interventions and policies. Over the past five years HCPI has worked with a wide range of partners to divert people who use drugs (PWUD) from incarceration in prisons to voluntary attendance at effective drug services.

The Need for Diversion of PWUD from the prison system

Approximately 60% of Indonesian prisoners are sentenced for drug-related offenses. Prison terms can be exacerbated by poor access to health care or drug treatment due to limited budget (less than USD 1/per prisoner/per year).

Indonesia's 2009 Narcotics Law aimed to facilitate referral of drug users into treatment. Different interpretations of this law meant that more drug users were arrested and incarcerated, while the number of people accessing drug treatment through this law's "compulsory registration" mechanism did not increase. This led the National Narcotics Board (NNB) to explore different approaches for dealing with narcotics users to develop a system better able to accommodate their needs.

Making progress

HCPI supported study visits for NNB to understand diversion programs in Sydney, and the impact of decriminalizing narcotics and increasing drug treatment access in Portugal.

High-level meetings, workshops and seminars were then used to familiarize key Indonesian stakeholders with the issues.

Government departments have shown leadership in developing policies to resolve legal challenges and address the need for treatment required by a diversion system.

Study visits encouraged delegates and government institutions, including the Criminal Justice System (CJS), to develop a model for diversion. The Attorney General's Office and the Supreme Court have been very supportive. Having the NNB lead the process of drug law reform was critical as it is the key government agency appointed by the President to deal with narcotics.

Results

Regulatory change encourages diversion

In March 2014 a final endorsement of a joint regulation was made between the CJS, NNB, Ministry of Health and Ministry of Social Affairs, a process led by NNB.

The regulation states that an assessment committee (based on Portuguese dissuasion committees and comprising of representatives from above parties) can decide upon the best course of action for drug cases. This will provide judges with a basis to refer drug offenders to appropriate treatment services rather than being incarcerated or sent to compulsory treatment in government-run clinics.

PWUD can now attend community-based services run by NGOs that are more likely to meet their needs and be able to provide effective aftercare – an essential aspect of the recovery process.

Maintaining a balance between NNB and Indonesian National Police has proved to be a more delicate process, as they normally operate quite separately and are unused to sharing roles.



Figure 1: Diversion seminar with officers from Attorney General's Office, Sanur, Bali

Next steps

A massive scale-up in capacity is required for both CJS and drug treatment services. The efficient processing of narcotics cases and access to evidence-based treatment are essential to ensure good diversion outcomes and can provide significant budgetary savings compared to incarcerating PWUD.

Further development of harmonized regulations, guidelines and procedures is required to ensure that an effective and accountable diversion system is operational in Indonesia in the near future.

President Susilo Bambang Yudhoyono:

"These young folks who have become drug addicts have lost their past and present so we should not allow them to lose their future. We should guide them back. They don't belong in a penitentiary but in a rehabilitation center."

"Sending drug addicts to jail would only encourage them to be criminals after release."



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