

Implementation Of Restorative Justice In Criminal Acts Of Narcotics And Of Illegal Drug Abuse In Indonesia

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Article Info	ABSTRACT
<p>Keywords: Restorative Justice , Narcotics, Illegal Drugs, Rehabilitation, Drug Abuse.</p>	<p>Restorative justice is an alternative approach to law enforcement that focuses on restoring relationships between perpetrators, victims, and communities through dialogue, reconciliation, and reparation of losses. This study aims to analyze the application of restorative justice in criminal acts of narcotics and illegal drug abuse in Indonesia. The method used in this study is an empirical legal approach with qualitative descriptive analysis. The results of the study indicate that the application of restorative justice in resolving criminal acts, especially drug abuse, is very important because the retributive approach that focuses on punishment does not provide significant benefits and can even create new losses for victims and the state. Restorative justice offers a more constructive and inclusive alternative, with the aim of creating peace and restoring losses through dialogue between perpetrators and victims. In Indonesia, Law Number 35 of 2009 emphasizes the need for rehabilitation for addicts, but these efforts have not been optimal. With the application of restorative justice, perpetrators are given the opportunity to improve themselves through medical and social rehabilitation, which can also reduce overcrowding in correctional institutions. Although there are challenges such as the paradigm of law enforcement which is still retributive and public perception that doubts the effectiveness of rehabilitation, cooperation between institutions is very important to ensure that the legal and rehabilitation processes run well, so as to reduce the risk of perpetrators recidivism.</p>
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INTRODUCTION

Restorative justice is an alternative approach to resolving criminal acts that focuses on restoring relationships and losses caused by criminal acts (Areif & Ambarsari, 2018). In contrast to conventional justice approaches that focus on punishment for perpetrators, restorative justice seeks to involve various parties, such as perpetrators, victims, families, community leaders, and other stakeholders, to seek a just resolution (Flora, 2018). This approach emphasizes peace and recovery, with the aim of restoring social conditions damaged by criminal acts, and avoiding the recurrence of similar conflicts in the future.

One of the basic principles of restorative justice is the restoration of the original state before the crime occurred. This means that not only the perpetrator gets the appropriate

punishment, but also the victim and the community have an important role in the process (Maulana & Agusta, 2021). Victims can convey their feelings and the impacts they experience directly to the perpetrator, so that the perpetrator can understand more deeply the consequences of their actions (Risal, 2023). In addition, the families of victims and perpetrators as well as community leaders can participate in recovery efforts, creating agreements that focus on restitution, reconciliation, and rehabilitation steps for perpetrators (Prayitno, 2012).

Provisions regarding the implementation of restorative justice are outlined in the Chief of Police Regulation Number 8 of 2021, which was officially enforced on August 19, 2021. This regulation was welcomed positively by various groups, especially justice seekers who wanted a simpler, more affordable, and more efficient legal system, but still able to fulfill a sense of justice for all parties involved (Mendrofa, 2023). Restorative justice providing a more flexible alternative for resolving legal disputes, without going through a long process and tiring bureaucracy as in the conventional justice system (Septiyo et al., 2020).

In this context, restorative justice is expected to be able to answer the needs of the community who often feel that the legal process is too complicated, costly, and takes a long time (Wagiu & Toloh, 2023). With this approach, dispute resolution is carried out through dialogue and deliberation between the perpetrator, victim, and other interested parties. This not only aims to accelerate the resolution of cases, but also to restore social relations damaged by criminal acts (Aldiesta, 2021). The community sees restorative justice as a breath of fresh air in law enforcement, because it is able to accommodate a sense of justice in a more humane way and focuses on recovery, not just punishment (Candra, 2013).

The presence of restorative justice is a new alternative that offers a simpler and faster solution to resolving criminal cases. This approach opens up opportunities for law enforcers to choose methods that are not only effective but also more efficient in handling conflicts (Nelson, 2020). The focus of restorative justice, which is not oriented towards punishment, but rather towards recovery, provides a balance between protection for victims and the interests of perpetrators (Sahputra, 2022). This approach is very relevant to the legal needs of the community who expect a resolution of cases that not only punishes, but also improves social relations and provides an opportunity for perpetrators to be responsible for their actions without having to go through a long and complicated judicial process (Syahrin, 2018).

Handling criminal acts through a restorative justice approach must meet requirements which are divided into two categories, namely general requirements and special requirements (Jainah & Suhery, 2022). General requirements apply in all stages of the implementation of criminal investigation functions, both in investigative and investigative activities. These requirements include the provision that the cases handled must involve relatively minor crimes, as well as an agreement between the perpetrator and the victim to resolve the case outside the courts (Yani & Djanggih, 2023). In addition, related parties, including the perpetrator's family, the victim's family, and community leaders, need to be involved in this process to ensure that justice can be realized through reconciliation and constructive dialogue. Law enforcers in this case must also ensure that the restorative

justice process does not conflict with applicable laws and regulations and continues to fulfill the sense of justice for victims and the community (Kandati, 2013).

Meanwhile, special requirements apply to certain crimes handled in restorative justice-based investigation or inquiry activities. These requirements are stricter, where only cases with certain categories can be resolved through this approach (Gultom & Manalu, 2023), for example crimes that do not cause significant physical or material losses. In addition, there must be good faith from the perpetrator to be responsible and committed to the recovery process, including paying compensation or taking actions in accordance with the agreement reached with the victim (Naway et al., 2023). Law enforcers also need to ensure that resolving cases through restorative justice does not interfere with law enforcement in general, but instead helps reduce the burden on the formal justice system and provides a more humane solution for perpetrators, victims, and the wider community (Zahra & Taun, 2023).

Narcotics and psychotropic crimes are crimes against humanity that have very serious impacts, especially on the younger generation (Hakim, 2023). The distribution of narcotics does not only occur locally, but also involves international networks, making it a form of transnational crime. Illegal drug trafficking and distribution involves many countries, crossing national borders, complicating efforts to combat it (Harum & Syarifah, 2023). In Indonesia, drug trafficking is a major and worrying threat, not only to the individuals or families involved, but also to society as a whole. Drug crimes damage the social order and threaten the future of the nation by eroding the potential of the younger generation who should be the driving force of development (Oktaviani & Yumitro, 2020).

The impact of drugs is very damaging, both in terms of the physical and psychological health of the user. The effects of these addictive substances cause permanent damage to the body and mind, and increase the risk of chronic diseases, such as impaired brain, heart, and liver function (Harum & Syarifah, 2023). On the other hand, the social impacts are no less significant. Drug victims often experience social stigma, rejection from family and the environment, and difficulty reintegrating into society. The moral burden they bear is also heavy, especially in dealing with addiction and the long recovery process (Pramesti et al., 2022). In addition, the social burdens they face include loss of self-confidence, disruption of interpersonal relationships, and limited access to education or employment.

Drug users can be divided into two main categories, namely drug addicts and victims of drug abuse (Ariyanti, 2017). Drug addicts are individuals who actively use or abuse drugs and experience dependence, both physically and psychologically. This dependence makes it difficult for addicts to get away from the influence of drugs without adequate medical and psychological assistance (Murni, 2019). On the other hand, victims of drug abuse are people who are unintentionally involved in drug use. These victims are usually caught in situations that they do not want, where they are persuaded, deceived, tricked, or even forced and threatened to use drugs. This situation creates a significant difference between addicts who consciously use drugs and victims who become users due to external pressure (Manoppo, 2018).

In the context of Indonesian law, Law Number 35 of 2009 concerning Narcotics emphasizes the obligation to rehabilitate addicts and victims of drug abuse. Article 54 of the law states that both addicts and victims are required to receive medical and social rehabilitation (Koropis, 2020). This rehabilitation aims to restore their physical and mental health, and help them become part of society again. Rehabilitation is also a form of restorative justice, where the focus is not on harsh punishment, but on recovery and social reintegration (Badri, 2016). By providing rehabilitation opportunities, the law seeks to return addicts and victims of drug abuse to healthier and more productive lives, avoiding them from the ongoing cycle of addiction and criminalization. This reflects a more humane approach to handling drug problems, where improvement and recovery are the main priorities (Suntoro, 2018).

The purpose of this study is to analyze the application of the restorative justice concept in handling criminal acts of narcotics and illegal drugs abuse in Indonesia, and to identify the impacts and challenges faced in its implementation. This study seeks to provide constructive recommendations to improve the implementation of restorative justice, so that it can be a better alternative compared to conventional punishment approaches. Thus, it is hoped that this research can contribute to the development of more inclusive legal policies and provide better protection for communities affected by drug crimes.

METHOD

The type of research used in this study is empirical juridical, which focuses on the legal reality that exists in society (Efendi et al., 2016). This approach is very relevant to the title of the study Implementation of Restorative Justice in Criminal Acts of Narcotics and Illegal Drug Abuse in Indonesia, because it allows researchers to explore how the principles of restorative justice are applied in a real legal context and to understand its impact on addicts and victims of drug abuse. This study is descriptive, where researchers try to find facts and accurate information regarding the implementation of restorative justice and analyze problems that arise in society related to drug abuse.

Secondary data and data sources consisting of primary, secondary, and tertiary legal materials that provide a broader legal context and framework for this research. Data collection techniques are carried out through literature studies, where researchers collect information from various literature sources. Data analysis was carried out qualitatively, by presenting data in the form of words arranged descriptively (Mezak, 2006), so that it can provide a clear picture of the application of restorative justice in cases of drug abuse. The results of the research are expected to provide a significant contribution to the development of more effective and humane legal policies in dealing with the problem of drug abuse.

RESULT AND DISCUSSION

Implementation of Restorative Justice for Narcotics and Illegal Drug Abuse Crimes in Indonesia

The application of restorative justice is very important in resolving various criminal acts, especially certain types of criminal acts that do not provide significant benefits if handled

through a retributive approach. In many cases, a retributive approach that focuses on punishment often creates new losses, both for victims and for the state. Rather than providing a just solution, criminalization can make things worse, create dissatisfaction, and prolong the cycle of suffering. Therefore, there is an urgent need to shift the focus from punishment alone to recovery and conflict resolution involving all affected parties (Hambali, 2019).

Adrianus Meliala, in his book referring to OC Kaligis (2021), explains that there are four factors that make restorative justice very much needed today. First, criminalization often brings further problems for the families of criminals. When someone is convicted, their family is often caught up in social stigma and economic hardship, which can add to their burden. Second, punishing perpetrators of crimes does not always provide relief or healing for victims. In many cases, victims do not feel restored or receive equal justice through the punishment imposed on the perpetrator.

Third, formal processes in the criminal justice system are often lengthy, expensive, and uncertain. Many victims expect a quick and effective resolution, but complicated legal processes can hinder their access to justice. Fourth, correctional services as a continuation of punishment also have the potential to not provide a positive contribution to the future of prisoners and their relationships with victims. Without adequate rehabilitation and relationship restoration efforts, prisoners may return to the same patterns of behavior, while their relationships with victims remain strained. In this context, restorative justice offers a more constructive and inclusive alternative, with the aim of creating peace, repairing losses, and rebuilding damaged social relationships.

restorative justice approach offers a different perspective compared to the conventional criminal approach. In this case, restorative justice emphasizes the restoration of the state as before the crime occurred, while the criminal approach focuses more on retributive justice and resocialization, where the perpetrator of the crime is punished to provide a deterrent effect and is restored through the resocialization process. The axiological aspect of restorative justice focuses on several important values that are the basis of this approach (Mareta & Kav, 2018).

First, restorative justice places criminal law in its position as *ultimum remedium* or last resort. This means that the use of criminal sanctions should be a last resort taken after all other legal efforts, including peace mechanisms, have failed. This approach does not only seek to punish the perpetrators, but rather to resolve conflicts peacefully and create conditions where the law is not always the first solution taken.

Second, restorative justice prioritizes direct responsibility from the perpetrator to the victim. In this approach, the perpetrator of a crime does not only serve the punishment imposed by the state, but he is also responsible for repairing the losses experienced by the victim. Restorative justice allows dialogue and agreement between the victim and the perpetrator to determine how the perpetrator can be held accountable for his actions directly, either through compensation or other efforts that can restore the victim's condition.

Third, this approach also pays close attention to the interests and protection of victims. Often, in conventional justice processes, victims' rights are not the main focus. In

restorative justice, victims are given a more active role in the process of resolving criminal acts, so that their needs—both emotional, financial, and psychological—can be better met. The main goal is to ensure that victims are not only the objects of the justice process, but are also involved in finding the fairest solution for them.

Fourth, restorative justice seeks to rebuild a harmonious relationship between the victim and the perpetrator. This is a very important aspect, especially in the context of a tightly interconnected society, where crime not only damages the relationship between the perpetrator and the victim, but also disrupts the social balance within the community. By creating dialogue and space for reconciliation, restorative justice seeks to repair this relationship, so that both can move on with their lives without resentment or a sense of injustice.

From an epistemological perspective, restorative justice emphasizes deliberation and active participation from all parties involved in the crime as a means of finding the best solution. This principle of deliberation is an important foundation in restorative justice, where solutions are taken not only based on unilateral decisions from the state, but also through direct participation of victims, perpetrators, and the community (Miradian, 2023). Thus, this approach not only focuses on fulfilling the interests of victims and the responsibilities of perpetrators, but also on restoring social relations damaged by the crimes that have occurred.

The sense of public justice is often disturbed by the way criminal law enforcement is overly formalistic. In practice, the legal process often prioritizes procedures as the legal basis for enforcing justice, sometimes ignoring the essence of justice itself. This makes the public feel that law enforcement officers need to adopt a more selective approach in law enforcement, especially in handling minor cases, cases involving children and women, and drug abuse cases that often trigger broad reactions from the public.

In the context of handling narcotics cases, Article 54 of Law Number 35 of 2009 concerning Narcotics emphasizes that addicts and victims of narcotics abuse are required to undergo medical and social rehabilitation. In this case, judges are also required to consider the provisions of Article 127 Paragraph (2) and Paragraph (3) when deciding on narcotics abuse cases. However, data shows that the number of addicts and victims of drug abuse who are suspects, defendants, or prisoners continues to increase, while rehabilitation and treatment efforts carried out are not yet optimal and integrated. In this case, Article 21 Paragraph (4) Letter b of the Criminal Code (KUHP) also states that suspects or defendants who are drug addicts should be detained in a place that also functions as a treatment facility. This shows the importance of a more effective rehabilitative approach to addressing the problem of drug abuse, with the ultimate goal of not only punishing, but also restoring individuals and returning them to society better.

Following this situation, the state began to formulate steps to restore and develop the physical, mental, and social conditions of suspects, defendants, or prisoners involved in narcotics cases. This step is carried out through an integrated and coordinated treatment, care and recovery program, which is stipulated in the Joint Regulation issued by the Chief Justice, Minister of Law and Human Rights, Minister of Health, Minister of Social Affairs,

Attorney General, Chief of Police, and Head of the National Narcotics Agency. The Joint Regulation is intended to realize optimal coordination and cooperation in resolving narcotics problems in order to reduce the number of narcotics addicts and victims of narcotics abuse through treatment, care and recovery programs in handling narcotics addicts and victims of narcotics abuse as suspects, defendants or prisoners, while continuing to eradicate the illicit trafficking of narcotics. In addition, it is also intended to be a technical guideline in handling narcotics addicts and victims of narcotics abuse as suspects, defendants or prisoners to undergo medical rehabilitation and/or social rehabilitation.

The implementation of Restorative Justice in drug cases requires a very careful approach and careful consideration, especially considering the complexities associated with physical and mental health aspects and the criminal dimension involved. Traditional punitive approaches are often inadequate in solving the problems faced by drug addicts, who are often also victims of larger social and economic conditions. Therefore, as society changes its view on handling drug crimes, there is an urgent need to shift from a punishment-focused approach to a rehabilitative model that better supports individual recovery.

Article 1 number 15 of Law Number 35 of 2009 concerning Narcotics (Narcotics Law) clearly provides a definition of drug abusers. According to the law, a drug abuser is someone who uses narcotics without rights or against the law. Drug abuse is a serious issue because it involves illegal actions and has the potential to harm both oneself and society at large. This definition is an important legal basis for prosecuting drug users who violate applicable regulations. Drug abusers are then divided into several categories, namely self-abusers, victims of drug abuse, and drug addicts who do not report themselves. A personal abuser is someone who uses narcotics without permission or against the law, but the use is intended for personal consumption and not for sale or distribution. In accordance with Article 127 of the Narcotics Law, individuals in this category use narcotics illegally for their own benefit, and even though there is no intention to sell, this action is still against the law.

Next, there are victims of drug abuse, which are described as someone who accidentally uses drugs because of persuasion, coercion, or trickery from another party. Based on the explanation of Article 54 of the Narcotics Law, victims of drug abuse often have no initial intention to use drugs, but fall into it due to external influence or pressure. These cases often involve people who are coerced or tricked into trying drugs, making them victims of the situation, rather than perpetrators who intentionally break the law.

Meanwhile, drug addicts who do not report themselves are individuals who have experienced dependence on narcotics, both physically and psychologically, but do not report themselves to the authorities for treatment or rehabilitation. These addicts, as regulated in Article 1 number 13 and Article 134 of the Narcotics Law, are in a state of significant dependence, and this dependence can damage their overall quality of life. However, because they do not report themselves to get help, they are still considered to be breaking the law even though they are in critical condition. Each category of drug abusers has different legal and social implications, depending on the level of guilt and the circumstances behind the drug abuse. This law is designed to provide clarity in handling drug abuse cases, while still considering factors involving victims who are trapped in drug use due to the

influence of other parties. Thus, the Narcotics Law seeks to handle the problem of drug abuse in a more fair and measurable manner, both for perpetrators and victims.

Restorative Justice theory can provide the necessary framework to address this issue in a more holistic and responsive manner to the impacts that occur, both for the perpetrator and the victim. Through this approach, it is hoped that there will be a recovery that not only prioritizes legal interests, but also pays attention to the mental and physical well-being of the individuals involved. This process includes dialogue between the perpetrator, victim, and community, which focuses on restoring relationships, responsibility, and creating opportunities for the perpetrator to correct their mistakes. Restorative Justice in narcotics cases can be applied if it meets the requirements when caught red-handed by the National Police investigator and/or BNN investigator, evidence of one-day use is found in the form of: Methamphetamine Maximum 1 gram; Ecstasy Maximum 8 Pills; Heroin Maximum 1.8 grams; Cocaine Maximum 1.8 grams; Marijuana Maximum 5 grams; Coca Leaves Maximum 5 grams; Mescaline Maximum 5 grams; Psilocybin Group Maximum 3 grams; LSD Group Maximum 2 grams; PCP Group Maximum 3 grams; Fentanyl Group Maximum 1 gram; Methadone Group Maximum 0.5 grams; Morphine group maximum 1.8 grams; Pethidine group maximum 0.96 grams; Codeine group maximum 72 grams; Bufrenorphine group maximum 32 grams.

Meanwhile, the application of restorative justice to criminal acts of narcotics and illegal drugs abuse requires the fulfillment of general requirements consisting of material and formal requirements. The material requirements are explained in the provisions of Article 5 of Police Regulation Number 8 of 2021, which stipulates that the material requirements include several important criteria. First, it must not cause unrest and/or rejection from the community. Second, the action must not result in social conflict that could disrupt stability. Third, the programs implemented must avoid the potential to divide the nation. Furthermore, the actions taken must not be radical or separatist. In addition, the individuals involved must not be repeat offenders based on previous court decisions, and must be avoided from the category of more serious crimes, such as terrorism, crimes against state security, corruption, and crimes that threaten people's lives. By fulfilling these requirements, restorative justice is expected to be implemented more effectively and accepted by society.

Furthermore, the formal requirements for the application of restorative justice are explained in Article 6 paragraph (1) of Police Regulation Number 8 of 2021. In these provisions, it is stated that formal requirements include several important elements that must be considered. First, there is peace between the two parties, which is generally a prerequisite in various types of criminal acts. However, for drug crimes, this provision is not applied. Second, the fulfillment of victims' rights and the perpetrators' responsibilities are also part of the formal requirements, with the same exceptions for drug crimes. This shows that, although there are certain elements that can be adjusted, the importance of respecting victims' rights and ensuring perpetrators' accountability remains a priority in the implementation of restorative justice.

Based on the provisions of Article 54 of Law Number 35 of 2009 concerning Narcotics (Narcotics Law), drug addicts and victims of drug abuse are required to undergo

medical and social rehabilitation. This obligation reflects that they are not only viewed as perpetrators of criminal acts, but also as individuals who need treatment and recovery. However, although this rehabilitation is intended to restore the physical and mental condition of addicts, this step is not a full application of the concept of restorative justice. As explained by Astutik, "rehabilitation is currently still part of punishment."

Article 103 of the Narcotics Law provides room for judges to decide whether a drug addict or abuser must undergo rehabilitation or imprisonment. In other words, although there is a rehabilitation option, judges also have the authority to impose a prison sentence in accordance with the provisions of Article 134 of the Narcotics Law. This shows that rehabilitation, in the current legal context, is still part of the criminal justice system. In fact, the period of undergoing rehabilitation is calculated as part of the sentence that must be served by the perpetrator. This confirms that rehabilitation is still on the double track system approach path or a two-track system, where there are two actions: criminal and rehabilitation.

In a double track system, punishment and rehabilitation run in parallel, where perpetrators of criminal acts still receive punishment as well as medical and social care. This view reflects that rehabilitation is part of punishment, even though the main aim of rehabilitation is to fulfill the health rights of drug abusers. This right to health, including medical and social rehabilitation, is recognized as a fundamental right for every individual, including drug offenders. However, philosophically, there are similarities between the concepts of restorative justice and rehabilitation. Both aim to not only restore the physical and mental condition of the offender, but also to return them to society in a better state. Rehabilitation, in the context of narcotics, not only aims to ensure that perpetrators recover from their addiction, but also so that they do not repeat their actions and are able to reintegrate into social life. This philosophy is in line with the principles of restorative justice, where the focus is on restoring relationships between the perpetrator, victim, and community.

Thus, the restorative justice approach for drug abusers places more emphasis on the philosophical aspect. Rehabilitation is a manifestation of the state's obligation to restore the condition of the perpetrator who, in many cases, is also a victim of his own actions. The state is responsible not only for punishing, but also for ensuring that perpetrators receive the treatment they need so they can return to society and no longer fall into the cycle of drug abuse. This philosophy places individual well-being and social restoration as top priorities, in line with the broader spirit of restorative justice.

The Impact and Challenges of Implementing Restorative Justice on Drug Abuse Crimes in Indonesia

The implementation of Restorative Justice in handling criminal acts of narcotics and illegal drug abuse is not free from various impacts and challenges.

The Impact of Implementing Restorative Justice.

1. Recovery of Perpetrators and Victims :

Restorative justice in drug crime cases offers a more humanistic and rehabilitative approach compared to conventional methods which tend to punish perpetrators with

imprisonment. Through this approach, perpetrators are given the opportunity to undergo medical and social rehabilitation, so that they can restore their physical and mental health which may have been disturbed due to drug abuse. The rehabilitation program not only aims to eliminate the perpetrator's dependence on drugs, but also provides psychological counseling that helps them understand and overcome the initial causes of the abuse. In addition, during the rehabilitation process, perpetrators can be involved in skills and training programs that are useful for increasing productivity after they leave the rehabilitation center. The success of restorative justice can be seen from the social aspect where perpetrators are not only removed from physical dependence on narcotics, but are also reintegrated into society without the stigma of being ex-convicts. This approach helps to minimize the negative effects of imprisonment, such as social marginalization, which often exacerbates problems for ex-offenders after they are released. Thus, restorative justice seeks to ensure that offenders can return to being productive individuals, contributing to society, and living better lives, while also providing protection to the community from potential re-offending due to drug addiction .

2. Reducing Overcrowding in Prisons

By prioritizing rehabilitation over imprisonment, the restorative justice approach has great potential to reduce overcapacity in correctional institutions (prisons), which has been one of the main problems in the law enforcement system in Indonesia. The high number of drug offenders sentenced to prison has led to overcrowding in prisons, making conditions in them often inhumane and worsening the conditions of prisoners. Rather than providing a long-term solution, imprisoning drug offenders without rehabilitation efforts often worsens the problem, where offenders who leave prison do not fully recover from drug addiction and are caught up in the same crime again . Restorative justice, with a focus on medical and social rehabilitation, seeks to address the root causes of drug abuse. Offenders who are given the opportunity to recover through rehabilitation programs are more likely to live drug-free lives after they return to society. In addition, the rehabilitation program also provides offenders with skills training that can help them find work, reducing the risk of them falling back into crime. With more offenders being rehabilitated rather than imprisoned, the number of prisoners in prisons could be reduced significantly, providing more suitable space for other prisoners, and allowing for a more efficient allocation of state resources to address the drug problem more comprehensively.

3. A More Humane Approach to Justice

Restorative justice provides a more humanistic approach because it emphasizes solving problems holistically rather than simply giving retaliatory punishment. This approach not only treats the perpetrator as an individual who must be punished, but also as someone who needs recovery in order to function normally in society. Restorative justice focuses on the recovery process involving the perpetrator, victim, and community with the aim of repairing relationships damaged by the crime. In the context of drug abuse, this approach seeks to understand the background of the perpetrator, such as social or health problems, and provides solutions in the form of rehabilitation, both physical and mental. Through rehabilitation, the perpetrator has the opportunity to improve himself, while preventing the

same crime from happening in the future. By adopting this approach, the justice produced is more balanced and adequate for all parties involved. Victims, for example, may feel that they are not only getting justice in the form of punishment for the perpetrator, but also seeing the perpetrator trying to improve themselves and not repeat their mistakes. For society, restorative justice emphasizes that the problem of drug abuse can be resolved through recovery and prevention, not just punishment. This approach reduces the stigma against perpetrators who are often still viewed negatively after serving a prison sentence. On the other hand, perpetrators who are successfully rehabilitated can return to contribute positively to society, creating social harmony and reducing the risk of repeating crimes .

4. Efficiency in the Justice System

Restorative justice is able to accelerate the resolution of drug abuse cases by prioritizing the process of deliberation or dialogue between the perpetrator, victim, and community, without having to go through a judicial process that is often long and complicated. In this approach, the focus is on achieving a fair solution for all parties through active participation in discussions to understand the impact of the crime committed, as well as to find the best way to restore the conditions that occur. This process not only accelerates the resolution of cases, but also avoids bureaucratic obstacles that often slow down the conventional justice system. Thus, restorative justice can reduce the waiting time usually required in the formal legal system, making it more efficient in handling drug abuse cases. In addition, this approach also helps reduce the workload of the courts, which are often overloaded due to the large number of drug abuse cases. The large number of drug cases brought to court creates delays in the case handling process, which ultimately results in a dense caseload. Restorative justice offers a way out by resolving cases quickly and peacefully through mediation, without always having to involve a formal litigation process. Thus, legal resources, such as the time and energy of law enforcement officers, can be used more optimally to handle more complex or serious cases. At the same time, this process provides an opportunity for perpetrators to immediately undergo rehabilitation and recovery, so that they can immediately improve themselves and return to society without having to go through a long legal process .

5. Prevention of Recurrence of Criminal Acts

With an effective rehabilitation approach, restorative justice provides an opportunity for drug offenders to truly recover, both physically, mentally, and socially. The rehabilitation process that focuses on curing drug addiction, both medically and psychologically, allows offenders to receive appropriate treatment according to their needs. Compared to the more punishment-oriented approach to imprisonment, rehabilitation through restorative justice provides an opportunity for offenders to understand the impact of their actions, not only on themselves, but also on society. This creates space for offenders to reflect on their actions and try to improve themselves, with the support of professionals who are competent in the recovery process. Furthermore, this rehabilitative approach also reduces the risk of offenders repeating the same mistakes (recidivism). When offenders are given access to a comprehensive recovery program, they have a greater chance of breaking out of the cycle of drug abuse. Skills training, psychological counseling, and social support provided during the

rehabilitation period help offenders to be better prepared to face life after completing the process. Restorative justice emphasizes empowering offenders, so that they are able to return to society as productive individuals and able to make positive contributions, rather than being trapped in the negative stigma of being ex-convicts. Ultimately, by reducing recidivism rates, this approach also benefits society as a whole, by reducing crime rates related to drug abuse.

Challenges of Implementing Restorative Justice

1. The Paradigm of Law Enforcement is Still Retributive

The major challenge in implementing restorative justice in drug abuse cases lies in the paradigm shift among law enforcers. Many law enforcers, such as police, prosecutors, and judges, are still tied to a punitive mindset that assumes that imprisonment is the most effective solution to reduce crime. This approach is based on the belief that harsh punishments, such as imprisonment, can provide a deterrent effect for perpetrators of crimes and prevent similar crimes in the future. This makes them tend to reject or be less supportive of the implementation of the rehabilitative approach offered by the concept of restorative justice, especially in drug cases which are often viewed as serious crimes. However, shifting from a punitive approach to a rehabilitative approach requires a profound change in perspective. Law enforcers must realize that imprisonment is not always an effective solution, especially in dealing with drug abuse problems which are often related to dependency and mental health factors. Changing this perception requires training, socialization, and enforcement of policies that support the rehabilitation process as a more humane and effective step. In addition, another challenge is how to ensure that the rehabilitation programs implemented are truly high quality, measurable, and can reduce the possibility of perpetrators re-committing crimes in the future. This shift requires time, cross-sectoral cooperation, and commitment from all elements of law enforcement to prioritize rehabilitation rather than punishment alone .

2. Public Perception of Rehabilitation

Public perception of restorative justice, especially in the context of drug offender rehabilitation, is often influenced by the belief that severe punishment is the only way to enforce the law and prevent crime. Many people believe that giving offenders the opportunity to undergo rehabilitation is a sign of weakness in the legal system, which can raise doubts about the state's commitment to tackling the drug problem. This view is reinforced by the social stigma attached to drug users, where they are considered a threat to society. As a result, the public may feel that the rehabilitative approach is inadequate in providing a sense of security and justice for victims and the wider community.

However, it is important to educate the public about the benefits of a restorative justice approach that emphasizes restoration rather than retaliation. With rehabilitation, offenders are given the opportunity to improve themselves and contribute back to society, which can ultimately reduce the number of relapses and improve the safety of society as a whole. In addition, restorative justice also seeks to create a balance between the rights of victims and offenders, providing space for both to be involved in the conflict resolution process. To change this perception, clear and planned communication efforts are needed,

including explanations of the success of existing rehabilitation programs, as well as testimonies from individuals who have successfully gone through the process. In this way, society can begin to see rehabilitation as a constructive step and not as a form of legal weakness .

3. Inter-Institutional Coordination

The application of restorative justice in drug abuse cases requires strong synergy between various related institutions, such as the police, prosecutors, courts, correctional institutions, and rehabilitation institutions. Each institution has an important role in ensuring that drug offenders are not only processed legally, but also receive the treatment needed for their recovery. The police play a role in the initial stage by arresting and identifying the perpetrators, while the prosecutor's office and the courts are tasked with ensuring that the judicial process is fair and deciding on appropriate rehabilitative measures. Correctional institutions then play a role in implementing rehabilitation, while rehabilitation institutions provide appropriate physical and mental recovery services. However, without good coordination between institutions, various obstacles can arise, such as inconsistent rehabilitation decisions, delays in the legal process, and lack of effective rehabilitation facilities.

Lack of coordination between institutions can cause restorative justice policies to not run optimally. For example, a court decision ordering rehabilitation may not be accompanied by adequate readiness of the rehabilitation institution, or a lack of supervision from the correctional institution. This can lead to perpetrators not getting the rehabilitation they need, increasing the potential for relapse. To overcome this challenge, a solid cooperation mechanism needs to be built between all related institutions. For example, through increased joint training, faster information exchange, and the establishment of clear procedures. This close cooperation not only ensures a smoother implementation of restorative justice, but also encourages the success of rehabilitation programs that can ultimately reduce drug crime rates significantly .

4. Legal Uncertainty

Although the Narcotics Law and various other regulations have provided a foundation for the implementation of restorative justice, there are significant challenges regarding the consistency of implementation in the field. This uncertainty often arises due to differences in interpretation held by judges and prosecutors regarding the concept of restorative justice. For example, in some cases, judges may prefer to sentence offenders to prison rather than direct them to rehabilitation, while prosecutors may favor a rehabilitative approach. This leads to significant disparities in the handling of drug cases, where one offender may receive a different sentence than another despite committing the same offense, depending on the attitudes and views of the individual law enforcers handling the case. In addition, these differences in interpretation create doubts among offenders and the general public about the effectiveness of restorative justice in dealing with drug abuse. The public may feel confused when they see that the legal outcomes received by perpetrators can vary greatly, creating a perception that the justice system is unfair. To address this issue, it is important for the government and related institutions to develop clear and comprehensive guidelines

on the implementation of restorative justice, so that all law enforcers have the same understanding . In addition, ongoing training for judges, prosecutors, and other law enforcers needs to be carried out so that they can apply the principles of restorative justice consistently, providing a more even sense of justice for perpetrators, victims, and the community .

5. Lack of Support for Victims

In many cases of drug abuse, the main focus in the restorative justice process is often on the rehabilitation of the perpetrator, resulting in the interests of the victim being neglected. Victims who are forced or tricked into using drugs are often in a vulnerable position and need adequate support and protection. However, in practice, the restorative process can be unbalanced if the main focus is only on the rehabilitation of the perpetrator. This has the potential to ignore the emotional, physical, and psychological needs of the victim, which must also be considered in the recovery process. In other words , in an effort to restore the perpetrator, the voice and needs of the victim may not be well represented, so that this process does not fully reflect balanced justice. It is important to remember that restorative justice should create space for dialogue and reconciliation between the perpetrator and the victim, so that both parties can feel true justice. To achieve this, there needs to be a more inclusive approach in the restorative justice process, where the interests and rights of the victim are prioritized. For example, involving victims in the deliberation process and giving them the opportunity to share their experiences and the impacts caused by the perpetrator's actions can help create a better understanding of the consequences of drug abuse. Thus, restorative justice not only functions to rehabilitate the perpetrator but also to provide recovery and justice for the victim, thereby rebuilding healthier relationships in society .

6. Post-Rehabilitation Supervision Challenges

After undergoing rehabilitation, former drug abusers often face significant challenges as they try to return to normal life. Ongoing support is essential to help them deal with the temptations and pressures that may arise in their environment. Without a strong post-rehabilitation supervision system, they may feel lost and forced to return to their old habits. Therefore, it is important for the government and related institutions to create integrated support programs, including counseling, support groups, and access to mental health services, so that ex-abusers can get the guidance and assistance they need in the recovery process. A weak post-rehabilitation supervision system not only risks increasing the likelihood of relapse, but can also reduce the effectiveness of the restorative justice approach itself. If ex-abusers feel that no one is paying attention to their recovery journey after rehabilitation, feelings of hopelessness and social isolation can trigger drug abuse behavior again. Therefore, the development of sustainable support mechanisms, involving communities, families and government institutions, is essential to ensure that former abusers not only successfully undergo rehabilitation, but are also able to build positive and productive lives in society. By providing the right support, restorative justice can function more effectively and help create an environment that supports long-term recovery.

CONCLUSION

The application of restorative justice is very important in resolving various criminal acts, especially in certain types of criminal acts, such as drug abuse, which do not provide significant benefits if handled through a retributive approach. The retributive approach that focuses on punishment often creates new losses for victims and the state, as well as worsening the situation, creating dissatisfaction, and prolonging the cycle of suffering. Adrianus Meliala explains that there are four factors that make restorative justice very much needed today: punishment brings further problems for the perpetrator's family, does not provide relief for the victim, the formal process in the justice system is expensive and uncertain, and corrections that do not provide a positive contribution to the future of prisoners. Restorative justice offers a more constructive and inclusive alternative, with the aim of creating peace and repairing losses. This approach emphasizes the restoration of the state before the crime occurred, and prioritizes the perpetrator's responsibility towards the victim through dialogue and agreement. In the context of drug abuse, Law Number 35 of 2009 emphasizes that addicts and victims of abuse are required to undergo rehabilitation, but rehabilitation efforts have not been optimal. Therefore, the state needs to formulate recovery steps through an integrated treatment program. The implementation of restorative justice in drug cases requires a careful approach considering the complexity of the physical, mental health, and criminal dimensions involved. With changing societal views on dealing with drug crimes, there is an urgent need to shift from a punitive approach to a rehabilitative model that better supports individual recovery. Restorative justice theory provides a framework for addressing these issues holistically, through dialogue that focuses on restoring relationships and responsibility, creating opportunities for offenders to make amends.

The implementation of Restorative Justice in handling drug abuse crimes in Indonesia faces various impacts and challenges. The positive impacts include the recovery of perpetrators and victims, which offers a more humanistic and rehabilitative approach compared to conventional methods that prioritize punishment. Through medical and social rehabilitation, offenders are given the opportunity to improve their physical and mental health and overcome dependency, with skills programs that support their reintegration into society without stigma. In addition, this approach also has the potential to reduce overcrowding in correctional institutions (prisons) by reducing the number of drug offenders imprisoned. Restorative Justice emphasizes holistic problem solving, providing more balanced and humane justice, and increasing efficiency in the justice system by accelerating case resolution through deliberation. Furthermore, with effective rehabilitation, there is an opportunity to prevent recurrence of criminal acts. However, challenges in its implementation include the paradigm of law enforcement which is still retributive, where many law enforcement officers believe more in prison sentences than rehabilitation, as well as public perception which tends to consider rehabilitation as a form of weakness in the legal system. Coordination between institutions is also a crucial issue, where each institution must work together to ensure that perpetrators receive the right legal process and rehabilitation care. Without good cooperation, the implementation of Restorative Justice

can be disrupted, reducing the effectiveness of rehabilitation programs and increasing the risk of relapse among perpetrators.

REFERENCES

1. Adiesta, I. D. I. (2021). Penerapan Restorative Justice Sebagai Inovasi Penyelesaian Kasus Tindak Pidana Ringan. *Interdisciplinary Journal on Law, Social Sciences and Humanities*, 2(2), 143-170.
2. Arief, H., & Ambarsari, N. (2018). Penerapan Prinsip Restorative Justice Dalam Sistem Peradilan Pidana Di Indonesia. *Al-Adl: Jurnal Hukum*, 10(2), 173-190.
3. Ariyanti, V. (2017). Kedudukan Korban Penyalahgunaan Narkotika dalam Hukum Pidana Indonesia dan Hukum Pidana Islam. *Al-Manahij: Jurnal Kajian Hukum Islam*, 11(2), 247-262.
4. Badri, M. (2016). Program Rehabilitasi Bagi Penyalahgunaan Narkotika Dalam Persfeksi Undang-Undang No 35 Tahun 2009 Tentang Narkotika. *Jurnal Ilmiah Universitas Batanghari Jambi*, 16(3), 12-18.
5. Candra, S. (2013). Restorative Justice: suatu tinjauan terhadap pembaharuan hukum pidana di Indonesia. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 2(2), 263-277.
6. Efendi, J., Ibrahim, J., & Rijadi, P. (2016). Metode Penelitian Hukum: Normatif dan Empiris.
7. Flora, H. S. (2018). Keadilan Restoratif Sebagai Alternatif Dalam Penyelesaian Tindak Pidana Dan Pengaruhnya Dalam Sistem Peradilan Pidana Di Indonesia. *University Of Bengkulu Law Journal*, 3(2), 142-158.
8. Gultom, M., & Manalu, S. (2023). Pendekatan Restorative Justice Sebagai Alternatif Penyelesaian Tindak Pidana Penganiayaan Ringan Di Kejaksaan Negeri Medan. *Fiat Iustitia: Jurnal Hukum*, 44-61.
9. Hakim, R. (2023). Penegakan hukum tindak pidana penyalahgunaan narkotika oleh anak dalam perspektif undang-undang nomor 35 tahun 2009. *Jurnal Preferensi Hukum*, 4(2), 279-291.
10. Hambali, A. R. (2019). Penerapan Diversi Terhadap Anak Yang Berhadapan dengan Hukum Dalam Sistem Peradilan Pidana (Diversions for Children in Conflict with The Laws in The Criminal Justice System). *Jurnal Ilmu Hukum*, 13(1), 15-30.
11. Harum, V. M., & Syarifah, N. (2023). Upaya Pemerintah Indonesia dalam Menangani Kejahatan Narkotika Sebagai Kejahatan Transnasional. *Wajah Hukum*, 7(2), 331-339.
12. Jainah, Z. O., & Suhery, S. (2022). Analisis Penanganan Tindak Pidana Narkotika Melalui Keadilan Restoratif (Restorative Justice) Berdasarkan Peraturan Polri Nomor 8 Tahun 2021 (Studi pada Satuan Reserse Narkoba Polres Metro). *Jurnal Pendidikan Dan Konseling (JPDK)*, 4(4), 1048-1057.
13. Kaligis, O. C. (2021). *Antologi Tulisan Ilmu Hukum Jilid 11*. Penerbit Alumni.
14. Kandati, H. (2013). Penerapan Mediasi oleh Lembaga Kepolisian Republik Indonesia dalam Penanganan Tindak Pidana Sebagai Perwujudan Restorasi Justitia. *Jurnal Hukum Unsrat*, 1(5), 103-119.

15. Koropit, R. K. (2020). Penegakan Hukum Rehabilitasi Bagi Pengguna Narkotika Menurut Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika. *Lex Et Societatis*, 7(8).
16. Manoppo, E. J. (2018). Korban Penyalahgunaan Narkotika Menurut UU No. 35 Tahun 2009 Tentang Narkotika. *Lex Crimen*, 7(4).
17. Mareta, J., & Kav, J. H. R. R. S. (2018). Penerapan Restorative Justice Melalui Pemenuhan Restitusi Pada Korban Tindak Pidana Anak. *Jurnal Lex et Societatis*, 3(1), 104.
18. Maulana, I., & Agusta, M. (2021). Konsep Dan Implementasi Restorative Justice Di Indonesia. *Datin law jurnal*, 2(11), 46-70.
19. Mendrofa, M. (2023). Penyelesaian Perkara Tindak Pidana Merek Melalui Upaya Keadilan Restoratif. *Jisip (Jurnal Ilmu Sosial Dan Pendidikan)*, 7(1), 343-351.
20. Mezak, M. H. (2006). Jenis, metode dan pendekatan dalam penelitian hukum.
21. Miradian, A. (2023). *Rekonstruksi Regulasi Penyelesaian Tindak Pidana Narkotika Melalui Pendekatan Keadilan Restoratif Sebagai Pelaksanaan Asas Dominis Litis Jaksa* (Doctoral Dissertation, Universitas Islam Sultan Agung).
22. Murni, R. (2019). Keberfungsian sosial korban penyalahgunaan napza pasca rehabilitasi sosial di Balai Rehabilitasi Sosial korban penyalahgunaan napza Galih Pakuan di Bogor. *Sosio Konsepsia: Jurnal Penelitian dan Pengembangan Kesejahteraan Sosial*, 9(1), 17-36.
23. Naway, D. R. O., Badu, L. W., & Mantali, A. R. Y. (2023). Penyelesaian Tindak Pidana Pencemaran Nama Baik Melalui Restorative Justice (Studi Kasus di Kejaksaan Negeri Gorontalo Utara). *Jurnal Kewarganegaraan*, 7(1), 1195-1201.
24. Nelson, F. M. (2020). Due Process Model Dan Restorative Justice Di Indonesia: Suatu Telaah Konseptual. *Jurnal Hukum Pidana dan Kriminologi*, 1(1), 92-112.
25. Oktaviani, S., & Yumitro, G. (2022). Ancaman Bahaya Narkoba di Indonesia Pada Era Globalisasi. *Jurnal Education and Development*, 10(2), 137-143.
26. Pramesti, M., Putri, A. R., Assyidiq, M. H., & Rafida, A. A. (2022). Adiksi Narkoba: Faktor, Dampak, dan Pencegahannya. *Jurnal Ilmiah Permas: Jurnal Ilmiah STIKES Kendal*, 12(2), 355-368.
27. Prayitno, K. (2012). restorative justice untuk peradilan di Indonesia (perspektif yuridis filosofis dalam penegakan hukum In concreto). *Jurnal dinamika hukum*, 12(3), 407-420.
28. Risal, M. C. (2023). Analisis Kritis Terhadap Implementasi Restorative Justice Dalam Sistem Peradilan Pidana. *Jurnal Al Tasyri'lyyah*, 55-70.
29. Sahputra, M. (2022). Restorative Justice Sebagai Wujud Hukum Progresif Dalam Peraturan Perundang-Undangan Di Indonesia. *Jurnal Transformasi Administrasi*, 12(01), 87-96.
30. Septiyo, T., Setiyono, J., & Samara, M. R. (2020). Optimalisasi Penerapan Mediasi Penal Sebagai Alternatif Penyelesaian Perkara Tindak Pidana. *Jurnal Yuridis*, 7(2), 209-233.

31. Suntoro, A. (2018). Pelaksanaan Rehabilitasi Pecandu Narkotika Berdasarkan Undang–Undang Nomor 35 Tahun 2009 Tentang Narkotika. *Jurnal Reformasi Hukum*, 17(1).
32. Syahrin, M. A. (2018). Penerapan Prinsip Keadilan Restoratif Dalam Sistem Peradilan Pidana Terpadu. *Majalah Hukum Nasional*, 48(1), 97-114.
33. Wagiu, J. D., & Toloh, P. W. Y. (2023). *Restorative Justice: Dalam Penyelesaian Tindak Pidana Perbankan Badan Usaha Milik Negara*. Nas Media Pustaka.
34. Yani, R., & Djanggih, H. (2023). Efektivitas Penerapan Restorative Justice dalam Tindak Pidana Ringan. *Journal of Lex Philosophy (JLP)*, 4(2), 314-332.
35. Zahrah, F., & Taun, T. (2023). Kajian Hukum Pelaksanaan Penegakan Hukum Dengan Pendekatan Restorative Justice Dalam Penyelesaian Kasus Tindak Pidana Pencabulan. *Innovative: Journal Of Social Science Research*, 3(6), 551-560.