

Legal Implications of Drug Crimes Based on Restorative Justice (Case Study Case Number 79/Pid.Sus/2023/PN Mgg)

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Abstract. *the greatest dangers that threaten the young generation not only in Indonesia but throughout the world. Currently, the government is actively fighting drug abuse. To achieve the expected effectiveness of law enforcement and achieve the eradication of drug trafficking crimes, it is absolutely necessary, including firmness in the application of criminal sanctions for the perpetrators. The purpose of this study is to determine and analyze the application of criminal sanctions regarding Narcotics Crimes and Judges' Considerations in Handing Down Verdicts Against Narcotics Crime Perpetrators based on Restorative Justice Values. The approach method used is normative juridical, namely a library legal research conducted by examining library materials or secondary data only using deductive thinking methods. The writing specifications use descriptive analysis, the sources and types of data used are primary and secondary data. The data collection method is by collecting data using secondary data collection methods. The problem is analyzed using Gustav Radbruch's Legal Certainty Theory and Restorative Justice Theory. The Panel of Judges in the verdict has applied criminal sanctions to the Defendant RAS by referring to Article 127 paragraph (1) letter a of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics. Based on the theory of legal certainty according to Gustav Radbruch, which states that the law must meet the requirements of legal certainty, namely certainty in law and certainty in the application of law, the application of this criminal sanction can be considered as certainty in the application of law. The judge has sentenced the Defendant to 2 years and 4 months in prison, which is a sanction in accordance with applicable legal provisions. Thus, the judge has ensured that the criminal sanctions are applied fairly and in accordance with legal provisions, thus meeting the requirements of certainty in the application of law according to Radbruch's theory. Based on the Case Study of Case Number 79/Pid.Sus/2023/PN Mgg, the judge has considered three principles of restorative justice in making a verdict. First, restorative justice that focuses on the recovery and improvement of victims, the judge has*

considered the social and psychological impacts caused by narcotics crimes on society and direct victims. Second, active participation of victims and parties involved, the judge has ensured that the judicial process involves active participation of victims and parties involved to achieve fairer and more effective justice. Third, healing and recovery of victims, the judge has determined a prison sentence of 2 years and 4 months for the defendant, which is considered a sufficient sanction to restore the victim and prevent similar crimes in the future.

Keywords: *Crime, Narcotics, Restorative.*

1. Introduction

The current era of globalization, both information and communication globalization, is a common phenomenon in modern society. Information globalization has created new tensions due to the increasing access of society to information.¹ Another consequence of easy access to information is the emergence of easy relations between countries in the world, as well as easy means of transportation, thus facilitating beneficial relations between countries in the world, both Indonesia and other countries. Therefore, anything from abroad can enter Indonesia including drugs, although the supervision of the Indonesian government is very strict to prevent illegal goods from entering Indonesia, drugs are still rampant in Indonesia.

The growth of drug crimes such as transnational crime and organized crime has made Indonesia a drug emergency country. The drug was initially only used as a tool for religious rituals, but is also used for medicinal purposes. The first drug used was opium or commonly known as madat or opium.²

In fact, drugs actually have many benefits, while what is prohibited is their abuse. As stated in Article 7 of Law Number 35 of 2009 concerning Drugs, it is regulated that: "Drugs may only be used for health service purposes and/or the development of science and technology". As part of efforts to improve the health sector and medical services, the availability of adequate anesthetic drugs is needed. However, what happens is that there is a lot of misuse of these drugs so that their distribution is very disturbing to the community. Drug abuse will have dangerous consequences for its users, because it will become a very detrimental dependency, therefore strict and careful control and supervision must be carried out.³

In the medical world, narcotics are often used in anesthesia before patients undergo surgery, it should be remembered that narcotics contain substances that

¹Muhyar Fanani, *Grounding Heavenly Law*, Yogyakarta, Tiara Wacana, 2008, p. 60

²Kusno Adi, *Diversion as an Alternative Effort to Overcome Drug Crimes by Children*, First Edition, UMM Press, Malang, 2009, p. 3.

³Sandika Dwi Nugroho, Arpangi, *Legal Review of the Formulation of Criminal Sanctions Against Narcotics Crime Perpetrators Based on Positive Criminal Law*, *Khaira Ummah Law Journal*, Volume 16 Number 4, December 2021.

can affect the emotions, thoughts and consciousness of patients. However, over time, drugs that were originally used by doctors only for anesthesia are now used for negative things. People who use drugs begin to become addicted and find it difficult to stop.⁴

Given the many drug cases that have occurred recently, many people have shown disobedience to Law No. 35 of 2009. In other words, there are citizens who do not comply with the drug law. To combat these deviant practices, the law must continue to apply. The law has a social control function (social control), which requires citizens to obey the applicable laws and regulations. Law Number 35 of 2009 which regulates drugs is a law that must be respected by all Indonesian citizens without exception.

The birth of Law Number 35 of 2009 concerning Narcotics brings new nuances, patterns and hopes, because this Law brings differences or specifications in handling drug cases. Law Number 35 of 2009 no longer only relies on imposing criminal penalties for drug crimes, but it seems less effective in eliminating or reducing drug crimes. Law Number 5 of 1997 concerning Psychotropics and Law Number 22 of 1997 concerning Narcotics as amended by Law Number 35 of 2009 use the means of the pen (criminal law) to overcome the risk of drug abuse.⁵

2. Research Methods

The approach method used by the author to compile the assessment uses the Normative Juridical method. The research specification used in this study is the descriptive analysis type. In this study, the author focuses on library research and primary documents in the form of current laws and secondary documents in the form of expert opinions, law books, journals and magazines.

The data collection technique used in this study uses literature study, namely data collection from the results of reviewing literature documents and secondary data including primary legal materials, secondary legal materials, and tertiary legal materials. The data analysis technique in this study was carried out using qualitative data analysis, specifically data collection using law, theory, and legal principles.

3. Results And Discussion

3.1. Implementation of Criminal Sanctions Regarding Narcotics Crimes (Case Study of Case Number 79/Pid.Sus/2023/PN Mgg).

Based on Law Number 35 of 2009, narcotics are classified into three groups: Class I narcotics cannot be used for health services. Class I narcotics can be used in limited quantities for the purposes of developing science and technology and diagnostic reagents, and as laboratory reagents, upon the recommendation of the

⁴Dikdik M. Arief and Elisatris Gultom, *The Urgency of Protection of Crime Victims*, Jakarta, PT. Raja Grafindo Persada, 2007, p. 100.

⁵Barda Nawawi Arief, *Selected Chapters on Criminal Law*, Third Edition, Citra Aditya Bakti, Bandung, 2013, p. 94.

Commissioner of the Food and Drug Supervisory Agency and with the approval of the Minister. Class II and III narcotics are in the form of natural and synthetic raw materials used in the manufacture of drugs. For the purpose of treatment, based on medical indications, doctors, within the framework of statutory regulations, can issue class II or III narcotics to patients in limited quantities and are always available under certain conditions.

Referring to Decision Number: 79/Pid.Sus/2023/PN Mgg, that based on the statements of witnesses that are in accordance with each other, the Defendant's statement, written evidence and connected with the evidence presented at the trial, the following legal facts were obtained:

- a. That the incident in this case occurred because the Defendant was arrested by Police Officers on Wednesday, October 4, 2023 at around 08.30 WIB before the Defendant left for work at home in Kp. Wates Jambe Sari RT.002 RW.011, Wates Village, North Magelang District, Magelang City;
- b. That when the arrest was carried out, a search was carried out and evidence was found in the form of: 1 (one) small clear plastic clip package containing a crystal substance suspected to be methamphetamine weighing 0.50 grams along with the plastic wrapper stored in a trouser pocket, 1 (one) used LA lights cigarette pack, 1 (one) bong (consisting of 1 (one) used Aqua plastic bottle containing water, 2 (two) white straws, 1 (one) glass pipette), 1 (one) piece of black straw, 2 (two) small clear plastic clips used to wrap methamphetamine, 2 (two) pieces of blue and white straws attached to the lid of the plastic bottle, 1 (one) piece of white and blue straw;
- c. That the Defendant obtained narcotics in the form of crystal methamphetamine by ordering through Antok, who is the Defendant's friend. Where on Monday, October 2, 2023, the Defendant ordered narcotics in the form of crystal methamphetamine for Rp. 500,000 (five hundred thousand rupiah);
- d. That on Tuesday, October 3 at around 17.00 WIB, the Defendant met with Antok at the agreed location, namely on the side of the road at the Japunan intersection, Magelang Regency, to hand over narcotics in the form of crystal methamphetamine which was put in a black straw, then the Defendant handed over Rp. 500,000 (five hundred thousand rupiah) from his trouser pocket and handed it over to Antok;
- e. That after the Defendant received the crystal methamphetamine from Antok, the Defendant put the crystal methamphetamine into his trouser pocket and then the Defendant went home;
- f. That upon arriving home at 18.30 WIB, the Defendant entered the room and took the crystal methamphetamine contained in a piece of black straw, after opening it, it contained 1 (one) small clear plastic clip package containing crystal methamphetamine, then the Defendant took half and put it in a glass pipe, then connected it to the straw on the bong made of a plastic bottle filled with water and the lid was given two holes and two straws were installed, after being

connected, the glass pipe containing the crystal methamphetamine was burned until it turned into smoke/vapor then with the other straw the Defendant inhaled the smoke until it was gone;

g. That the Defendant's aim in consuming narcotics in the form of crystal methamphetamine was to increase work enthusiasm and relieve fatigue;

h. That the Minutes of Urine Examination Number: BA-/23/X/2023/Urkes dated October 4, 2023 with the results of the examination of evidence. Urine belonging to the name of Rizky Ade Saputra Bin Hanafi. Where the results of the drug examination with MET/METHAMPETAMINE the results are (+) Positive;

i. That the Minutes of the examination by the criminalistic laboratory at the Semarang Branch of the Forensic Laboratory Center, Lab No.: 28543/NNF/2023 dated October 9, 2023 concluded that BB-6135/2023/NNF in the form of crystal powder and BB-6136/2023/NNF in the form of urine above contained METAPHETAMINE registered in Group I (one) serial number 61 of the Attachment to the Republic of Indonesia Law No. 35 of 2009 concerning Narcotics;

j. That the Defendant's aim in purchasing the narcotics in the form of crystal methamphetamine was for the Defendant's own consumption and not for sale or distribution;

k. That the Defendant does not have official permission from any agency or authorized party to possess, control or misuse narcotics in the form of crystal methamphetamine.

Taking into account Article 127 paragraph (1) letter a of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics and Law Number 8 of 1981 concerning Criminal Procedure Law and other relevant laws and regulations, the Panel of Judges stated that the Defendant with the initials RAS had been proven legally and convincingly guilty of committing the crime of "Abuse of Class I Narcotics for oneself", Sentencing the Defendant to a prison sentence of 2 (two) years and 4 (four) months, determining that the period of arrest and detention that the Defendant had served be reduced in full from the sentence imposed and determining that the Defendant remain in detention.

The Panel of Judges in the decision has applied criminal sanctions to the Defendant RAS by referring to Article 127 paragraph (1) letter a of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics. Based on the theory of legal certainty according to Gustav Radbruch, which states that the law must meet the requirements of legal certainty, namely certainty in law (*Rechtssicherheit*) and certainty in the application of law (*Rechtspflege*), then the application of this criminal sanction can be considered as certainty in the application of law. The judge has sentenced the Defendant to 2 years and 4 months in prison, which is a sanction in accordance with applicable legal provisions. In addition, the judge also determined that the period of arrest and detention that had been served by the Defendant was deducted entirely from the sentence imposed and determined that the Defendant remain in detention. Thus, the judge has ensured that the criminal

sanctions are applied fairly and in accordance with legal provisions, thus fulfilling the requirements of certainty in the application of law according to Radbruch's theory.

3.2. Judge's Considerations in Handing Down Verdicts Against Narcotics Crime Offenders Based on Restorative Justice Values (Case Study of Case Number 79/Pid.Sus/2023/PN Mgg).

Judges as the main subjects in the judicial process are always required to demonstrate conscience, moral intelligence, and professionalism by upholding the law and justice in their decisions. Judges' decisions must always be accountable to God Almighty and the community, especially those seeking justice. Decisions by non-independent judges show signs of collusion, corruption and nepotism, are unprofessional, do not provide legal certainty and a sense of justice, as do decisions by non-independent judges.⁶

The decision of the judge or court is an important and necessary aspect, because it helps clarify criminal cases and helps the accused have legal certainty regarding their status and prepare for the legal process, legal process, and appeal. , cassation and amnesty. On the other hand, from the perspective of the judge who tried this case, the judge's decision is the result of a reflection of the values of justice. Achieving the truth, human rights (HAM), the highest law or facts fairly, qualitatively and based on facts and the morals, psychology and ethics of the judges involved.⁷

Based on Case Study Case Number 79/Pid.Sus/2023/PN Mgg, the Defendant has been charged by the Public Prosecutor with the following Alternative charges: First: Article 112 paragraph (1) of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics or Second: Article 127 Paragraph (1) letter a of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics. So based on these charges, the Panel of Judges has the freedom to choose which charge is most in accordance with the legal facts at trial. Therefore, the Panel of Judges immediately chose to consider the second charge as regulated in Article 127 paragraph (1) letter a of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics, which contains elements of a criminal act that need to be proven as follows:

- a. Any Abuser;
- b. Without the Right to Have Used Class I Narcotics for Himself.

That regarding these elements, the Panel of Judges in the decision considered the following:

- a. Considering, that the meaning of the element "Every Abuser" is a person who uses narcotics without rights or against the law as stated in Article 1 paragraph (15) of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics.

⁶Syarif Mappiasse, *Legal Logic of Judges' Decision Considerations*, Jakarta, 2015, p.1

⁷Lilik Mulyadi. *Criminal Procedure Law*, Citra Aditya Bakti, Bandung, 2017, pp. 152-153

The person referred to in the formulation of the article is only an individual (Naturlijk Person) and does not include a corporation (Recht Person), because in essence using narcotics is a biological action that can only be carried out by humans as individuals (Naturlijk Person) then specifically regarding the abuser, so that the legal subject must be viewed as an individual only;

- b. Considering, that based on the legal facts at trial, the Defendant with the initials RAS is a legal subject supporting rights and obligations who can be held accountable for his actions, where the Defendant's identity has been carefully examined and matched with the Indictment, which turned out to be appropriate and correct and has also been confirmed by the Defendant, so that according to the Panel of Judges there is no error in persona on the part of the Defendant;
- c. Considering, that furthermore, whether the act for which the Defendant is accused can be held responsible by the Defendant, regarding this matter, the following elements must first be proven;
- d. Considering, that the element of being against the law must always be considered to exist in a formulation of a crime, even though the legislator has not expressly stated this element in the wording of the article of the law. However, in fact, in the elements of Article 127 paragraph (1) letter a of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics in conjunction with Article 1 paragraph (15) of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics, the definition in the formulation of the crime is that there is an element of using narcotics without rights or against the law;
- e. Considering that a person can only be punished if in his/her actions the person has done something that is prohibited or has not done an action that is required by law, in other words there is an element of breaking the law (wederrechtelijkheid) as stated by one of the Dutch legal experts, namely Prof. SIMON, who said "For there to be a criminal act (strafbaar feit), it is required that there must be an action that is prohibited or required by law";
- f. Considering, that the main objective of Law Number 35 of 2009 concerning Narcotics is to prevent and eradicate the abuse and illicit trafficking of narcotics in order to improve the health of human resources in order to realize the welfare of the people as stated in the considerations of Law Number 35 of 2009 concerning Narcotics;
- g. Considering, that what is meant by narcotics itself based on Article 1 paragraph (1) of Law Number 35 of 2009 concerning Narcotics is a substance or drug that comes from plants or not plants, either synthetic or semi-synthetic, which can cause a decrease or change in consciousness, loss of feeling, reduce to eliminate pain, and can cause dependency, which is divided into groups, while further what is meant by narcotics class I according to the explanation of Article 6 paragraph (1) letter a of Law Number 35 of 2009 concerning Narcotics

is narcotics that can only be used for the purpose of developing science and are not used in therapy and have a very high potential to cause dependency, one of the types of narcotics class I as in Attachment I of Law Number 35 of 2009 concerning Narcotics is methamphetamine/(+)-(S)-N, α – dimethylphenethylamine;

- h. Considering, that as regulated in Article 8 Paragraph (2) of Law no. 35 of 2009 concerning narcotics, it is known that Class I Narcotics can be used for the purposes of developing science and technology and for diagnostic reagents, as well as laboratory reagents after obtaining the Minister's approval. In addition, the use of Class I narcotics can only be carried out by educational and training institutions as well as research and development organized by the government or the private sector with permission from the authorized minister for that purpose, as regulated in Article 13 Paragraph (1) of Law Number 35 of 2009 concerning Narcotics;
- i. Considering, that furthermore, in order to explore the material truth, the Panel of Judges will consider the following legal facts: that the Defendant was arrested by Police Officers on Wednesday, October 4, 2023 at around 08.30 WIB before the Defendant left for work at home in Kp. Wates Jambe Sari RT.002 RW.011, Wates Village, North Magelang District, Magelang City. Where when the arrest was carried out a search and found evidence in the form of: 1 (one) small clear plastic clip package containing a crystal mass suspected of being methamphetamine narcotics weighing 0.50 grams along with the plastic wrapper stored in a trouser pocket, 1 (one) used LA lights cigarette pack, 1 (one) bong consisting of 1 (one) used Aqua plastic bottle containing water, 2 (two) white straws, 1 (one) glass pipette, 1 (one) piece of black straw, 2 (two) small clear plastic clips used to wrap methamphetamine narcotics, 2 (two) pieces of blue and white straws attached to the plastic bottle cap, 1 (one) piece of white and blue straw;
- j. Considering, that the Defendant obtained narcotics in the form of crystal methamphetamine by ordering it through Antok, who is the Defendant's friend. Where on Monday, October 2, 2023, the Defendant ordered narcotics in the form of crystal methamphetamine for Rp. 500,000 (five hundred thousand rupiah). Then on Tuesday, October 3, at around 17.00 WIB, the Defendant met Antok at the designated place, namely on the side of the road at the Japunan intersection, Magelang Regency, to hand over the crystal methamphetamine in the form of narcotics that were put in a black straw, then the Defendant handed over Rp. 500,000 (five hundred thousand rupiah) from his trouser pocket and handed it over to Antok.
- k. Considering, that the Defendant's purpose in consuming methamphetamine narcotics was to increase work enthusiasm and relieve fatigue; Considering, that based on the Minutes of Urine Examination Number: BA-/23/X/2023/Urkes dated October 4, 2023 with the results of the examination

of evidence. Urine belonging to the name. Rizky Ade Saputra Bin Hanafi, with the results of the drug examination with MET/METHAMPHETAMINE with the results being (+) Positive. Where the results of the examination are also in accordance with the Minutes of the examination by the criminalistic laboratory at the Semarang Branch Puslabfor No. Lab: 28543/NNF/2023 dated October 9, 2023, it was concluded that BB6135/2023/NNF in the form of crystal powder and BB -6136/2023/NNF in the form of urine above contain METAMPHETAMINE registered in Group I (one) serial number 61 of the Attachment to the Law of the Republic of Indonesia No. 35 of 2009 concerning Narcotics;

- l. Considering, that the Defendant's aim in purchasing the narcotics in the form of crystal methamphetamine was for the Defendant's own consumption and not for sale or distribution;
- m. Considering that the Defendant does not have official permission from any agency or authorized party to possess, control or misuse narcotics in the form of crystal methamphetamine;
- n. Considering, that with the above considerations, the Panel of Judges considers the Defendant as a person who uses crystal methamphetamine, where the crystal methamphetamine consumed by the Defendant himself in the aquo case based on the Laboratory Examination Report and urine test results is included in Class I Narcotics. In addition, the purpose of using the Narcotics for his own consumption is not in accordance with the legal designation according to the Law and without permission from the authorized party. Therefore, the Defendant's actions fulfill the element of "without right has used class I narcotics for himself", so the 2nd element has been fulfilled;
- o. Considering, that because all the elements of Article 127 paragraph (1) letter a of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics have been fulfilled, the Defendant must be declared to have been legally and convincingly proven to have committed the crime as charged in the second indictment;
- p. Considering, that during the examination at the trial, the Panel of Judges did not find any excuses that could erase the Defendant's guilt, nor any justifications that could erase the unlawful nature of the Defendant's actions, so that the Defendant was deemed capable of being responsible for his actions and therefore must be declared guilty and sentenced to a criminal penalty;
- q. Considering, that viewed from the perspective of criminal law politics with the enactment of Republic of Indonesia Law No. 35 of 2009 concerning Narcotics, there has been an update to the sanctions imposed on anyone who abuses class I narcotics for themselves (Vide: Article 127 paragraph (1) letter a Law Number 35 of 2009 concerning Narcotics) from the concept of a single penalty (imposing) to the concept of a double track system, namely action (sentencing) or punishment (imposing), where in order to be subject to action, the

provisions as regulated in SEMA No. 4 of 2010 concerning the Placement of Abusers, Victims of Abuse and Narcotics Addicts in Medical Rehabilitation and Social Rehabilitation Institutions must be met;

- r. Considering, that the punishment to be imposed on the Defendant is expected as an effort to protect the community from the dangers of drug abuse and prevent and eradicate the illicit trafficking of narcotics and to prevent the tendency to increase both quantitatively and qualitatively victims of drug crimes, especially among children, teenagers, and the younger generation in general. In addition, it is also expected to foster awareness in the Defendant that the actions he has committed are wrong, so as an effort to restore the condition of the Defendant to his original state (to restore) so that he can change himself so as not to repeat the criminal act;
- s. Considering, that in order to impose a criminal sentence on the defendant, it is necessary to first consider the aggravating and mitigating circumstances of the defendant, namely:
 - 1) Aggravating circumstances: The defendant's actions do not support the government's program to eradicate narcotics, the defendant's actions can damage the nation's future generations, the defendant's actions disturb society, and the defendant has been convicted;
 - 2) Mitigating circumstances: The defendant did not make a complicated case during the trial and the defendant is still young and there is still hope that he can change for the better;

Based on Case Study of Case Number 79/Pid.Sus/2023/PN Mgg, the judge has considered three principles of restorative justice in making a decision. First, restorative justice that focuses on the recovery and improvement of victims, the judge has considered the social and psychological impacts caused by drug crimes on society and direct victims. Second, active participation of victims and parties involved, the judge has ensured that the judicial process involves active participation of victims and parties involved to achieve fairer and more effective justice. Third, healing and recovery of victims, the judge has imposed a prison sentence of 2 years and 4 months on the defendant, which is considered a sufficient sanction to restore victims and prevent similar crimes in the future. Thus, the judge has applied the principle of restorative justice to achieve more holistic and recovery-oriented justice.

4. Conclusion

- 1) The Panel of Judges in the decision has applied criminal sanctions to the Defendant RAS by referring to Article 127 paragraph (1) letter a of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics. Based on the theory of legal certainty according to Gustav Radbruch, which states that the law must meet the requirements of legal certainty, namely certainty in law (*Rechtssicherheit*) and certainty in the application of law (*Rechtspflege*), then the application of this criminal sanction can be considered as certainty in the application of law. The

judge has sentenced the Defendant to 2 years and 4 months in prison, which is a sanction in accordance with applicable legal provisions. In addition, the judge also determined that the period of arrest and detention that had been served by the Defendant was deducted entirely from the sentence imposed and determined that the Defendant remain in detention. Thus, the judge has ensured that the criminal sanctions are applied fairly and in accordance with legal provisions, thus fulfilling the requirements of certainty in the application of law according to Radbruch's theory.

2) Based on Case Study of Case Number 79/Pid.Sus/2023/PN Mgg, the judge has considered three principles of restorative justice in making a decision. First, restorative justice that focuses on the recovery and improvement of victims, the judge has considered the social and psychological impacts caused by drug crimes on society and direct victims. Second, active participation of victims and parties involved, the judge has ensured that the judicial process involves active participation of victims and parties involved to achieve fairer and more effective justice. Third, healing and recovery of victims, the judge has imposed a prison sentence of 2 years and 4 months on the defendant, which is considered a sufficient sanction to restore victims and prevent similar crimes in the future. Thus, the judge has applied the principle of restorative justice to achieve more holistic and recovery-oriented justice.

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Legislation:

The 1945 Constitution of the Republic of Indonesia.

Criminal Code

Criminal Procedure Code

Law Number 17 of 2023 concerning Health;

Law Number 2 of 2002 concerning the Republic of Indonesia National Police;

Law Number 35 of 2009 concerning Narcotics;

Law Number 48 of 2009 concerning Judicial Power;

Law Number 5 of 1997 concerning Psychotropics;

Case Number 333/Pid.B/2022/PN.Smg.