

Legal Implications of Restorative Justice in Narcotics Crimes: Integrating Accountability and Rehabilitation

*Neilpon Yulinar Marquez, KMS Herman
Universitas Borobudur

*Email: yulinarmarquezneilson@gmail.com, kms_herman@borobudur.ac.id

Received:	Revised:	Accepted:	Available Online:	Published:
10/10/2025	24/12/2025	25/12/2025	25/12/2025	25/12/2025

Abstract

Drug crimes are a form of crime that has a systemic impact on public health, security, and order. The conventional criminal justice system, which tends to emphasize imprisonment, has not been fully effective in addressing the root causes of drug abuse, especially for users. In light of this, the restorative justice concept has surfaced as a substitute that seeks to rebuild the community, victims, and offenders via communication and rehabilitation. This study examines the legal implications of implementing restorative justice for drug crimes to realize restorative justice and rehabilitation for perpetrators. Law Number 35 of 2009 concerning Narcotics, Supreme Court Regulation Number 4 of 2010, Attorney General Regulation Number 15 of 2020, and Law Number 1 of 2023 concerning the Criminal Code are examined using a normative method. The study's findings suggest that restorative justice is only appropriate for drug users who fulfill specific requirements, such as not being recidivists and having a limited amount of evidence. The implementation of this approach has had a positive impact on reducing overcrowding in correctional institutions and fulfilling offenders' human rights to rehabilitation. However, obstacles remain, such as limited explicit regulations in the Narcotics Law and a lack of adequate rehabilitation facilities. Policy reform and strengthening synergy between law enforcement agencies are crucial steps in expanding the comprehensive implementation of restorative justice in the future.

Keywords: Restorative Justice, Drug Crimes, Rehabilitation, Legal Implications, Sentencing.

Abstract

Kejahatan narkoba merupakan bentuk kejahatan yang berdampak sistemik terhadap kesehatan, keamanan, dan ketertiban masyarakat. Sistem peradilan pidana konvensional, yang cenderung menekankan pemenjaraan, belum sepenuhnya efektif dalam mengatasi akar penyebab penyalahgunaan narkoba, terutama bagi pengguna. Mengingat hal ini, konsep keadilan restoratif telah muncul sebagai pengganti yang berupaya membangun kembali masyarakat, korban, dan pelaku melalui komunikasi dan rehabilitasi. Penelitian ini mengkaji implikasi hukum penerapan keadilan restoratif untuk kejahatan narkoba untuk mewujudkan keadilan restoratif dan rehabilitasi bagi pelaku. Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika, Peraturan Mahkamah Agung Nomor 4 Tahun 2010, Peraturan Kejaksaan Agung Nomor 15 Tahun 2020, dan Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana diperiksa dengan menggunakan metode normatif. Temuan penelitian menunjukkan bahwa keadilan restoratif hanya sesuai untuk pengguna narkoba yang memenuhi persyaratan tertentu, seperti tidak menjadi residivis dan memiliki jumlah bukti yang terbatas. Penerapan pendekatan ini berdampak positif dalam mengurangi kepadatan di lembaga pemasyarakatan dan memenuhi hak asasi manusia pelaku untuk rehabilitasi. Namun, kendala tetap ada, seperti terbatasnya regulasi eksplisit dalam UU Narkotika dan kurangnya fasilitas rehabilitasi yang memadai. Reformasi kebijakan dan



Copyrights © Author(s). This work is licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International (CC BY-NC-SA 4.0). All writings published in this journal are personal views of the author and do not represent the views of this journal and the author's affiliated institutions.

penguatan sinergi antar lembaga penegak hukum merupakan langkah penting dalam memperluas implementasi keadilan restoratif yang komprehensif di masa depan.

Kata Kunci: Keadilan Restoratif, Kejahatan Narkoba, Rehabilitasi, Implikasi Hukum, Hukuman.

INTRODUCTION

Restorative justice has become an increasingly discussed approach in criminal justice system reform in Indonesia, particularly in addressing the rise of drug crimes.¹ Drug abuse is not only a legal issue, but also a complex health and social problem.² The high rate of criminalization of drug users has burdened the justice system and correctional institutions, without addressing the root causes of addiction and dependency.³ The conventional criminal justice system tends to focus on punishment, rather than treatment, making it ineffective in reducing recidivism rates among drug users. Many users who should receive rehabilitation are instead sentenced to prison, which ultimately only worsens their psychological and social conditions.⁴ This problem demands a more humane and transformative approach to handling drug cases.

Restorative justice offers an alternative legal approach that prioritizes the recovery process, rather than simply punishment.⁵ In restorative justice, the perpetrator, victim (if any), and community are invited to work together to find a resolution to the consequences of the crime.⁶ The main principle of restorative justice is to repair the damage caused by the crime and rebuild disrupted social relationships.⁷ This approach differs from the retributive model, which focuses solely on retribution, and from the rehabilitative approach, which is sometimes carried out unilaterally without community involvement. In the context of drug abuse, restorative justice can open up space for dialogue and a commitment to recovery, rather than simply serving a sentence. This model also allows for the involvement of family and community in the perpetrator's recovery process.⁸

Traditional punishment theory emphasized retribution and social order, placing the perpetrator as the object of punishment. Meanwhile, modern punishment approaches recognize the importance of protecting human rights and the need for rehabilitating the

¹ Zulhelmi Zulhelmi, "Penerapan Rehabilitasi Terhadap Pelaku Tindak Pidana Narkotika Ditinjau Dari Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika (Studi Wilayah Banda Aceh)" (PhD Thesis, Universitas Sumatera Utara, 2024), <https://repository.usu.ac.id/handle/123456789/98723>.

² Ahmad Jundy Venerdi and Ibrahim Fikma Edrisy, "Pendekatan Hukum Pidana Terhadap Pecandu Narkotika: Antara Pemidanaan Dan Kewajiban Rehabilitasi," *Journal Evidence Of Law* 4, no. 1 (2025): 300–309.

³ Rina Apriliani Sugiarti, "The Problem with Stigma: Identifying Its Impact on Drug Users and Recommendation for Interventions: Musuh Dalam Selimut: Identifikasi Dampak Stigma Bagi Pengguna Narkotika Serta Intervensi Yang Dibutuhkan," *Psikologia* 18, no. 2 (2023): 113–26.

⁴ Romli Romli and Ibrahim Fikma Edrisy, "Efektivitas Rehabilitasi Sebagai Alternatif Pemidanaan Bagi Penyalahguna Narkotika Di Indonesia," *Journal of Innovation Research and Knowledge* 4, no. 9 (2025): 6877–86.

⁵ Romli and Edrisy, "Efektivitas Rehabilitasi Sebagai Alternatif Pemidanaan Bagi Penyalahguna Narkotika Di Indonesia."

⁶ Gholin Noor Aulia Sari et al., "Tinjauan Filosofis Keadilan Restoratif Dalam Lensa Teori Keadilan," *Hukum Dan Politik Dalam Berbagai Perspektif* 3 (2024), <https://bookchapter.unnes.ac.id/index.php/hp/article/view/210>.

⁷ Mochamad Sukedi and I. Nengah Nuarta, "Keadilan Restoratif Sebagai Upaya Penyelesaian Tindak Pidana Dalam Sistem Hukum Di Indonesia," *Jurnal Preferensi Hukum* 5, no. 2 (2024): 222–30.

⁸ Adelina Amanda Dwi Syahputri and Hervina Puspitosari, "Prosedur Penerapan Restorative Justice Bagi Penyalahguna Narkotika," *Jurnal Pendidikan Sejarah Dan Riset Sosial Humaniora* 4, no. 1 (2024): 143–49.

perpetrator to prevent reoffending.⁹ In cases of drug abuse, modern approaches emphasize the importance of rehabilitation as part of the prevention effort, as perpetrators are generally victims of substance dependence.¹⁰ Rehabilitation is a more appropriate form of punishment for drug users, as it focuses on preventing recurrence and restoring social function.¹¹ This aligns with contemporary criminal justice principles, which prioritize substantive justice, not merely formal legal ones. This type of justice allows the state to act as a facilitator of recovery, rather than a punitive institution without long-term solutions.¹²

Law No. 35 of 2009 concerning Narcotics recognizes the importance of rehabilitation in the process of handling drug crimes.¹³ According to Article 54, substance abuse sufferers and addicts must get medical and social rehabilitation. This article emphasizes that certain perpetrators should not be immediately criminalized but should be directed towards recovery.¹⁴ Meanwhile, Article 103 authorizes judges to order rehabilitation for addicts legally proven to have committed drug abuse.¹⁵ This provision forms an important basis for implementing restorative justice for drug offenders. However, in practice, the implementation of these articles often encounters obstacles due to the outdated paradigm of law enforcement that prioritizes punishment.

The enactment of Law No. 22 of 2022 concerning Corrections reinforces the importance of a social reintegration approach in the sentencing process, including for drug offenders. This law emphasizes that correctional institutions must be oriented toward fostering and returning inmates to society.¹⁶ Not only must the implementation of punishment be humane, but it must also consider the interests of recovery and prevention. Rehabilitation is an integral part of the modern correctional system, not merely an adjunct.¹⁷ For drug offenders, this system opens up space for more sustainable social and

⁹ Katrin Valencia Fardha, "Perkembangan Teori-Teori Hukum Pidana," *Innovative: Journal Of Social Science Research* 3, no. 5 (2023): 3982–91.

¹⁰ Mohamad Fajar, "Penerapan Rehabilitasi Medis Dan Rehabilitasi Sosial Atas Penyalahgunaan Narkotika Bagi Diri Sendiri," *Jurnal Sosial Teknologi* 2, no. 5 (2022): 406–17.

¹¹ Nur Kemala Putri et al., "Pengaruh Teori Rehabilitasi Terhadap Kebijakan Pemidanaan Di Indonesia: Tinjauan Pustaka," *Jimmi: Jurnal Ilmiah Mahasiswa Multidisiplin* 1, no. 2 (2024): 210–24.

¹² Faidatul Hikmah and Rio Armanda Agustian, "Konvergensi Konsep Retribusi Dan Rehabilitasi Dalam Filsafat Hukum Pidana Kontemporer Indonesia," *CREPIDO* 5, no. 2 (2023): 217–28.

¹³ Agus Sukma Hariyawan and Sagung Putri ME Purwani, "Analisis Yuridis Pasal 112 Dan Pasal 127 Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika: Upaya Reformulasi Untuk Menjamin Kepastian Hukum," *Journal of Contemporary Law Studies* 2, no. 2 (2025): 141–52.

¹⁴ Iman Santoso and Kemala Atmojo, "Penerapan Rehabilitasi Terhadap Korban Penyalahgunaan Narkotika Berdasarkan Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika Dalam Perspektif Teori Rehabilitasi," *Journal of Syntax Literate* 8, no. 9 (2023), <https://search.ebscohost.com/login.aspx?direct=true&profile=ehost&scope=site&authtype=crawler&jrnl=25410849&AN=176711544&h=ZxG4B5FAw5gIVfFyGItL4RJERG7j%2FYuhKend2KDPu%2BN07jzq6fFXhRuLOOh66HzGaaP22cfDtmLR5jALiTkYQ%3D%3D&crl=c>.

¹⁵ Renovasi Hia et al., "Legal Implications of the Application of Restorative Justice to Narcotics Crimes in Order to Realize Restorative Justice and Rehabilitation for Perpetrators," *Jurnal Greenation Sosial Dan Politik* 3, no. 3 (2025): 548–57.

¹⁶ Indah Tambunan and Fitri Yani, "Penguatan Peran Lembaga Pemasyarakatan Dalam Pembinaan Narapidana Penyalahgunaan Narkotika Menurut Undang-Undang Nomor 22 Tahun 2022 Tentang Lembaga Pemasyarakatan," *PROSIDING SEMINAR NASIONAL MULTI DISIPLIN ILMU (SENADIMU)* 1, no. 1 (2024): 87–101, <https://senadimu.potensi-utama.org/index.php/home/article/view/326>.

¹⁷ Mitro Subroto and Keny Admirad, "Analisis Program Community Based Correction Dalam Sistem Pemasyarakatan Untuk Rehabilitasi Narapidana," *Innovative: Journal Of Social Science Research* 5, no. 3 (2025): 1688–99.

psychological recovery than mere physical confinement. This framework also shows that justice cannot be separated from human values and human rights.

Supreme Court Regulation No. 4 of 2010 regulates the mechanism for submitting rehabilitation requests, which can be made from the investigation stage. This provision provides a way for drug users with good intentions to recover quickly, receive legal protection, and receive rehabilitation. The regulation explains that rehabilitation requests can be submitted by the suspect, their family, or their legal representative to the judicial institution. This means the law provides a participatory space for perpetrators and their families in recovery efforts. This procedure emphasizes that the justice system can adapt to the perpetrator's recovery needs, not just impose a sentence. The existence of this regulation provides a crucial link between the substance of the law and the values of restorative justice in practice.¹⁸

Attorney General Regulation No. 15 of 2020 provides the legal basis for prosecutors to discontinue prosecution of perpetrators of certain crimes based on restorative justice principles. Although it does not specifically regulate drug crimes, this regulation provides a starting point for encouraging the application of RJ outside the context of violence or petty theft. In practice, prosecutors can consider not proceeding with a case if the requirements for restorative justice are met and the perpetrator demonstrates a commitment to rehabilitation. This supports the idea that the legal process need not end in prison, especially for perpetrators with social or psychological vulnerabilities. This provision indirectly broadens the understanding of law, prioritizing humanitarian values and effective recovery.¹⁹

The new Criminal Code, enshrined in Law No. 1 of 2023, provides a fundamental update to the direction of Indonesian criminal law, including the recognition of a restorative justice approach. This law incorporates restorative justice principles as part of the sentencing considerations in certain criminal cases. The revision of the country's criminal code, which has been extremely formalistic and oppressive, has reached a major turning point with this update. Opportunities to harmonize substantive law with the need for social healing are created by the new Criminal Code's acceptance of the restorative justice principle. This provides a stronger and more comprehensive legal basis for law enforcement in considering restorative justice, including in drug cases. With the support of this new norm, future criminal law practice is expected to be more adaptive and results-oriented, rather than solely procedural.

A restorative justice approach based on positive law and modern criminal theory offers new hope in resolving drug abuse cases. Drug users are generally not purely criminals, but rather individuals facing mental health and social issues. Restorative justice provides them with the opportunity to recover, reintegrate into their families, and become productive members of society. This process is far more beneficial for both individuals and the state than incarceration, which fails to address the root of the problem. Within this framework, the role of law enforcement officials, families, and communities is crucial

¹⁸ Subroto and Admirad, "Analisis Program Community Based Correction Dalam Sistem Pemasyarakatan Untuk Rehabilitasi Narapidana."

¹⁹ Ainul Azizah et al., "Prinsip Keadilan Restoratif Dalam Penghentian Penuntutan Perkara Pidana Berdasarkan Peraturan Jaksa Agung Nomor 15 Tahun 2020," *Jurnal Hukum, Politik Dan Ilmu Sosial* 2, no. 2 (2023): 154–66.

in creating a supportive environment for recovery. With the right approach, legal justice can transform into an instrument of recovery, not merely punishment.²⁰

Strengthening regulations, consistent law enforcement, and developing rehabilitation infrastructure must go hand in hand so that the principles of restorative justice do not remain mere rhetoric. A legal system that is responsive to social realities and the circumstances of perpetrators reflects a living and just law. Law enforcement cannot be judged solely on its firmness, but also on its ability to resolve conflicts fairly and sustainably. Restorative justice provides this model by prioritizing recovery as a primary goal. In the long term, this approach can prevent repeated cycles of criminalization and build a more humane legal system. This paradigm shift is not only important for victims and perpetrators, but also for the quality of national legal justice.

RESEARCH METHODS

The statutory approach and the conceptual approach are the two primary normative legal methods used in this study. The positive legal norms controlling drug offenses and restorative justice are thoroughly examined in order to implement the statutory approach. Articles 54 and 103 of Law Number 35 of 2009 concerning Narcotics, which govern rehabilitation as a type of treatment for drug users, are the main subject of the analysis. Law Number 1 of 2023 concerning the Criminal Code, Attorney General Regulation Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice, and Supreme Court Regulation Number 4 of 2010 concerning the Placement of Narcotics Abusers in Rehabilitation Institutions are also the primary subjects of investigation. Meanwhile, a conceptual approach is used to understand and describe theories of justice, particularly restorative justice, and their relationship to the goals of punishment and social recovery for drug abusers. By combining these two approaches, this study not only explores applicable regulations but also offers a deeper understanding of the meaning, principles, and relevance of restorative justice in law enforcement practice. This method was chosen to provide a comprehensive overview of how positive legal regulations and conceptual frameworks can synergize in creating a more humane and effective punishment model in the context of drug crimes.

RESULTS AND DISCUSSION

Application of Restorative Justice Principles in Handling Narcotics Crimes Based on the Criminal Justice System in Indonesia

When applying a restorative justice strategy, it is essential to distinguish between drug offenders. In legal practice, perpetrators are divided into users, couriers, and dealers. Users are those who consume narcotics for themselves, whereas those engaged in the illegal trafficking and distribution chain are couriers and dealers. The legal treatment of consumers and sellers is different under Law Number 35 of 2009 concerning Narcotics. Drug users and abuse victims must get medical and social rehabilitation, according to Article 54. This approach opens up space for restorative justice to be applied to the user category. This application is not directed at dealers or couriers, as their roles are considered more damaging to social and economic structures.

Restorative justice is relevant for perpetrators who are genuine drug users, not those who abuse their status as users to avoid legal action as dealers. The relevance of implementing RJ is evident in its primary goal of restoring the social condition of the perpetrator and the community, rather than simply punishing them. Drug users are

²⁰ Numan Sofari Hafid et al., "Penerapan Teori Pidana Dalam Pencegahan Dan Penanggulangan Kriminalitas: Studi Kasus Dan Tantangan Implementasi," *Jurnal Perundang Undangan Dan Hukum Pidana Islam* 10, no. 1 (2025): 85–104.

generally victims of social and economic circumstances, even psychological pressures, that lead to dependence. In this context, restorative justice is more appropriate than retributive justice, which emphasizes punishment alone. Article 103 of Law No. 35 of 2009 also states that addicts can be placed in rehabilitation institutions upon a judge's order. This means there is already a legal loophole that can be exploited to strengthen the application of restorative justice for drug users.

Attorney General Regulation No. 15 of 2020 about Termination of Prosecution Based on Restorative Justice provides further practical guidelines for the requirements for using restorative justice in drug cases. One important criterion is that the perpetrator must not be a recidivist or repeat offender. This reflects that restorative justice is aimed at perpetrators who have a genuine intention to change and have no prior criminal history. Furthermore, based on Supreme Court Circular Letter (SEMA) No. 4 of 2010, a user's possession of evidence must not exceed a certain amount to be considered a pure user. If the amount of evidence is too large, the perpetrator can be categorized as a dealer, and restorative justice becomes irrelevant. The requirement that the perpetrator be willing to undergo rehabilitation is also a primary requirement as a form of social and personal accountability for their actions.

The regulatory aspect is also supported by court jurisprudence, which demonstrates the application of restorative justice in certain decisions. Several judges have ordered rehabilitation for drug users based on the results of an integrated assessment by the National Narcotics Agency and the Integrated Assessment Team (TAT). For example, in the South Jakarta District Court Decision No. 1237/Pid.Sus/2021/PN.Jkt.Sel, the judge, sentenced a drug user to rehabilitation based on medical and social considerations. This approach reflects that the application of RJ is not merely theoretical but has developed in judicial practice. This decision strengthens RJ's position as a legitimate and just alternative to sentencing. Judges have discretion as long as they adhere to applicable legal provisions.

By using its power to end prosecution, the prosecutor's office is crucial in the early phases of restorative justice implementation. Attorney General Regulation Number 15 of 2020 gives prosecutors a solid legal foundation on which to drop charges against qualified drug users. In practice, prosecutors can coordinate with families, community leaders, and rehabilitation institutions to ensure that offenders are ready to undergo the rehabilitation process. Several high-ranking prosecutors, such as the East Java High Prosecutor's Office and the Jakarta High Prosecutor's Office, have begun selectively implementing this approach. This mechanism not only reduces the burden on correctional institutions but also provides offenders with a second chance.

The prosecutor's office's use of restorative justice shows how adaptable the legal system is in putting prevention and humanity first.

Nevertheless, there are structural and cultural barriers to the application of restorative justice in drug situations. One significant barrier is that law enforcement personnel still have a poor grasp of the comprehensive idea of restorative justice, including police, prosecutors, and judges. Many still hold a retributive perspective and view restorative justice as a weakening of the law. However, restorative justice does not imply impunity, but rather a diversion of case handling to repair the damage caused by the crime. Lack of training and outreach makes the implementation of RJ uneven across Indonesian jurisdictions. This poses a significant challenge to realizing a criminal justice system that is just and responsive to social conditions.

Furthermore, normative obstacles arise from the lack of clarity in Law No. 35 of 2009 regarding the explicit implementation of Restorative Justice. Although Articles 54 and 103 provide space for rehabilitation, none of the articles in this law directly mention the term "restorative justice." This lack of terminology makes it difficult to reach a consensus among law enforcement officials regarding the legitimacy of the Restorative Justice approach. This creates a legal gap that opens up room for differing interpretations. Efforts to revise the Narcotics Law have been planned, but to date, no regulations have been produced that explicitly accommodate Restorative Justice as an official approach to resolving drug cases. This demonstrates the importance of synchronizing cross-sectoral regulations to strengthen the sustainability of Restorative Justice's implementation.

The dearth of approved rehabilitation institutions and infrastructure is another issue impeding the application of restorative justice. There are currently not enough medical and social rehabilitation facilities in Indonesia, and most are located only in large cities. As a result, offenders living in remote areas struggle to access rehabilitation services. In fact, the requirements for implementing RJ require the willingness and ability of offenders to actively undergo rehabilitation. The absence of adequate institutions not only hinders the offender's recovery process but also undermines public trust in the effectiveness of the RJ system. The government needs to expand and strengthen rehabilitation networks that can support a restorative justice approach nationally.

The uneven implementation of RJ is also evident in the disparities in the handling of drug cases across regions. Some regions, such as Jakarta and Bali, have relatively well-established RJ implementation protocols, while other regions lack a clear system. The disparity can create injustice for offenders who should receive equal treatment but are hampered by a lack of structural and technical support. Standardization of RJ implementation guidelines at the national level is needed to ensure uniformity and legal fairness. Coordination across institutions, including the National Narcotics Agency (BNN), the prosecutor's office, the police, and rehabilitation institutions, is crucial to addressing this disparity. Justice is not only about the substance of the law, but also concerns equality in access and implementation.

Restorative justice in drug cases can be a crucial foundation for building a more humane criminal justice system oriented toward social recovery. This approach shifts the focus from punishment to rehabilitation and reintegration of offenders into society. The success of RJ implementation is determined not only by the existence of regulations but also by the commitment of all stakeholders to shift the paradigm of law enforcement. In the long term, RJ can be part of a national criminal law reform that is more adaptive to social and humanitarian issues. Therefore, a collaborative effort is needed to build understanding, regulations, and infrastructure that support the sustainable and consistent implementation of restorative justice. True justice is born not from retaliation, but from sincere and comprehensive healing.

Legal Implications of the Application of Restorative Justice to Narcotics Crimes in the Context of Realizing Substantive Justice and Rehabilitation of Perpetrators

The application of restorative justice in drug cases has had a significant impact on the Indonesian penal system. One of the most obvious impacts is a reduction in prison overcrowding, which has historically been dominated by drug users. Data from the Directorate General of Corrections shows that the majority of prison inmates convicted of drug offenses are drug abusers, not dealers. With a rehabilitation mechanism, the penal system no longer has to accommodate offenders who actually require medical and social care rather than imprisonment. Article 54 of Law Number 35 of 2009 concerning

Narcotics, which mandates that drug users and victims of drug misuse undergo medical and social rehabilitation, is in line with this. This change in approach demonstrates a more rational and humane policy direction in responding to drug problems.

The paradigm of the criminal legal system has also shifted through the restorative justice approach, from a punitive to a restorative approach. This approach opens up the opportunity to view drug offenders not merely as lawbreakers but also as individuals entitled to treatment for their addiction. In the traditional system, drug abusers are immediately punished without considering the medical or psychosocial conditions underlying their actions. Restorative justice promotes a new understanding that drug case management is not solely based on retributive justice, but also on restorative justice, which is inclusive and restorative. This restorative aspect emphasizes that punishment is not the sole means of resolving legal conflicts. The emphasis on healing and social reintegration brings new hope for the recovery of society as a whole.

Law enforcement officials' roles are becoming more and more crucial to the successful application of restorative justice. The Attorney General Regulation Number 15 of 2020 of the Republic of Indonesia about the Termination of Prosecution Based on Restorative Justice grants the Prosecutor's Office the power to end a case under specific circumstances. When it comes to drugs, this policy serves as a crucial foundation for providing alternative recovery opportunities for users. On the other hand, judges also have a strategic role in directing the criminal process towards rehabilitation, as stipulated in The Republic of Indonesia's Supreme Court Regulation Number 4 of 2010 addresses the placement of drug abusers, victims, and addicts in medical and social rehabilitation facilities. This mechanism provides a strong legal basis for judges to refrain from imposing prison sentences if the perpetrator is proven to be solely a drug abuser. Meanwhile, correctional institutions also need to transform from punitive institutions to places of development that support social reintegration based on a humanitarian approach.

The implications of restorative justice are also closely related to the fulfillment of human rights (HAM), particularly the right to fair and proportional treatment for drug abusers. Human rights principles require that the state not simply punish every offender with a harsh punitive approach, but rather consider their background and potential for recovery. Drug abusers who are merely users are often victims of the larger drug distribution system. Article 54 of Law Number 35 of 2009 emphasizes that drug users should not be treated the same as dealers or distributors, as they have the right to rehabilitation. Restorative justice bridges the gap between criminal law and the protection of basic rights, including the right to health and self-development. This approach aligns with the principles of the Indonesian Constitution and international instruments such as the International Covenant on Civil and Political Rights (ICCPR).

In addition to impacting perpetrators, the implementation of restorative justice also broadens the state's responsibility to ensure adequate rehabilitation services. The state must be able to provide medical and social rehabilitation facilities that not only meet administrative requirements but are also effective in comprehensively addressing drug addiction. The legal implications of this approach lead to adjustments to the state's institutional system and budget. This demonstrates that restorative justice policies cannot stand alone without cross-sectoral synergy, including the ministries of health, social affairs, and private rehabilitation institutions. The state's commitment in this regard reflects respect for citizens' rights and prioritizes rehabilitation in public drug countermeasures policy.

Law Number 35 of 2009 concerning Narcotics does not specifically govern restorative justice procedures as a component of the criminal justice system, according to an analysis of current rules. Despite the existence of regulations that facilitate rehabilitation, such as Article 54, their application is nevertheless heavily reliant on how law enforcement officers interpret them. The absence of explicit normative provisions leads to inconsistent practices in the field, both in terms of judicial decisions and prosecution policies. This creates legal uncertainty and opens up disparities in the treatment of drug offenders who should be rehabilitated. Regulatory improvements are urgently needed so that restorative justice principles can be applied systematically and not solely dependent on sectoral policies. These changes will also provide legal certainty and stronger protection for drug users.

The need for regulatory reform is even more pressing with the enactment of the new Criminal Code (KUHP) through Law Number 1 of 2023. In the new KUHP, the approach to punishment places greater emphasis on balancing retributive and restorative justice. Articles 54 to 60 of the 2023 Criminal Code (KUHP) regulate supervision and community service, which are concrete manifestations of the principle of restorative justice. The introduction of this new Criminal Code reflects the direction of national policy in responding to the changing paradigm of modern criminal law. Therefore, harmonization of the Narcotics Law and the new Criminal Code is necessary to ensure that both align with the realization of a just and humane sentencing system. A mismatch between these two legal regimes will only hinder the effectiveness of restorative justice in drug court practice.

Legal reform efforts are inextricably linked to the proposed amendments to Law Number 35 of 2009. One important proposal is to explicitly incorporate the principle of restorative justice as an alternative resolution for drug cases involving users. Clearly regulate the implementation mechanism, criteria for eligible offenders, and the authority of relevant institutions to avoid differing interpretations. This amendment can provide a strong legal bridge between the need for human rights protection and the efficiency of the criminal justice system. With a firm normative foundation, law enforcement officials will no longer hesitate to consistently implement restorative justice. This will also accelerate a shift in the legal paradigm to be more adaptive to modern social challenges.

Regulatory changes should also consider input from legal practitioners, academics, and civil society organizations active in the field of drug rehabilitation. A multidisciplinary perspective will help create a legal system that is not only legally robust but also socially relevant. The formulation of legal norms cannot be simply based on the whims of lawmakers; it must also consider the realities on the ground and the needs of society. Regular evaluation of the effectiveness of existing regulations is also necessary to ensure the legal system remains dynamic and responsive. Restorative justice is not merely a theoretical discourse, but a concrete approach that can transform the face of Indonesia's criminal justice system toward justice rooted in restoration and humanity.

The transformation of the legal approach to drug cases through the implementation of restorative justice signifies progress in building a more just, humane, and rights-based legal system. The legal implications of this approach are far-reaching, ranging from changes to the criminal justice system, reforming the role of law enforcement officers, to the need for comprehensive regulatory reform. The challenge ahead lies in making restorative justice a central pillar of drug countermeasures policy. With consistent legal reform and cross-sector support, restorative justice can be an effective tool in reducing drug abuse and improving social welfare. The state's commitment to formulating and

implementing recovery-based legal policies will be a crucial foundation for addressing the drug problem sustainably.

CONCLUSION

Regulation: The application of a restorative justice approach to drug crimes has proven to be highly urgent, particularly for offenders classified as users. The conventional criminal justice system, which places a strong emphasis on punishment, has not been able to address the core issues of drug usage, including addiction and psychosocial dependency. A more compassionate, equitable, and long-lasting option is provided by restorative justice, which creates space for healing and social reintegration. This strategy is in line with Law Number 35 of 2009's Article 54 on Narcotics, which mandates that drug addicts and abuse victims must get social and medical rehabilitation. In addition to lowering the number of prisoners in correctional facilities, the use of restorative justice enhances the function of rehabilitation in the criminal justice system, focusing on healing, rather than simply imprisonment. In this context, restorative justice supports the creation of a more inclusive and progressive legal system, particularly in addressing the complex social dynamics associated with drug cases.

Optimal implementation of restorative justice requires adequate normative and institutional support. Revisions to Law Number 35 of 2009 concerning Narcotics need to be implemented immediately to explicitly accommodate the principles and mechanisms of restorative justice, ensuring legal certainty in its implementation. Regulatory synchronization must also be accompanied by strengthened coordination between law enforcement agencies, such as the police, prosecutors, and courts, and medical and social rehabilitation institutions, to ensure a synergistic recovery process. The government needs to ensure the availability of equitable and affordable rehabilitation facilities across all regions as a crucial instrument in the implementation of RJ, so that access to justice is not a privilege but a fundamental right of every citizen. Reform of the criminal justice system must be directed beyond mere imprisonment, but rather toward providing opportunities for offenders to reform and contribute positively to society. With this commitment, restorative justice will not only become an alternative discourse but also part of the new face of Indonesian criminal law that upholds humanitarian values and social sustainability.

ACKNOWLEDGMENTS

This section contains acknowledgments to institutions and individuals who have contributed to the implementation of the research and the preparation of this manuscript. The authors would like to express their sincere gratitude to all parties who have provided support, guidance, and assistance throughout the research process, including academic advisors, funding institutions, and other individuals or organizations whose contributions were invaluable to the completion of this study.

FUNDING INFORMATION

None.

CONFLICTING INTEREST STATEMENT

The authors state that there is no conflict of interest in the publication of this article.

BIBLIOGRAPHY

- Azizah, Ainul, I. Gede Widhianan Suarda, and Mardiyono Mardiyono. "Prinsip Keadilan Restoratif Dalam Penghentian Penuntutan Perkara Pidana Berdasarkan Peraturan Jaksa Agung Nomor 15 Tahun 2020." *Jurnal Hukum, Politik Dan Ilmu Sosial* 2, no. 2 (2023): 154–66.
- Fajar, Mohamad. "Penerapan Rehabilitasi Medis Dan Rehabilitasi Sosial Atas Penyalahgunaan Narkotika Bagi Diri Sendiri." *Jurnal Sosial Teknologi* 2, no. 5 (2022): 406–17.
- Fardha, Katrin Valencia. "Perkembangan Teori-Teori Hukum Pidana." *Innovative: Journal Of Social Science Research* 3, no. 5 (2023): 3982–91.
- Hafid, Numan Sofari, Dian Rusmana, and Chaerul Shaleh. "Penerapan Teori Pidana Dalam Pencegahan Dan Penanggulangan Kriminalitas: Studi Kasus Dan Tantangan Implementasi." *Jurnal Perundang Undangan Dan Hukum Pidana Islam* 10, no. 1 (2025): 85–104.
- Hariyawan, Agus Sukma, and Sagung Putri ME Purwani. "Analisis Yuridis Pasal 112 Dan Pasal 127 Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika: Upaya Reformulasi Untuk Menjamin Kepastian Hukum." *Journal of Contemporary Law Studies* 2, no. 2 (2025): 141–52.
- Hia, Renovasi, Joko Setiono, and Zulkarnein Koto. "Legal Implications of the Application of Restorative Justice to Narcotics Crimes in Order to Realize Restorative Justice and Rehabilitation for Perpetrators." *Jurnal Greenation Sosial Dan Politik* 3, no. 3 (2025): 548–57.
- Hikmah, Faidatul, and Rio Armanda Agustian. "Konvergensi Konsep Retribusi Dan Rehabilitasi Dalam Filsafat Hukum Pidana Kontemporer Indonesia." *CREPIDO* 5, no. 2 (2023): 217–28.
- Putri, Nur Kemala, Alfa Salam, Ardian Ramadhan, Mulitalia Mulitalia, and Masykuri Anasti. "Pengaruh Teori Rehabilitasi Terhadap Kebijakan Pidana Di Indonesia: Tinjauan Pustaka." *Jimmi: Jurnal Ilmiah Mahasiswa Multidisiplin* 1, no. 2 (2024): 210–24.
- Romli, Romli, and Ibrahim Fikma Edrisy. "Efektivitas Rehabilitasi Sebagai Alternatif Pidana Bagi Penyalahguna Narkotika Di Indonesia." *Journal of Innovation Research and Knowledge* 4, no. 9 (2025): 6877–86.
- Santoso, Iman, and Kemala Atmojo. "Penerapan Rehabilitasi Terhadap Korban Penyalahgunaan Narkotika Berdasarkan Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika Dalam Perspektif Teori Rehabilitasi." *Journal of Syntax Literate* 8, no. 9 (2023). <https://search.ebscohost.com/login.aspx?direct=true&profile=ehost&scope=site&authtype=crawler&jrnl=25410849&AN=176711544&h=ZxG4B5FAw5gIVfFyGI tL4RJERG7j%2FYuhKend2KDPu%2BN07jqzq6fFXhRuLOOh66HzGaaP22cfDtm oLR5jALiTkYQ%3D%3D&crl=c>.
- Sari, Gholin Noor Aulia, Wahyu Sinta Dewi Pramudita, Raden Muhammad Muhklasin, Dewi Sulistianingsih, and Martitah Martitah. "Tinjauan Filosofis Keadilan Restoratif Dalam Lensa Teori Keadilan." *Hukum Dan Politik Dalam Berbagai Perspektif* 3 (2024). <https://bookchapter.unnes.ac.id/index.php/hp/article/view/210>.
- Subroto, Mitro, and Keny Admirad. "Analisis Program Community Based Correction Dalam Sistem Pemasyarakatan Untuk Rehabilitasi Narapidana." *Innovative: Journal Of Social Science Research* 5, no. 3 (2025): 1688–99.

- Sugiarti, Rina Apriliani. "The Problem with Stigma: Identifying Its Impact on Drug Users and Recommendation for Interventions: Musuh Dalam Selimut: Identifikasi Dampak Stigma Bagi Pengguna Narkotika Serta Intervensi Yang Dibutuhkan." *Psikologia* 18, no. 2 (2023): 113–26.
- Sukedi, Mochamad, and I. Nengah Nuarta. "Keadilan Restoratif Sebagai Upaya Penyelesaian Tindak Pidana Dalam Sistem Hukum Di Indonesia." *Jurnal Preferensi Hukum* 5, no. 2 (2024): 222–30.
- Syahputri, Adelina Amanda Dwi, and Hervina Puspitosari. "Prosedur Penerapan Restorative Justice Bagi Penyalahguna Narkotika." *Jurnal Pendidikan Sejarah Dan Riset Sosial Humaniora* 4, no. 1 (2024): 143–49.
- Tambunan, Indah, and Fitri Yani. "Penguatan Peran Lembaga Pemasyarakatan Dalam Pembinaan Narapidana Penyalahgunaan Narkotika Menurut Undang-Undang Nomor 22 Tahun 2022 Tentang Lembaga Pemasyarakatan." *PROSIDING SEMINAR NASIONAL MULTI DISIPLIN ILMU (SENADIMU)* 1, no. 1 (2024): 87–101. <https://senadimu.potensi-utama.org/index.php/home/article/view/326>.
- Venerdi, Ahmad Jundy, and Ibrahim Fikma Edrisy. "Pendekatan Hukum Pidana Terhadap Pecandu Narkotika: Antara Pemidanaan Dan Kewajiban Rehabilitasi." *Journal Evidence Of Law* 4, no. 1 (2025): 300–309.
- Zulhelmi, Zulhelmi. "Penerapan Rehabilitasi Terhadap Pelaku Tindak Pidana Narkotika Ditinjau Dari Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika (Studi Wilayah Banda Aceh)." PhD Thesis, Universitas Sumatera Utara, 2024. <https://repositori.usu.ac.id/handle/123456789/98723>.