

The Juridical Analysis of Narcotics Abuse Settlement through Restorative Justice in Bekasi

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Abstract. *This study aims to analyze the implementation of restorative justice in drug abuse cases at the District Attorney's Office of Bekasi Regency. The approach is grounded in the values of substantive justice, humanity, and criminal justice system effectiveness, particularly in response to the inefficiencies of conventional penal models for drug users. This research adopts a normative juridical method and a case study approach of the suspect Muhamad Yunus. The resolution of narcotics abuse cases through rehabilitation is a mechanism inseparable from the implementation of restorative justice, with the spirit of restoring the original condition by rehabilitating the perpetrator of narcotics abuse, which constitutes a victimless crime. The Prosecution Service may terminate prosecution if the perpetrator meets certain criteria and can undergo rehabilitation, thereby providing a solution to narcotics abuse cases involving offenders better suited for rehabilitative measures. The findings reveal that while restorative justice is not explicitly regulated in Law No. 35 of 2009 on Narcotics, its implementation can be legally justified through prosecutorial discretion based on the Attorney General's Regulation and integrated assessment results. The study also emphasizes the importance of amending legislation to strengthen the legal legitimacy of restorative justice in drug-related cases as a corrective and humanistic approach within Indonesia's criminal justice system.*

Keywords: Abuse; Drug; Justice; Rehabilitation; Restorative.

1. Introduction

The abuse of narcotics in Indonesia has become a matter of serious concern from social, economic, health, and law enforcement perspectives. The increasing prevalence of narcotics abuse not only threatens individual health but also has a negative impact on public security and order. Indonesia is currently in a highly alarming position regarding the number of narcotics users, ranging from teenagers and adults to the elderly. Narcotics abuse in Indonesia has involved various segments of society and has developed rapidly in line with the increasing circulation of narcotics in various regions, including Bekasi Regency, where according to data

from the Bekasi District Prosecutor's Office, there were 149 narcotics-related cases in 2024.

From a legal perspective, Indonesia regards narcotics abuse as a criminal offense that must be processed through the criminal justice system. Most perpetrators of narcotics abuse, who are in fact users, are often caught in a prolonged judicial process, with imprisonment as the primary punishment. This has resulted in an increase in the number of inmates in correctional facilities, which are already overcrowded. The majority of these inmates are narcotics users who should receive rehabilitative treatment rather than criminal punishment (Nur Alim Rachim & M. Aris Munandar, 2023). Furthermore, the criminal justice process, which focuses on punitive measures, tends to ignore the social and psychological factors that lead an individual into narcotics abuse.

As an institution that pioneers a humanistic approach to law enforcement, the Attorney General's Office has implemented restorative justice, considering that the criminal justice system and statutory regulations have not yet been able to create effective handling, as they tend to operate in isolation, resulting in punitive law enforcement that prioritizes punishment and retribution (Muhamad Naufal Hibatullah, Elis Rusmiati & Agus Takariawan, 2024). The criminal justice system also makes case-handling costs high, and prison occupancy rates exceed capacity. This condition has prompted the Indonesian Prosecution Service to take a groundbreaking step by applying restorative justice in narcotics cases. The Attorney General has emphasized that narcotics users should not be placed in the same detention cell as narcotics dealers, with the latter requiring more serious attention.

Addressing this issue is not merely a matter of prison capacity, but requires examining the processes and stages within the criminal justice system. One of these is the application of restorative justice at the prosecution stage, under the authority of the public prosecutor, as this stage plays a crucial role in bridging the investigation and trial phases in handling a criminal case.

One of the main legal foundations for the application of restorative justice in resolving narcotics cases is the Regulation of the Attorney General of the Republic of Indonesia (PERJA) No. 15 of 2020 concerning Guidelines for Handling Criminal Cases with a Restorative Justice Approach. This regulation provides clear guidelines on prosecutorial discretion in handling criminal cases with an approach that prioritizes rehabilitative resolution over criminal punishment. However, not all narcotics cases may be resolved through restorative justice. This is stipulated in the Attorney General's Regulation No. PERJA 029/A/JA/12/2015 concerning Technical Guidelines for Handling Narcotics Addicts and Victims of Narcotics Abuse in Rehabilitation Institutions, which was later amended through the issuance of the Attorney General's Guidelines No. 18 of 2021 concerning the Resolution of Narcotics Abuse Cases through Rehabilitation with a Restorative Justice Approach as the Implementation of the *Dominus Litis* Principle of the Prosecutor, revising provisions under PERJA No. 15 of 2020. Pursuant to PERJA No. 18 of 2021, the Prosecutor, as the case controller based on the *Dominus Litis* principle, may resolve narcotics abuse cases through rehabilitation at the prosecution stage (Alasandar, 2025).

The resolution of narcotics abuse cases through rehabilitation is a mechanism inseparable from the implementation of restorative justice, with the spirit of restoring the original condition by rehabilitating the perpetrator of narcotics abuse, which constitutes a victimless crime. The Prosecution Service may terminate prosecution if the perpetrator meets certain criteria and can undergo rehabilitation, thereby providing a solution to narcotics abuse cases involving offenders better suited for rehabilitative measures. This is carried out by prioritizing restorative justice and utility (*doelmatigheid*), and by considering the principles of swift, simple, and low-cost trials, the principle of criminal law as a last resort (*ultimum remedium*), cost-benefit analysis, and the recovery of the offender.

Nevertheless, the implementation of these guidelines is strictly regulated. This is done by considering the amount of evidence, the suspect's qualifications, the offense's classification, the articles charged, the element of fault (*mens rea*) in the suspect, and thorough examination of the suspect through the results of an integrated assessment. The prosecutor is obliged to provide instructions to the investigator to ensure that the suspect is indeed an end user, and to know the suspect's profile, including lifestyle, financial transactions, associates, and environment (*know your suspect*) (Hafrida & Usman, 2024). This is followed by the stage of submitting a request for an integrated rehabilitation assessment, based on the conclusions from the profiling stage. The Public Prosecutor will then submit the integrated rehabilitation assessment request to the National Narcotics Board at the Regency level (BNNK).

In addition, although restorative justice provides an opportunity for rehabilitation, another challenge faced is the limited rehabilitation facilities available to accommodate the large number of narcotics abuse offenders, which ultimately affects the effectiveness of rehabilitation implementation. For example, in Bekasi Regency, there is no municipal/regency-level National Narcotics Board office, so the Bekasi District Prosecutor's Office must cooperate with the East Jakarta City National Narcotics Board and the Karawang Regency National Narcotics Board, as well as the Drug Dependence Hospital (RSKO) Jakarta. Furthermore, the strong social stigma against narcotics users remains a major obstacle in implementing restorative justice. Narcotics users are often viewed as irredeemable individuals, and the prevailing belief that they deserve severe punishment makes the public less receptive to a rehabilitative approach. Therefore, efforts are needed to educate the public on the importance of rehabilitation for narcotics users and to explain that this approach is more effective in reducing narcotics abuse rates in the future.

In light of the foregoing, this study will analyze the application of restorative justice in resolving narcotics cases at the Bekasi District Prosecutor's Office, as well as evaluate the challenges in implementing this policy. This evaluation is expected to provide recommendations for improving the implementation of restorative justice in the future, in order to create a legal system that is more oriented towards recovery and the effective prevention of narcotics-related crimes. Based on these issues, this research focuses on examining two main points, namely: (1) the causal factors for the application of restorative justice in narcotics abuse cases at the Bekasi District Prosecutor's Office, and (2) the conformity of restorative justice application in narcotics abuse cases with the principle of

legality and the limitations of positive law in Indonesia

2. Research Methods

The research method employed is a normative juridical method combined with limited empirical research, utilizing a qualitative approach. This study examines statutory regulations, legal theories, and the practical implementation of restorative justice in narcotics abuse cases at the Bekasi District Prosecutor's Office. The approaches applied include statutory, case, comparative, and conceptual approaches, supported by empirical data obtained through interviews with prosecutors. The data sources consist of primary legal materials, such as laws and regulations issued by the Attorney General; secondary legal materials, in the form of legal literature; and tertiary legal materials, such as dictionaries and encyclopedias. The data are analyzed qualitatively using a descriptive method to identify and understand the gap between legal norms and their practical application, as well as to formulate conclusions and recommendations that are both applicable and contextually relevant

3. Results and Discussion

3.1. Settlement of Narcotics Abuse Cases through Restorative Justice

Narcotics abuse constitutes the unlawful, unauthorized, or improper use of narcotics, contrary to legitimate medical purposes and established medical standards. Under Indonesia's positive law, narcotics abuse is classified as a criminal offense due to its unlawful nature. Pursuant to Article 1 point 15 of Law No. 35 of 2009 on Narcotics, a narcotics abuser is defined as: "A person who uses narcotics without right and unlawfully." In legal terms, narcotics abuse contains two essential elements: the absence of lawful authority (i.e., lacking a valid license or medical prescription) and conduct contrary to applicable legal provisions. Nevertheless, not all narcotics abusers are positioned as offenders who must be subjected to imprisonment. The Narcotics Law provides differential treatment for addicts and victims of narcotics abuse, namely individuals who consume narcotics due to dependency or external coercion, for whom rehabilitation is considered more appropriate than criminal punishment. This is expressly stipulated in Articles 54 and 103 of the Narcotics Law, which allow for the possibility of medical and social rehabilitation as an alternative to imprisonment

According to Yudi Mulyatno, narcotics abuse cannot always be narrowly construed as a criminal act; rather, it often constitutes maladaptive behavior closely associated with psychological pressures, permissive social environments, and low individual resilience. Accordingly, punitive measures against narcotics abusers must also take into account the medical and psychosocial dimensions of the offender. Within the framework of modern law enforcement, narcotics abusers should be viewed as individuals in need of recovery rather than punishment. Restorative justice offers a legal approach capable of bridging the objectives of criminal law with the protection of human rights for offenders who objectively do not pose a threat to society.

Narcotics abuse is thus not merely a legal violation but also a manifestation of social and

public health issues requiring comprehensive solutions. A punitive paradigm that focuses solely on imprisonment for narcotics abusers is often counterproductive, as it fails to address the root causes, such as substance dependence or social vulnerability. Consequently, legal measures against narcotics abuse—particularly for offenders meeting specific criteria should prioritize restorative and rehabilitative approaches rather than purely repressive ones.

The classification of narcotics abuse is important for determining the legal position of each offender and serves as a basis for law enforcement officials in determining the appropriate approach, whether imprisonment, rehabilitation, or termination of prosecution under restorative justice. Narcotics abusers may be classified from three main aspects: user behavior, the category of narcotics used, and the offender's legal status within Indonesia's legal system.

Based on user behavior, narcotics abusers are divided into two categories:

- Active users: individuals who knowingly, voluntarily, and repeatedly use narcotics for personal purposes without medical indication, possessing full awareness and responsibility for their actions.
- Passive users: individuals who consume narcotics unknowingly, through deception, or under coercion by others. In legal practice, passive users are more often treated as victims.

Based on the narcotics classification, Article 6 of the Narcotics Law divides narcotics into three categories:

1. Category I: permitted solely for scientific purposes, with a very high potential for dependence and no therapeutic use. Examples: cannabis, heroin, methamphetamine.
2. Category II: usable for medical therapy under strict supervision, with a high potential for dependence. Examples: morphine, fentanyl.
3. Category III: usable for medical treatment with a low potential for dependence. Examples: codeine, buprenorphine.

Based on legal status, the Narcotics Law distinguishes:

- Narcotics addicts: individuals who repeatedly consume narcotics and experience physical and/or psychological dependence. Under Articles 54 and 103, they must undergo rehabilitation.
- Narcotics abusers: individuals who knowingly use narcotics for personal consumption but are not yet classified as addicts. Article 127(1) provides that they may be diverted to rehabilitation upon meeting assessment requirements.
- Victims of narcotics abuse: individuals who use narcotics due to persuasion, deception, or coercion, without criminal intent, and who must be treated as persons



to be rescued, not punished.

Restorative justice is a modern criminal law approach focusing on the restoration of social relations disrupted by crime, involving the offender, victim, families, and the community through dialogue and mutual agreement. Tony F. Marshall defines it as a process of resolving offenses involving all relevant parties, while Howard Zehr emphasizes its orientation towards healing and accountability rather than punishment. This approach is highly relevant in narcotics abuse cases, especially for minor users who require rehabilitation more than imprisonment.

In Indonesia, although Law No. 35 of 2009 does not explicitly mention the term “restorative justice,” its spirit is reflected in Articles 54 and 127(2) and reinforced by Constitutional Court Decision No. 25/PUU-X/2012. The Attorney General’s Guidelines No. 18 of 2021 and the 2014 Joint Regulation of Five Institutions further strengthen its legal foundation. Restorative justice in narcotics cases represents a humanistic legal breakthrough, particularly for users or addicts who are not traffickers. Its focus is not on punishment but on rehabilitation and social reintegration. Even though Law No. 35 of 2009 does not explicitly regulate it, Articles 54–103 provide the basis for its application. Addicts are considered subjects for rehabilitation, not imprisonment. Attorney General’s Regulation No. 15 of 2020 and No. 18 of 2021 provide the legal framework for its implementation, subject to conditions such as the offender not being a recidivist, the offense carrying a penalty of less than five years’ imprisonment, and a favorable assessment indicating eligibility for rehabilitation. Challenges in practice arise because many narcotics cases are categorized as serious crimes; however, for minor users, the prosecution may exercise discretion to divert cases to a rehabilitative approach. The aim is not only to prevent prison overcrowding but also to shift the paradigm from punishment to recovery.

The application of restorative justice in narcotics abuse cases is carried out through a structured mechanism under the Attorney General’s Regulation No. 029/A/JA/12/2015. The process begins with the initial identification of the offender’s status to determine whether the individual is an addict, an abuser for personal use, or a trafficker (Aguk Nugroho, 2024). If identified as a user, the investigator, prosecutor, or family may submit a request for an integrated assessment to the National Narcotics Board (BNN). The Integrated Assessment Team (TAT) conducts medical, legal, and social examinations to determine the level of dependency, psychological condition, legal status, and potential for social reintegration (Muhamad Jodi Setianto, 2023). The assessment results serve as the basis for the Public Prosecutor to determine whether the case is eligible for resolution through rehabilitation-based restorative justice or should proceed to court. If deemed eligible, the prosecutor submits the case for review (*ekspose*) to the High Prosecutor’s Office for approval of termination of prosecution (SKP2). Once approved, the offender is placed in a medical and/or social rehabilitation institution according to the assessment results. During rehabilitation, the offender is monitored by BNN, prosecutors, and addiction counselors. Regular monitoring and evaluation are conducted to assess recovery progress and prevent relapse (Bilal Bimantara, 2024). Reports are prepared by the rehabilitation institution and

submitted to relevant parties as a form of accountability. If the offender successfully completes the program, the case is deemed resolved. However, in the event of a violation, legal proceedings may resume. This mechanism thus underscores recovery and humanitarian principles as the core of a more progressive model of law enforcement(Siti Muflichah, 2022).

The normative framework governing the termination of narcotics cases through restorative justice originates from Law No. 35 of 2009 on Narcotics, which contains provisions on rehabilitation for addicts and victims of narcotics abuse, particularly in Articles 54 and 103. Although the term *restorative justice* is not explicitly mentioned, the Law opens a pathway for rehabilitation as a form of protection and recovery rather than mere punishment. This policy is reinforced by Supreme Court Circular Letter (SEMA) No. 4 of 2010, which instructs judges to prioritize rehabilitation, as well as the Joint Decree (SKB) of Seven Institutions of 2014, which established the Integrated Assessment Team (TAT) and regulated inter-agency coordination to prevent excessive criminalization of addicts.

To clarify its implementation, the Office of the Attorney General of the Republic of Indonesia issued a number of regulations, including the Attorney General's Decree No. 029/A/JA/12/2015, which serves as a technical guideline for referring users to rehabilitation facilities, and the Attorney General's Regulation No. 15 of 2020, which provides the legal basis for the termination of prosecution on the basis of restorative justice for certain criminal offenses, including minor narcotics offenses. The Attorney General's Guideline No. 18 of 2021 further strengthens the *dominus litis* principle of prosecutors, providing a technical framework to ensure that narcotics abusers who are not traffickers may be directed to rehabilitation if they meet medical, social, and legal criteria. Collectively, these regulations reflect a shift in legal policy from punitive to rehabilitative measures, affirming that narcotics addicts are legal subjects entitled to recovery, not merely punishment. A comparison between Law No. 35 of 2009 on Narcotics and the Draft Narcotics Bill (*RUU Narkotika*) reveals a paradigm shift from a repressive approach toward one that is more rehabilitative and restorative. The Draft Bill explicitly prioritizes medical and social rehabilitation as part of the law enforcement system for addicts, abusers, and victims of narcotics abuse, affirming that they must be placed in rehabilitation centers rather than prisons, provided they are not involved in illicit trafficking network(Biro Humas & Protokol BNN RI, 2023). The Bill also sets out a clearer role for the Integrated Assessment Team, strengthens the preventive and rehabilitative authority of the National Narcotics Agency (BNN), and begins to explicitly acknowledge the restorative justice approach. Moreover, it introduces clearer offender classification, mandates the State to provide rehabilitation facilities, and adopts more proportionate criminal sanctions—key reforms responding to long-standing enforcement issues. Nevertheless, challenges remain, particularly the absence of a firm guarantee that every addict will receive rehabilitation, as implementation still depends on the discretion of law enforcement authorities. The Draft Bill also does not fully ensure substantive justice if broad discretion remains without strict oversight. Despite this, the Draft Narcotics Bill normatively strengthens the *dominus litis* role of prosecutors and the principle of proportionality in criminal law by providing detailed procedures for assessment, case termination, and offender classification. It is thus expected to serve as a more progressive

legal instrument, aligned with health- and human rights-based approaches, and capable of reducing over-criminalization and prison overcrowding arising from narcotics abuse cases that could otherwise be addressed through recovery-oriented measures(Ombudsman, 2023).

Legal reform in Indonesia, particularly in the handling of narcotics offenses, carries significant implications for the criminal justice system, human rights protection, and the adoption of more humane policy approaches. This change marks a paradigm shift from repressive measures to rehabilitative and restorative ones, prioritizing differentiated treatment of offenders based on their characteristics and roles. The Draft Narcotics Bill strengthens the role of the Integrated Assessment Team, more clearly distinguishes between users, addicts, and traffickers, and establishes rehabilitation as a legitimate form of law enforcement. This approach reduces prison overcrowding and fosters a more constructive deterrent effect through recovery rather than punishment. However, the integration of restorative justice into practice continues to face obstacles, including underdeveloped legal infrastructure, limited human resources, and resistance among law enforcement officers who retain a rigid legalistic-positivist mindset. The success of this reform is also heavily dependent on the synchronization of implementing regulations, the structuring of standard operating procedures across all law enforcement levels, and institutional oversight to prevent abuse. The human rights implications are crucial, as this reform positions narcotics abusers as individuals in need of recovery rather than as criminals, in line with the principles of non-discrimination and equality before the law. Thus, reform in narcotics law is not merely a matter of amending norms but represents a comprehensive transformation toward a more just, responsive, and humanistic legal system(Astutik, 2022).

The application of Restorative Justice (RJ) in narcotics abuse cases at the Bekasi District Prosecutor's Office responds to a crisis in law enforcement characterized by case backlogs and prison overcrowding. Conventional sentencing systems have proven ineffective in dealing with narcotics users, most of whom are victims of dependence rather than pure criminal actors. This condition not only violates human rights principles but also diminishes the effectiveness of correctional rehabilitation. As *dominus litis*, prosecutors play a strategic role in exercising discretion to terminate prosecutions and divert cases toward rehabilitation, based on integrated assessment results and internal prosecutorial guidelines(Eddy O.S. Hiariej, 2009).

The RJ approach offers a non-penal alternative that promotes social recovery, restores offender dignity, and responds to the stagnation of the legal system. More broadly, RJ reflects a shift from retributive law toward progressive and responsive law. Grounded in humanitarian values, efficiency in law enforcement, and reintegrative and therapeutic principles, this approach emphasizes healing and social responsibility over mere punishment. Theoretical foundations for this include Satjipto Rahardjo's progressive law, Roscoe Pound's sociological jurisprudence, and John Braithwaite's reintegrative shaming theory(Rasji, William Chandra, 2025). Beyond offender recovery, RJ also reduces the State budget burden, prevents recidivism, and enhances the legitimacy of legal institutions. Accordingly, RJ is not merely a pragmatic solution but also part of structural reform toward a more humane and

contextual Indonesian criminal justice system.

The implementation of RJ in narcotics abuse cases raises debates concerning the principle of legality, a cornerstone of Indonesian criminal law. Although Law No. 35 of 2009 on Narcotics does not explicitly regulate RJ mechanisms, the approach is legally accommodated through prosecutorial discretion under Article 139 of the Criminal Procedure Code (KUHP) and reinforced by the Attorney General's Regulation No. 15 of 2020 and Circular No. 18 of 2021. Article 54 of the Narcotics Law further signals that addicts and victims of abuse must be rehabilitated, indicating a legislative intent toward recovery rather than punishment. Thus, substantively, RJ in narcotics cases does not conflict with the principle of legality when carried out within the framework of administrative law to realize substantive justice. Theoretically, this approach aligns with Roscoe Pound's sociological jurisprudence and Satjipto Rahardjo's progressive law, which view law not merely as written text but as an instrument to achieve social objectives and recovery. RJ represents an adaptive legal response to systemic crises, such as prison overcrowding and procedural stagnation. The implementation of RJ at the Bekasi District Prosecutor's Office demonstrates selective and accountable use of prosecutorial discretion, taking into account integrated assessment results, potential for social reintegration, and community involvement. This model is both legally valid under positive law and morally and socially legitimate.

Nonetheless, RJ in narcotics cases faces normative constraints, one of which is the lack of explicit alignment between RJ practice and existing statutory provisions. The Narcotics Law still emphasizes formal litigation for abusers, whereas RJ is accommodated only through administrative regulations such as prosecutorial rules or the 2014 SKB of Seven Institutions, which lack the binding force of statute. The ongoing deliberation of the Draft Narcotics Bill is expected to provide a juridical solution by formally legitimizing RJ as a lawful mechanism in narcotics cases. Another barrier is the absence of a national legal umbrella binding on all law enforcement agencies. Current RJ policies are largely sectoral and administrative in nature, concentrated within the prosecutorial sphere, without robust cross-sectoral coordination with the police, judiciary, or rehabilitation institutions. This fragmentation fosters disharmony in case handling, slows the termination of prosecutions, and undermines RJ's effectiveness. Without national regulations explicitly governing mechanisms, criteria, and inter-agency division of authority, RJ in narcotics cases will remain incidental and legally vulnerable (Abdul Wahid & Muhammad Irfan, 2021).

Culturally, resistance persists among law enforcement officers and the public. The prevailing retributive paradigm, emphasizing punitive retribution, often regards restorative measures as weakness. Meanwhile, societal stigma toward narcotics users impedes social reintegration post-rehabilitation. Such discriminatory perceptions pressure prosecutors to pursue convictions even where RJ criteria are met. A cultural transformation in legal attitudes is thus imperative to ensure RJ is not only codified but also embedded in institutional and social practice. In addition, the limited availability of rehabilitation facilities presents a significant technical obstacle. Facilities remain insufficient in number, quality, and accessibility, hindering recovery-oriented RJ implementation. Rehabilitation costs often borne by

offenders also create unequal access, especially for economically disadvantaged users. This socioeconomic disparity exacerbates inequality, as offenders from wealthier backgrounds more easily access RJ pathways compared to those from lower-income communities (Imron Rosyadi, (2020). Accordingly, the application of RJ in narcotics cases requires not only legal reform but also structural change and social affirmation to ensure genuinely equal and inclusive justice (Fitriana Amini, 2022).

3.2. Case Study of Settlement through Restorative Justice at the District Attorney's Office of Bekasi Regency

This case originated from the narcotics abuse activities involving crystal methamphetamine ("shabu") committed by the suspect, Muhamad Yunus, together with an associate. Although no physical evidence was found at the time of arrest, the suspect's urine test result was positive for methamphetamine. Based on the assessment conducted by the National Narcotics Board (BNN), the suspect was classified as a moderate user and was recommended to undergo medical and social rehabilitation. The suspect had no prior criminal record, demonstrated cooperative behavior, and was supported by his social environment. Since the suspect met both the formal and material requirements under the Narcotics Law, the Attorney General's Directive No. 18 of 2021, and the integrated assessment results, the case was directed toward a restorative justice pathway through the termination of prosecution by the Bekasi District Prosecutor's Office.

The rehabilitative approach toward Muhamad Yunus reflects a paradigm shift in Indonesian criminal law from a retributive orientation toward a more humanistic and corrective model. This is consistent with Articles 54 and 127 of the Narcotics Law, which accommodate rehabilitation as a form of handling self-use narcotics offenders.¹ From a juridical standpoint, this approach has a strong legal basis and does not constitute avoidance of the law; rather, it fulfills the legal obligation to resolve cases in a proportional, fair, and targeted manner, particularly for offenders whose conduct stems from addiction rather than criminal intent. The application of restorative justice remains within the framework of the legality principle and positive law. While the Criminal Code (KUHP) emphasizes that punishment must be based on written law, the application of restorative justice in cases such as this is supported by a solid legal basis derived from statutory provisions and implementing regulations (Attorney General's Regulations, Joint Decrees, etc.). Accordingly, the termination of prosecution in this case does not represent a breach of law, but rather the lawful exercise of prosecutorial discretion consistent with the structure of legal norms. From an evaluative perspective, the application of restorative justice in this case has proven effective in preventing over-criminalization, reducing the burden on correctional institutions, and promoting a more meaningful resolution for both the offender and society. This serves as an important example that restorative justice is not limited to offenders from elite social groups but is also accessible to individuals from lower socio-economic backgrounds, such as the

¹ Badan Narkotika Nasional, (2020), *Pedoman Pelaksanaan Asesmen Terpadu bagi Pecandu dan Korban Penyalahguna Narkotika*, Jakarta: BNN RI, hlm. 43.

suspect, who worked as a parking attendant. Nevertheless, the application of restorative justice requires strict oversight and transparency to avoid perceptions of discrimination or abuse of authority. Provided that principles of justice, professionalism, and accountability are upheld, this approach can strengthen a legal system oriented toward restoration, humanity, and substantive justice

4. Conclusion

Based on the analysis presented in this study, it can be concluded that the factors underlying the application of restorative justice in narcotics abuse cases at the Bekasi District Prosecutor's Office are grounded in complementary legal, social, and humanitarian considerations. Although its practical implementation remains limited, where, over the past four years, only one case has been successfully resolved through this mechanism restorative justice remains a strategic response to longstanding issues in the criminal justice system, such as prison overcapacity, the backlog of minor narcotics cases, and the need for more humane treatment of narcotics abusers, who are essentially victims of substance dependence. This approach also has a solid juridical basis through the Attorney General's Directive No. 18 of 2021 and the support of integrated assessment results conducted by the BNN, which recommend rehabilitation for offenders meeting specific criteria. In the context of the legality principle, the application of restorative justice remains within the bounds of Indonesia's positive law, even though it is not explicitly regulated under the Narcotics Law. The legality principle enshrined in Article 1 paragraph (1) of the Criminal Code is still fulfilled, as the legal basis for applying restorative justice derives from internal prosecutorial regulations that are administratively binding and implemented through prosecutorial discretion. However, this practice still leaves a normative gap, as it does not yet possess the same legal legitimacy as statutory law. Therefore, legislative reform is required to clarify the position of restorative justice within Indonesia's legal system, particularly in handling minor narcotics cases. Without explicit statutory reform, restorative justice remains in an interpretative space prone to varying interpretations among law enforcement authorities, potentially leading to inconsistencies in its application. This reform is crucial to promote equal access to justice for all offenders, especially those from economically and socially vulnerable groups. The study recommends that the Bekasi District Prosecutor's Office adopt a more proactive stance in applying restorative justice, particularly by enhancing early identification of narcotics abuse suspects eligible for such treatment based on integrated assessment results. This can be achieved through internal prosecutorial training, closer coordination with investigators and the BNN, and the utilization of electronic data systems for tracking case histories and rehabilitation potential.

Furthermore, stronger cross-sectoral coordination between the prosecution, the BNN, rehabilitation institutions, and the offender's family is needed to ensure that restorative justice processes do not end at the stage of prosecution termination but continue to guarantee the sustainability of rehabilitation and social reintegration. The Government and the House of Representatives (DPR RI) are also advised to promptly revise Law No. 35 of 2009 on Narcotics to include explicit provisions on restorative justice as a legitimate alternative

mechanism for case resolution, grounded in the principles of corrective, rehabilitative, and humanistic justice. Such amendments are necessary to ensure legal certainty, prevent disparities in treatment within the criminal justice system, and affirm restorative justice as an integral component of national criminal law policy that is more responsive to social, health, and human rights concern

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