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Specialised drug court?

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DRUG ABUSE

SPECIALISED DRUG COURT?

It can be effective as it attempts to get to the heart of the problem of drug abuse, write **NURSALINA SALLEH** and **TENGGU ILISHA AMEERA TENGGU ABDULLAH**



A drug rehabilitation centre in Kuala Lumpur. It is worth looking into the feasibility of implementing some elements of the drug court within our criminal justice system.

Drug courts cannot and should not be viewed primarily as the answer to this growing drug problem, but instead as a very useful tool in the larger effort towards treating and rehabilitating drug users, provided that there is adequate treatment capacity.

DRUG abuse is a global problem which has serious socioeconomic and public health impact. Countries differ in tackling the problem, but the United States and Australia offer a model that others may want to emulate.

They have what is called drug courts, which are specialised courts used to channel drug users into treatment as opposed to incarceration. They are problem-solving courts that address issues regarding drug abuse within the criminal justice system.

Drug courts were set up to tackle fundamental behavioural problems that drug users face, and provide alternative solutions that hold them accountable whilst ensuring access to treatment services which could improve their wellbeing.

Drug courts are seen to be effective as they attempt to get to the heart of the problem of drug abuse. Also, treatment as opposed to imprisonment especially when it involves young adults is a more welcome alternative for society at large. Prisons may present a good response to those who commit brutal crimes, but not so, to young adults who turn to drugs because of peer pressure or a sense to belong.

The theory behind the drug courts is possibly driven by the fact that a therapeutic approach works better in the case of certain non-violent crimes than a punitive one.

Specialised drug courts require highly trained individuals including judges and prosecutors who understand addiction and the kinds of effective treatment available.

There are several different models of drug courts with varying degrees of success, offering various treatment plans that best suit the environment and society they cater for. These courts carefully select and determine individuals who will benefit the most from this programme. Needless to say, the philosophy behind the approach supports the Malaysian government's transition in its national drug policy from incarceration to patient-centred treatments.

Although court-monitored, they offer the individual a personalised drug treatment programme, in place of probation or incarceration, with the primary purpose of addressing both the offence, and more importantly, the user's habit of drug abuse.

Drug courts, or drug treatment courts (as they are sometimes re-

ferred to) give primary importance to the individual, less so the crime, contributing to a long-term solution rather than immediate punishment.

Considering that addiction is a chronic relapsing disease, drug courts acknowledge the struggle that drug users face physically and mentally in battling their addiction. This approach seeks to not punish, but to help the drug user learn from the episodes to discover the underlying problem — their actual addiction to the drug.

Also, the court-sanctioned programmes seek to provide a second chance for the drug users, offering them not only a road back to recovery but also to be a productive member of society. Some criminal records of drug users are also expunged, which helps remove the stigma that would otherwise accompany incarceration.

With these prospects laid out, the question then, is — does Malaysia require specialised courts to tackle the drug problems?

It is interesting to note that Malaysia already has an existing special court to clear the backlog of remand drug cases but it is not like the drug courts of the US and Australia.

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not be viewed primarily as the answer to this growing drug problem, but instead as a very useful tool in the larger effort towards treating and rehabilitating drug users, provided that there is adequate treatment capacity.

A good guiding question to ask in the context of Malaysia is: If we were to send drug users into such a drug treatment court, do we possess the needed capacity and infrastructure to support this move? The need for a drug court will remain an open question unless we first take stock of the treatments, treatment centres and trained professionals available in Malaysia.

Nevertheless, seeing that the government is already moving in the right direction as evident in its transition from incarceration to treatment, perhaps it is worth looking into the feasibility of implementing some elements of the drug court within our criminal justice system to effectively support the treatment and rehabilitation of drug users.

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