

Effectiveness of Implementing Termination of Prosecution in Handling Narcotics Crimes Based on Restorative Justice (Case Study at the Manokwari District Attorney's Office)

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Abstract. *Drug abuse has become a serious problem in various countries, including Indonesia. To address this issue, the government has implemented various policies, including a restorative justice approach. One application of restorative justice is the suspension of prosecutions in criminal cases handled by the Prosecutor's Office. The research method used is an empirical juridical method, namely research conducted by identifying the law (law in book) and observing the effectiveness of law implementation in society from various sources related to the implementation of termination of prosecution through restorative justice in narcotics abuse. The results of the study indicate that the implementation of the termination of prosecution in narcotics crimes based on restorative justice was carried out by considering the aspects of benefit, humanity, and justice and has reflected the basic principles of restorative justice by prioritizing the restoration and restoration of good relationships in society. However, the implementation of this policy also still has weaknesses, including weaknesses in legal substance and inadequate facilities and infrastructure. The implementation of the termination of prosecution in narcotics crimes based on restorative justice in the future is considered effective in addressing the problem of overcrowding in correctional institutions (prisons), efficiency of the legal process, and promoting more humane justice. In conclusion, although restorative justice has been implemented quite well, further efforts are still needed to optimize the facilities and infrastructure supporting the implementation of restorative justice. Thus, the implementation of restorative justice in narcotics crimes can be implemented more effectively.*

Keywords: *Crimes; Justice; Narcotics; Restorative; Termination.*

1. Introduction

Indonesia is a nation founded on the principles of law and justice for all its citizens. Every authority has a solid constitutional foundation, with the 1945 Constitution as the main pillar of the country's constitution. Indonesian laws and regulations are designed to provide protection to all citizens without discrimination, ensuring that every citizen has equal standing before the law. The concept of restorative justice is currently a widely discussed topic, especially among legal practitioners, academics, and law enforcement officials. This concept is seen as a new paradigm in handling criminal acts. Restorative justice is considered an alternative approach capable of responding to various crimes and providing an answer to the weaknesses and dissatisfaction with the current criminal justice system, which has been deemed too focused on retributive justice rather than restoration. This approach emphasizes the importance of dialogue, deliberation, and mutual agreement between the parties involved in order to achieve a just resolution and restore social relations disrupted by criminal acts.

The restorative justice approach is typically applied to resolve minor crimes. The question that arises is whether drug crimes, particularly those involving addicts, abusers, and victims of drug abuse, can be resolved through restorative justice mechanisms. The Directorate General of Corrections at the Ministry of Law and Human Rights (Ditjenpas Kemenkumham) reported that the number of inmates (WBP) in Indonesia was 278,143 as of June 15, 2025.¹Of this number, as many as 52.97% of prison inmates, both convicts and detainees, are those caught in drug abuse cases.²Drug crimes are categorized as extraordinary crimes, as drug-related inmates constitute the largest number in correctional institutions. This situation is all the more concerning considering that the majority of drug addicts, abusers, and victims are adolescents and young adults of productive age.

The current phenomenon of drug abuse in Indonesia demonstrates the increasingly widespread distribution and circulation of narcotics, affecting all levels of society, including teenagers, officials, and the general public of all social classes. This phenomenon not only endangers and damages individuals but also negatively impacts the nation and state as a whole. A report from the National Narcotics Agency (BNN) indicates that in 2019 there were 3.6 million drug users in Indonesia, a 24 to 28 percent increase among teenagers. This increase demonstrates that narcotics have spread to various groups, not just high-income groups or celebrities.

Illicit drug trafficking is a transnational crime with vast and complex dimensions, as evidenced by four key indicators that demonstrate its global impact. First, the

¹Public SDP of the Directorate General of Prisons Annual Inmates Number, accessed on June 15, 2025 via the link <https://sdppublik.ditjenpas.go.id/>

²<https://www.antaranews.com/berita/4071018/kemenkumham-5297-persen-penghuni-penjara-dari-kasus-narkoba>

attention of policymakers and governments in various countries underscores the importance of this issue on an international scale. Governments worldwide engage in public debate and policy development related to narcotics, reflecting the serious threat posed by illicit drug trafficking. These discussions often involve multiple levels of government or international institutions, demonstrating the pervasive impact this issue has on the security and well-being of global society. Second, intensive media coverage of illicit drug trafficking demonstrates the significance and urgency of this issue. News stories, articles, and television programs frequently highlight the devastating impacts of narcotics, including arrests, illicit trafficking, and the social and health effects of drug use. This media coverage not only raises public awareness but also encourages more rapid and appropriate policy responses by governments, particularly law enforcement officials. Third, studies and research conducted by professional groups and academics worldwide have further deepened understanding of illicit drug trafficking. This research covers various aspects, including trade patterns, social impacts, and the effectiveness of law enforcement strategies. This research is crucial for formulating more effective policies to address the problem of illicit drug trafficking. Fourth, the issue of illicit drug trafficking consistently appears on the agendas and debates of international organizations such as the United Nations and the UNODC. These organizations play a crucial role in international coordination to address the drug problem, including through global policy development, technical assistance, and international cooperation.³

From a victimology perspective, drug abusers are typically both perpetrators and victims of their abuse (self-victimization). This means that drug addicts not only face punishment but also require protection and rehabilitation as a form of accountability and recovery. Although Law Number 35 of 2009 concerning Narcotics in Indonesia already regulates medical and social rehabilitation guarantees for drug abusers, these provisions still tend to be punitive and not fully effective. These regulations, which are heavily punitive, do not reflect the need for in-depth recovery and rehabilitation. Therefore, revisions to the Bill on the Second Amendment to Law Number 35 of 2009 concerning Narcotics are necessary to strengthen the restorative justice aspect, so that the rehabilitative approach can be more effective in addressing drug abuse issues and providing adequate protection for addicts.

By implementing restorative justice, eligible drug offenders can undergo rehabilitation and resolve their cases outside of prison.⁴ This has the potential to reduce the number of inmates housed in prisons, helping to address overcrowding. Implementing restorative justice can significantly save money. A

³Commission III of the House of Representatives of the Republic of Indonesia, Analysis of the 2024 State Budget, 2024. Retrieved from <https://berkas.dpr.go.id/pa3kn/analisis-apbn/public-file/analisis-apbn-public-87.pdf>

⁴Commission III of the People's Representative Council of the Republic of Indonesia, Loc.Cit.

PA3KN study showed that implementing restorative justice could save up to IDR 57.8 billion.⁵ If implemented more widely, it could reduce the burden on the state budget for the care and rehabilitation of prisoners. Restorative justice also emphasizes the rehabilitation and reintegration of offenders into society, which can be more effective than imprisonment in some cases. It also allows offenders to receive more focused rehabilitation, reducing the risk of relapse into drug abuse.

One of the drug abuse cases at the Manokwari District Attorney's Office is a narcotics crime committed by a suspect with the initials PS. In this narcotics case, the suspect is threatened with punishment under Article 127 paragraph (1) letter a of Law Number 35 of 2009 concerning Narcotics. In this case, a resolution was carried out through a restorative justice approach based on the Attorney General's Guidelines Number 18 of 2021 concerning the Settlement of Narcotics Abuse Criminal Cases Through Rehabilitation with a Restorative Justice Approach as an Implementation of the Prosecutor's *Dominus Litis* Principle.

The aim of this research is to find out more clearly is the implementation restorative *justice* The Manokwari District Attorney's Office has reflected the basic principles of restorative justice and the ideal model for implementing restorative justice for narcotics crimes.

2. Research Methods

Study This using empirical legal research methods, namely research conducted by identifying laws (law in book) and observing the effectiveness of law implementation in society.⁶ The research approach used is a qualitative approach, namely a research approach that uses data expressed verbally with the aim of understanding the phenomena experienced by the subjects. Research such as behavior, actions, perceptions, and others are holistically described in words and narrative form within a specific, natural context and by utilizing various existing scientific methods.⁷ Qualitative data analysis was carried out before entering the field, while in the field, and after finishing in the field.⁸

3. Results and Discussion

3.1. Implementation of Termination of Prosecution in Narcotics Crimes Based on Restorative Justice

⁵Ibid.

⁶Riyadi, R, The Role of Community Guidance in Handling Children Involved in Narcotics Distribution. Madani: Multidisciplinary Scientific Journal, 1(8), 2023.

⁷Sugiyono, 2009. Quantitative, Qualitative, and R&D Research Methods. Bandung: CV Alfabeta. Pp. 304-307.

⁸Lexy J. Moleong, 2005. Qualitative Research Methodology. Bandung: Remaja Rosdakarya. P. 337.

The scope of the restorative approach in writing this law is based on Attorney General's Guidelines Number 18 of 2021 concerning the Settlement of Narcotics Abuse Crime Cases Through Rehabilitation Using a Restorative Justice Approach as an Implementation of the Prosecutor's Dominus Litis Principle. The Attorney General's Guidelines authorize the Prosecutor as Public Prosecutor to resolve narcotics crime cases at the prosecution stage. Based on the Attorney General's Guidelines and referring to the Indonesian criminal procedure system, the stages of the restorative justice approach in narcotics crime cases begin with the investigation and inquiry stage and are resolved at the prosecution stage, as implemented at the Manokwari District Attorney's Office.

The Manokwari District Attorney's Office is a type A District Attorney's Office domiciled in Manokwari Regency and is also a government institution that exercises state power in the field of prosecution by overseeing 4 (four) legal areas, namely Manokwari Regency, South Manokwari Regency, Teluk Wondama Regency, and Arfak Mountains Regency in accordance with laws and regulations and policies established by the Attorney General. As an executor in the field of prosecution under the Attorney General of the Republic of Indonesia which is authorized to handle narcotics crime cases in the jurisdiction of the Manokwari District Attorney's Office. Throughout 2024 and 2025, the Manokwari District Attorney's Office handled a number of cases listed in the table below:

Table Number of Narcotics Crime Cases at the Manokwari District Attorney's Office in 2024

Month	Number of Narcotics Cases
January	5
February	1
March	6
April	1
May	3
June	3
July	3
August	6
September	2
October	2
November	2
December	3
AMOUNT	37

Source: Manokwari District Attorney's Office

Table Number of Narcotics Crime Cases at the Manokwari District Attorney's Office in 2025

Month	Number of Narcotics Cases
January	3
February	3
March	5
April	3
May	9
June	3
July	5

August	3
September	5
AMOUNT	39

Source: Manokwari District Attorney's Office

Based on table above, it appears that many narcotics crime cases occurred in the jurisdiction of the Manokwari District Attorney's Office and there was 1 (one) narcotics crime case resolved through the restorative justice approach mechanism at the Manokwari District Attorney's Office. The application of the restorative justice approach in handling narcotics crimes at the Attorney General's Office based on the Attorney General's Guidelines is aimed at narcotics crime cases with minor case qualifications based on the conditions stipulated in the Guidelines and Circular Letter of the Supreme Court of the Republic of Indonesia Number 04 of 2010 Concerning the Placement of Abusers, Victims of Abuse and Narcotics Addicts into Medical Rehabilitation and Social Rehabilitation Institutions.

Of the narcotics crime cases received and handled by the Manokwari District Attorney's Office, there is 1 (one) case that meets the requirements so that rehabilitation can be carried out through the restorative justice process. The conditions that are met include the article in which the suspect is suspected of violating Article 127 paragraph (1) letter a of Law Number 35 of 2009 concerning Narcotics, the amount of evidence found, and/or the perpetrator is not involved in the illegal distribution of narcotics.

The narcotics crime case that was resolved through the restorative justice approach mechanism at the Manokwari District Attorney's Office was a narcotics crime committed by a suspect with the initials PS. The chronology of the incident was on Thursday, March 20, 2025 at approximately 21.25 WIT, located on Jalan Pendidikan SP 3 Prafi, precisely in front of the Prafi District Office of Manokwari Regency in one of the boarding houses, the Defendant was arrested by Members of the Manokwari Police Narcotics Unit during a search found from the Suspect's possession, namely equipment or tools that the Suspect used when consuming Class I Narcotics, the type of Shabu, which the Suspect put into a food container that the Suspect kept in the Suspect's bag and 1 (one) small clear plastic clip package containing Class I Narcotics, the type of Shabu with a net weight without packaging weighing 0.07 (zero point zero seven) grams that the Suspect kept on the right side of the boarding house fence wrapped in IDR 1,000,- (one thousand rupiah). Furthermore, this case was resolved using a restorative justice approach based on the Attorney General's Guidelines Number 18 of 2021 concerning the Settlement of Narcotics Abuse Criminal Cases Through Rehabilitation with a Restorative Justice Approach as an Implementation of the Prosecutor's Dominus Litis Principle. In this narcotics case, the suspect is threatened with punishment under Article 127 paragraph (1) letter a of Law Number 35 of 2009 concerning Narcotics.

The implementation of restorative justice in the Prosecutor's Office for narcotics crime cases is carried out by resolving case handling through rehabilitation at the prosecution stage. The application of the restorative justice approach in the Prosecutor's Office is carried out based on the Attorney General's Guidelines Number 18 of 2021 concerning the Settlement of Narcotics Abuse Crime Cases Through Rehabilitation with a Restorative Justice Approach as an Implementation of the Prosecutor's Dominus Litis Principle. Case handling through these guidelines is intended for suspects suspected of violating Article 127 paragraph 1 of Law Number 35 of 2009 concerning Narcotics whose cases have not been transferred to the Court.

The restorative justice approach is intended to optimize rehabilitation institutions to achieve the fastest possible recovery for perpetrators of narcotics crimes. Case resolution using a restorative justice approach to narcotics crimes, based on Attorney General's Guidelines Number 18 of 2021, is implemented based on the provisions of Attorney General's Guidelines Number 11 of 2021 concerning the Handling of Narcotics and/or Narcotics Precursor Crimes. Attorney General's Guidelines Number 18 of 2021 concerning the Settlement of Narcotics Abuse Crimes through rehabilitation using a restorative justice approach as an implementation of the Dominus Litis Prosecutor Principle, which has been in effect since November 1, 2021, has become a highlight in its application in Indonesia. The presence of these Attorney General's Guidelines provides a new color in the law enforcement process in Indonesia with the implementation of a restorative justice approach, particularly in terms of enhancing the function of prosecutors as public prosecutors in the criminal procedure system. Prosecutors are a vital organ in the criminal procedure system that will determine whether a case will proceed to court or not. The process of determining the next stage of a case is naturally based on the conscience and humanity of prosecutors as law enforcers and protectors of the public. The realization of conscience-based law enforcement will undoubtedly reform the law to be more humane.

The restorative justice approach through the implementation of these guidelines is a form of conscience-based law enforcement by prosecutors as public prosecutors to prioritize the rehabilitation of perpetrators. This is in accordance with one of the seven priority work programs of the Attorney General's Office of the Republic of Indonesia in the same year that the guidelines were implemented in 2021, namely law enforcement that is just and provides benefits, especially in efforts to restore crime victims and reform perpetrators. As the implementer in the field of prosecution under the Attorney General's Office of the Republic of Indonesia, the Manokwari District Attorney's Office is directly subject to all policies issued by the Attorney General's Office of the Republic of Indonesia, including the Attorney General's Guidelines Number 18 of 2021. In practice, there is 1 (one) narcotics crime case that was resolved through the implementation of the Attorney General's Guidelines Number 18 of 2021. The Manokwari District

Attorney's Office is committed to complying with and will implement these guidelines. The commitment to comply with and implement these guidelines demonstrates the Manokwari District Attorney's role in the development of the restorative justice approach in Indonesia for law enforcement in handling narcotics crime cases. The technical implementation of the restorative justice approach in resolving narcotics crime cases at the prosecutor's office through rehabilitation, based on Attorney General's Guidelines Number 18 of 2021, begins after the public prosecutor receives or receives back the complete investigation file from the investigator and accepts the transfer of responsibility for the suspect and evidence. This stage is referred to as stage 2 (two) or the prosecution stage. After the public prosecutor receives or receives back the case file and accepts the transfer of responsibility for the suspect and evidence, the public prosecutor must immediately determine whether the case file meets the requirements for submission to the court based on the Prosecutor's Dominus Litis Principle. Determination based on the Prosecutor's Dominus Litis Principle is crucial in balancing applicable regulations with interpretations based on the purpose or principle of expediency in the criminal justice process.

As for the termination of prosecution in handling narcotics crimes based on restorative justice according to the Republic of Indonesia Attorney General's Regulation Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice with the application of a restorative justice approach, the following conditions must be met:

- 1) Based on the results of the forensic laboratory examination, the suspect tested positive for narcotics use;
- 2) Based on the results of the investigation using the know your suspect method, the suspect was not involved in a narcotics trafficking network and was the final user;
- 3) The suspect was arrested or caught red-handed without narcotics evidence or with narcotics evidence that did not exceed the amount used in one day;
- 4) Based on the results of the integrated assessment, the suspect is qualified as a drug addict, a victim of drug abuse, or a drug abuser;
- 5) The suspect has never undergone rehabilitation or has undergone rehabilitation no more than 2 (two) times, supported by a certificate issued by an authorized official or agency (exceptions for victims of narcotics abuse and narcotics addicts); and
- 6) There is a letter of guarantee that the suspect will undergo rehabilitation through the legal process from his family or guardian.

Determining fulfillment of the requirements mentioned above is carried out through several stages. The first stage is determining the individual's qualifications for drug abuse. The individual's qualifications for drug abuse, as referred to in Article 127 of Law Number 35 of 2009 concerning Narcotics, are determined by the public prosecutor, taking into account recommendations from the Integrated Assessment Team (TAT). The TAT consists of a medical team and a legal team that will conduct an integrated assessment and case conference, which will then produce output in the form of recommendations based on the results of the integrated assessment. Referring to Attorney General's Guidelines Number 11 of 2021 concerning the Handling of Narcotics and/or Narcotics Precursor Crimes, the individual's qualifications for drug abuse are accumulated with the following considerations:

- 1) Based on the results of the forensic laboratory examination, it was stated that the suspect tested positive for using narcotics;
- 2) Based on the results of the investigation, the suspect was the final user and was not involved in the illegal narcotics trafficking network; and
- 3) The suspect was arrested or caught red-handed without narcotics evidence or with narcotics evidence that did not exceed the amount used in one day based on the provisions stipulated in SEMA Number 04 of 2010.

Furthermore, in Attorney General's Guidelines Number 11 of 2021 concerning the Handling of Narcotics and/or Narcotics Precursor Crimes, if a suspect is found to meet the qualifications for a drug abuser, the public prosecutor will proceed to the second stage, which is determining whether the suspect qualifies as a drug abuser, drug addict, or victim of drug abuse. This is regulated as follows:

- 1) Based on the results of the forensic laboratory examination, it was stated that the suspect tested positive for using narcotics;
- 2) Based on the results of the investigation and evidence, the suspect is the end user;
- 3) The suspect was arrested or caught red-handed without narcotics evidence or with narcotics evidence that did not exceed the amount used in one day;
- 4) The suspect had the intention to abuse narcotics for himself; and
- 5) The suspect is not dependent on narcotics either physically or psychologically.

Furthermore, the Attorney General's Guidelines Number 11 of 2021 concerning the Handling of Narcotics Crimes and/or Narcotics Precursor Crimes stipulate that the qualifications of a suspect as a victim of narcotics abuse are determined based on the following:

- 1) Based on the results of the forensic laboratory examination, it was stated that the suspect tested positive for using narcotics;
- 2) Based on the results of the investigation and evidence, the suspect is the end user;
- 3) The suspect was arrested or caught red-handed without narcotics evidence or with narcotics evidence that did not exceed the amount used in one day;
- 4) The suspect did not intentionally use narcotics because he was persuaded, tricked, deceived, forced, and/or threatened to use narcotics.

The qualification of a suspect as a drug addict is determined based on the following:

- 1) Based on the results of the forensic laboratory examination, it was stated that the suspect tested positive for using narcotics;
- 2) Based on the results of the investigation and evidence, the suspect is the end user;
- 3) The suspect was arrested or caught red-handed without narcotics evidence or with narcotics evidence that did not exceed the amount used in one day;
- 4) The suspect is dependent on narcotics, both physically and psychologically.

In short, in determining the qualifications in question, the public prosecutor conducts an analysis and considers the legal facts in the form of the suspect having the intention to abuse narcotics for himself, but not in a state of dependence on narcotics either physically or psychologically for narcotic abuse. The suspect did not intentionally use narcotics because he was persuaded, tricked, deceived, forced, and/or threatened to use narcotics for the qualification of a victim of narcotic abuse. The suspect abused narcotics because he was dependent on using narcotics, for the qualification of a narcotic addict. Determination of the suspect's qualification as a narcotic addict must be accompanied by evidence in the form of a medical certificate and/or expert testimony.

If the public prosecutor's case file states that the suspect meets the requirements for rehabilitation through legal process, the public prosecutor will then inform the suspect of the mechanism for resolving the case through rehabilitation through legal process. Based on the GuidelinesAttorney General's GuidelinesAccording to Law Number 11 of 2021 concerning the Handling of Narcotics and/or Narcotics Precursor Crimes, this legal process begins with a notification in the form of an offer to the suspect in a narcotics abuse case who meets the requirements for case resolution through rehabilitation at the prosecution stage. If the suspect is willing to undergo rehabilitation through the legal process, the suspect is required to make a written statement of willingness to undergo rehabilitation through the

legal process and the suspect's family or guardian is required to make a letter of guarantee that the suspect will undergo rehabilitation on stamped paper. The next stage, the public prosecutor will submit a request for rehabilitation through the legal process. If the suspect is unwilling to undergo rehabilitation through the legal process, the suspect is required to make a written statement of unwillingness to undergo rehabilitation through the legal process on stamped paper and the suspect will be prosecuted.

The application for rehabilitation through legal process is carried out by the public prosecutor by preparing and submitting an opinion memorandum. The submitted opinion memorandum contains attachments consisting of the results of an integrated assessment, the results of forensic laboratory examinations, a certificate of having or not having undergone rehabilitation, a statement of the suspect's willingness to undergo rehabilitation through legal process, and a letter of guarantee that the suspect will undergo rehabilitation through legal process from the suspect's family or guardian, which is then submitted in stages to the Head of the District Attorney's Office or the Head of the District Attorney's Office Branch so that the suspect can undergo rehabilitation. The determination of rehabilitation through legal process is issued no later than 3 (three) days after the opinion memorandum is received by the Head of the District Attorney's Office or the Head of the District Attorney's Office Branch. If an exposure is carried out with the leadership in the application for rehabilitation through legal process, the rehabilitation determination is issued no later than 14 (fourteen) days after the receipt of the opinion memorandum. The determination of rehabilitation through legal process according to Attorney General's Guidelines Number 18 of 2021 concerning the Settlement of Narcotics Abuse Criminal Cases Through Rehabilitation with a Restorative Justice Approach as an Implementation of the Prosecutor's Dominus Litis Principle contains the following points:

- 1) Determine the suspect to undergo rehabilitation through legal process;
- 2) Determining the location and duration of rehabilitation through a legal process by taking into account the results of an integrated assessment;
- 3) Determining the status of evidence, including narcotics evidence, a small portion of which is set aside for the purposes of prosecution and examination in court, remains under the responsibility of the public prosecutor until the completion of rehabilitation through the legal process; and
- 4) Ordering the release of the suspect, if detained.

The determination of rehabilitation through legal process is recorded in the case register of the prosecution stage and conveyed to the suspect or family, or the suspect's legal counsel, state detention officials, investigators, and judges. The implementation of rehabilitation through legal process is divided into 2 (two), namely medical rehabilitation and social rehabilitation, which are outlined in the

rehabilitation implementation report. Medical rehabilitation is carried out at local rehabilitation and/or health service institutions, while social rehabilitation is carried out at social rehabilitation centers organized by the Ministry of Social Affairs, social services, or the community. The duration of rehabilitation implementation through legal process is stated in the case register of the prosecution stage which is determined by the Head of the District Attorney's Office or the Head of the District Attorney's Office Branch as the public prosecutor. If the determination of rehabilitation through legal process does not include the duration of rehabilitation, the duration of rehabilitation implementation is determined by the rehabilitation institution.

Supervision of the implementation of rehabilitation through legal process is carried out by the public prosecutor, by requiring the suspect to carry out mandatory reporting according to the time and procedures determined by the public prosecutor, and accompanied by a certificate of rehabilitation from a rehabilitation institution. This provision is not delegated to other regulations or specific agencies for further specific regulation. Based on the above, it is understood that the implementation of rehabilitation is Attorney General's Guidelines Law Number 18 of 2021 changes the criminal procedure system, from initially deciding on rehabilitation at the trial stage to deciding on it at the prosecution stage. Therefore, to ensure justice, prevent arbitrary action, optimize implementation, and ensure legal certainty, more comprehensive regulations are needed regarding the provisions in Attorney General's Guidelines Number 18 of 2021 or to delegate other regulations and/or specific agencies to accommodate these arrangements.

In this regard, it can be broadly understood that the restorative justice approach to handling narcotics crime cases in Indonesia, as stipulated in Attorney General's Guidelines Number 18 of 2021, aims to prioritize rehabilitation for perpetrators over criminal punishment. This guideline allows for the resolution of narcotics cases through rehabilitation at the prosecution stage, especially for drug users who are not involved in illicit trafficking networks. In cases handled by the Manokwari District Attorney's Office, in 2024, there were 37 narcotics crime cases, but none were resolved through a restorative justice approach. Only in 2025, between January and September, did one of 39 narcotics crime cases be resolved through a restorative justice approach, demonstrating selective and careful implementation. The main requirements for implementing this approach include positive drug use outcomes, status as an end user, and no involvement in drug trafficking. Meanwhile, the general principles applicable to the application of restorative justice emphasize humanity and justice with the ultimate goal of individual recovery, in accordance with the principle of the *Dominus Litis Jaksa* (Principle of Prosecutor's *Dominus Litis*), which gives prosecutors the authority to decide on the continuation of a case. Through these guidelines, it is hoped that more humane legal reform can be achieved, in line with the priority of the

Indonesian Attorney General's Office for just and beneficial law enforcement for the community.

3.2. Weaknesses in the Implementation of Termination of Prosecution in Narcotics Crimes Based on Restorative Justice

In a policy, there are more or less weaknesses in its implementation. Although since the Attorney General's Guidelines Number 18 of 2021 were stipulated and generally apply to all Prosecutor's offices in Indonesia, to date there has only been 1 (one) case of narcotics abuse in the Manokwari District Attorney's Office resolved by applying these guidelines, in this case several weaknesses were encountered by prosecutors as public prosecutors in resolving the handling of narcotics abuse crimes based on the Attorney General's Guidelines Number 18 of 2021. Based on the results of an interview with Tulus Ardiansyah, SH, MH as the public prosecutor who handled narcotics restorative justice cases at the Manokwari District Attorney's Office, there are several weaknesses in the implementation of prosecution termination in handling narcotics crimes based on restorative justice, including:

1) Rehabilitation Place

Rehabilitation applications are available in two forms: independent rehabilitation and rehabilitation through legal proceedings. Independent rehabilitation applications are made voluntarily by offenders who come to an institution that accepts mandatory reporting and submits themselves for rehabilitation. Rehabilitation through legal proceedings is carried out for offenders caught red-handed for drug abuse based on the recommendations of the TAT. Rehabilitation for offenders of drug abuse is carried out through outpatient or inpatient care.

Currently, the Manokwari District Attorney's Office does not yet have a rehabilitation facility to implement restorative justice for drug crimes. Therefore, rehabilitation is carried out at the Adhyaksa Clinic located at the West Papua Provincial General Hospital. The rehabilitation at the Adhyaksa Clinic is still inadequate because the place or ward used for rehabilitation is still combined and is one with the treatment building for people with mental disorders (ODGJ). Placing drug abuse suspects to undergo rehabilitation in the treatment building for people with mental disorders (ODGJ) creates a stigma that during the rehabilitation process, suspects are treated like people with mental disorders, even though the implementation of rehabilitation is not the same as treatment for people with mental disorders. However, because the rehabilitation is carried out in the same location as treatment for people with mental disorders, this causes a negative stigma in the community towards rehabilitation.

In the implementation of restorative justice against the narcotics crime suspect with the initials PS which was carried out at the Manokwari District Attorney's Office, PS was initially willing to be rehabilitated, but after arriving at the building

for treating people with mental disorders (ODGJ) to undergo rehabilitation, he refused and when given an understanding and introduction to the implementation of rehabilitation which was different from the treatment of people with mental disorders and there was no longer a place for rehabilitation, PS was only then willing to be rehabilitated at that place.

In this regard, referring to the provisions of the Attorney General's Guidelines Number 18 of 2021 as stipulated in letter D number 4 concerning the determination of rehabilitation through legal process, which states that the determination of rehabilitation through legal process includes the location and duration of rehabilitation and such determination is the authority of the Head of the District Attorney's Office or the Head of the District Attorney's Office Branch. Therefore, regarding the location for rehabilitation, Suspects as perpetrators of narcotics crimes are not given the right to choose because there are absolute rules regarding the determination, namely based on the determination of rehabilitation through legal process.

2) Rehabilitation Costs

Funding for rehabilitation services at mandatory reporting recipient institutions consisting of community health centers, hospitals, and medical rehabilitation institutions in the form of primary clinics, main clinics or other institutions that carry out medical rehabilitation for perpetrators of narcotics crimes is subject to the provisions stipulated in the Regulation of the Minister of Health of the Republic of Indonesia Number 4 of 2020 concerning the implementation of mandatory reporting recipient institutions. Funding for the implementation of medical rehabilitation for perpetrators of narcotics abuse crimes is the responsibility of the central government and regional governments, provided that the suspect is a BPJS participant receiving premium assistance or has Poor Family Health Insurance, in other words the suspect is classified as a low-income community. These provisions are regulated in Article 10 paragraph 1 of PERMENKES Number 4 of 2020. For narcotics crime suspects who are not included in the low-income community group, rehabilitation costs through the legal process will be charged to be paid independently. Based on data obtained by CNN Indonesia in lifepal, the cost of rehabilitation in private rehabilitation institutions can reach IDR 10,000,000,- (ten million rupiah) per month and the cost of rehabilitation in rehabilitation centers targeting the lower middle economic group is charged at IDR 3,500,000,- (three million five hundred thousand rupiah) per month. This cost is only the cost of treatment, not including the cost of medication that must be consumed by patients regularly. The tendency of perpetrators of drug abuse crimes to undergo rehabilitation for at least 3 (three) months results in a fairly large cumulative cost. The cost of implementing rehabilitation for suspects of drug abuse crimes charged to the government, in this case given to the Ministry of Health, has a maximum amount that has been determined by the tariff accompanied by details of the

examination and treatment budgeted. If the costs set by the rehabilitation facility exceed the specified rates or other examinations or therapies are required in the Attorney General's Guidelines Number 18 of 2021 to optimally achieve the recovery of suspects of narcotics abuse crimes in all segments of society, then the government should be able to budget full funding for rehabilitation costs so that the suspect is willing to undergo rehabilitation through the legal process.

Based on the legal system theory put forward by Lawrence M. Friedman, the weaknesses in implementing the termination of prosecution based on Restorative Justice can be analyzed through three elements, namely as follows:

1) Legal Substance

The suspension of restorative justice-based prosecutions for narcotics crimes represents a concrete step by the Prosecutor's Office in responding to legal developments and strengthening the principle of *dominus litis*, which falls under the authority of prosecutors. The *quo* regulation delegates the Attorney General's authority to all prosecutors in Indonesia, granting them the authority to resolve ordinary criminal cases outside the court process.

Attorney General Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice was drafted to realize justice that benefits the community by prioritizing the conscience of the Public Prosecutor in resolving cases. Through this regulation, the Public Prosecutor is authorized to terminate ordinary criminal cases before entering the prosecution stage in court. This termination is carried out at the pre-prosecution stage, namely when the case file is submitted by the Police Investigator to the Prosecutor's Office before being transferred to the Court. The decision to terminate the prosecution is based on the fulfillment of formal and material requirements, including the subject, object, category, and threat of punishment; the background of the crime; the level of reprehensibility; the losses or consequences of the crime; an analysis of the costs and benefits of handling the case; restoration of the original state; and the achievement of reconciliation between the victim and the suspect. Meanwhile, the implementation of termination of prosecution based on restorative justice for narcotics crimes in the Prosecutor's Office is regulated in Guideline Number 18 of 2021 concerning the Settlement of Narcotics Abuse Crime Cases Through Rehabilitation with a Restorative Justice Approach as an Implementation of the Prosecutor's *Dominus Litis* Principle.

Termination of prosecution in handling narcotics crimes through restorative justice has been regulated in the Attorney General's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice and Guideline Number 18 of 2021 concerning Settlement of Narcotics Abuse Crime Cases Through Rehabilitation with a Restorative Justice Approach as an Implementation of the Prosecutor's *Dominus Litis* Principle, however, in the

Criminal Procedure Code (KUHP) there are no provisions regarding termination of prosecution that can be carried out through restorative justice.

The Criminal Procedure Code (KUHP) is a formal criminal law that regulates the authority of each sub-system in criminal justice. As a normative system, the KUHP adheres to the principle of legality as the main principle of criminal justice in Indonesia, which includes the authority for investigation, prosecution, and examination at the trial stage. Termination of prosecution is regulated in Article 140 Paragraph (2) letter a of the KUHP, which reads:

"If the public prosecutor decides to stop the prosecution because there is insufficient evidence or the incident turns out not to be a crime or the case is closed by law, the public prosecutor will state this in a decision letter."

The article states that the Public Prosecutor has the authority to terminate a prosecution if there is insufficient evidence, the case does not fall under the category of a criminal offense, or the case must be closed by operation of law. Based on this provision, it is understandable that the Criminal Procedure Code does not specify grounds for terminating a criminal case by the public prosecutor based on restorative justice.

2) Legal Structure

From a legal structural perspective, weaknesses lie in the institutional aspects and the implementation of law enforcement authority, particularly the Prosecutor's Office, which plays a primary role in discontinuing prosecutions. The Prosecutor's Office's implementation of restorative justice is currently discretionary, relying on the subjective judgment and policies of the prosecutor handling the case.

This situation creates the potential for disparities in law enforcement, where cases with similar characteristics may receive different treatment in different regions or work units. For example, a minor drug abuse case may be dismissed through a restorative justice approach in one District Attorney's Office, but in another region, it may proceed to prosecution and ultimately to court. This creates a justice gap and undermines public confidence in the consistency of law enforcement.

Furthermore, coordination between law enforcement agencies, such as the police, prosecutors, and courts, in implementing restorative justice principles is still suboptimal. The lack of an integrated cross-agency mechanism means that restorative justice-based prosecution termination policies tend to be partial and unsynchronized. Furthermore, the limited human resources with a deep understanding of restorative justice principles also pose a significant structural obstacle. Many prosecutors and other law enforcement officials still lack a full understanding of the restorative justice philosophy, resulting in its implementation often remaining administrative rather than substantive.

3) Legal Culture

In the context of drug crimes, the majority of the public and even law enforcement officials still view drug abuse as a conventional crime that requires severe punishment, rather than as a social and health problem that requires rehabilitation. However, based on a restorative justice approach, drug abusers should be viewed as individuals in need of recovery and treatment, not simply as criminals who must be imprisoned. The retributive legal paradigm leads to a lack of empathy and a humanitarian approach toward drug abusers. This also reflects a legal culture in Indonesia that is still oriented toward revenge and deterrence, rather than toward restoring and improving social relations.

3.3. The Effectiveness of Implementing Restorative Justice-Based Suspension of Prosecution in Narcotics Crimes in the Future

The criminal justice system in Indonesia continues to develop and strives for improvement by prioritizing humanitarian aspects over retaliation. This is reflected in the application of the principle of restorative justice, which aims to realize restorative justice based on progressive law. According to Satjipto Rahardjo, restorative justice is justice that is acceptable to all parties because it is achieved through deliberation and dialogue, prioritizing local wisdom, namely guided by the law and justice that exist in society, referred to as progressive law. According to Satjipto Rahardjo, progressive law contains the meaning of law that provides liberation, both in ways of thinking and acting within the law, so that the law is allowed to simply flow to complete its task of serving humans and humanity.⁹

The state's role in implementing progressive law is crucial, particularly in transforming a less humane legal system into a more humane one that aligns with developments in society. Legal regulations need to be more harmoniously structured to be acceptable to all levels of society. In the development of criminal law, particularly regarding narcotics crimes, its application should not be generalized; instead, distinctions must be made between dealers, addicts, abusers, and victims of abuse. This allows for a model for handling criminal acts that prioritizes a restorative justice approach based on progressive legal justice.

Currently, law enforcement agencies in Indonesia have begun implementing restorative justice in resolving criminal cases. The goal of the restorative justice approach is to achieve a fair and balanced legal resolution for both victims and perpetrators. The main principle of restorative justice is to focus on restoring the original condition and restoring good relationships in society. Therefore, the application of restorative justice is highly relevant when applied to drug crime

⁹Satjipto Rahardjo, Op.Cit., p. 144.

cases, given the high level of overcrowding in correctional institutions, where the majority of inmates are prisoners or convicts of drug crimes.

In practice, the effectiveness of prosecution termination in restorative justice-based drug crime handling is influenced by several factors. According to Soerjono Soekanto, the factors that influence the effectiveness of law enforcement are:

1) The Legal Factor Itself

A closer look at law enforcement in Indonesia reveals a commendable approach: law enforcement agencies have implemented a restorative justice approach in handling criminal cases. The Attorney General's Office's (AGO) policy for discontinuing prosecutions in narcotics crimes is based on Attorney General Regulation Number 15 of 2020 concerning Discontinuing Prosecution Based on Restorative Justice and Guideline Number 18 of 2021 concerning the Settlement of Narcotics Abuse Cases Through Rehabilitation Using a Restorative Justice Approach. These regulations demonstrate the Attorney General's commitment to implementing a restorative justice approach in resolving narcotics cases. In addressing narcotics crimes through a restorative justice approach, laws related to the implementation of restorative justice must accommodate the principles and objectives of the restorative approach. These laws should provide a strong foundation for resolving cases through a restorative justice approach, thereby creating a safe environment and supporting the restoration of normalcy.

2) Law Enforcement Factors

Restorative Justice depends heavily on the awareness, understanding and commitment of the parties involved in law enforcement and restorative justice. The current approach is still implemented through a sectoral approach regulated by each law enforcement agency through internal regulations, which in reality remain ambiguous. Law enforcement officials are often hesitant to offer restorative justice to perpetrators of crimes, particularly in narcotics cases, due to concerns that it could lead to misperceptions from the perpetrator's family and the community. This would be different if restorative justice were specifically regulated through separate legislation within the criminal justice system, which would certainly facilitate law enforcement officials' implementation. Furthermore, adequate training and education regarding the concept and principles of restorative justice are needed for law enforcement, particularly in the Prosecutor's Office, to ensure they can appropriately implement and support law enforcement through a restorative justice approach. Many prosecutors in the Prosecutor's Office have not yet received training on the implementation of restorative justice termination, particularly in handling narcotics crimes through restorative justice. Therefore, their implementation is guided solely by applicable laws.

3) Facilities and Infrastructure Factors

The availability of adequate facilities and infrastructure is a crucial factor in the successful implementation of restorative justice. Comfortable and conducive facilities for mediation and reconciliation can provide support for all parties involved, including perpetrators, victims, the community, and other relevant parties. Furthermore, supporting facilities and infrastructure, such as rehabilitation facilities, counseling, and psychological assistance for perpetrators and victims, are also essential to support the recovery process. The implementation of restorative justice in resolving drug crime cases in Indonesia still faces obstacles related to the availability or adequacy of supporting facilities and infrastructure, such as the limited number of rehabilitation centers or institutions for drug abusers, addicts, and victims of drug abuse. It is not uncommon that one of the biggest challenges in implementing rehabilitation for drug abusers, addicts, and victims of drug abuse in Indonesia is the lack of rehabilitation facilities. Currently, the Indonesian government has only prepared approximately 107 drug rehabilitation centers, although there are also a small number of private rehabilitation centers. This number is certainly not comparable to the number of drug convicts, which is approximately 135,758 people.¹⁰In addition, the supporting facilities at the rehabilitation center are still inadequate.

Currently, the Manokwari District Attorney's Office does not have rehabilitation facilities to implement restorative justice for drug crimes. Therefore, rehabilitation is carried out at the Adhyaksa Clinic at the West Papua Provincial General Hospital. The rehabilitation at the Adhyaksa Clinic is still inadequate because the ward used for rehabilitation is still integrated with the ward for people with mental disorders (ODGJ). The lack of facilities and infrastructure for rehabilitation implementation hampers rehabilitation programs for drug abusers, addicts, and victims of drug abuse in Indonesia.

4) Community Factors

Community participation is an important aspect in the implementation of termination of prosecution through a restorative justice approach. This is influenced by the characteristics of individuals and community groups that have certain characteristics. Therefore, prosecutors must be more careful in implementing restorative justice, considering the tasks carried out by prosecutors in the community are quite complex. Furthermore, the implementation of termination of prosecution in narcotics crimes based on restorative justice in Indonesia must be acknowledged as still not running optimally. The lack of support from the community and the active role of the community in socializing it is also not optimal. Based on the results of an interview with Tulus Ardiansyah, SH, MH as a public prosecutor who handled narcotics crime cases that were terminated through restorative justice at the Manokwari District Attorney's Office, provided information regarding the influence of the community in the implementation of

¹⁰Public SDP Directorate General of Prisons Annual Inmates, Loc.Cit.

restorative justice for narcotics crimes. First, the public considers that restorative justice programs are ineffective in eradicating narcotics crimes because the public believes that all crimes must be resolved through trials and someone who commits a crime must be punished or imprisoned so that to change the mindset of the public requires socialization from Law Enforcement Officers. In the Prosecutor's Office there are socialization activities to the public such as the Prosecutor Greets and Prosecutor Enters School activities carried out by the Prosecutor's Intelligence Division, so that through these activities the Prosecutor's Office as a Law Enforcement Officer can provide socialization and understanding to the public regarding the implementation of restorative justice programs. Second, many addicts or abusers or victims of narcotics abuse refuse to be rehabilitated because in the implementation of restorative justice at the Manokwari District Prosecutor's Office for rehabilitation is carried out at the Adhyaksa Clinic which is located at the Provincial General Hospital and is still integrated with the treatment building for people with mental disorders (ODGJ). This is what makes addicts, abusers, or victims of drug abuse reluctant to undergo rehabilitation due to fear and creates a negative stigma in society that considers these places to be places for people with mental disorders, even though rehabilitation is carried out in a separate narcotics center from treatment for people with mental disorders. This refusal of drug addicts to undergo rehabilitation is a separate obstacle in the implementation of restorative justice. According to Hamdan and Marlatt & Donovan, this refusal is caused by several main factors. First, denial or rejection of the problem makes addicts not view drug use as a serious problem.¹¹ Shame and social stigma also discourage them from seeking help. Second, distrust in the effectiveness of rehabilitation programs hinders participation, with some addicts feeling that rehabilitation will not bring significant change. Deep physical and psychological dependence further hinders this, as withdrawal symptoms and the demanding commitment to recovery impact motivation. Social factors, such as concerns about consequences and the uncertainty of the rehabilitation process, also contribute to resistance to rehabilitation. In fact, the concept of restorative justice must begin with the awareness of the perpetrator or their family, who desire recovery. However, without active support and participation from the community, the process of implementing restorative justice will face various obstacles and barriers. Community participation is vital, not only as beneficiaries but also as agents supporting the implementation of restorative justice.

The implementation of the termination of prosecution in handling drug crimes using a restorative justice approach also has the potential to reduce the deterrent effect on perpetrators. This occurs because the restorative justice mechanism places more emphasis on recovery efforts, providing opportunities for perpetrators to improve themselves, and restoring social relations between the

¹¹Marlatt, G. A., & Donovan, D. M. (2019). *Relapse Prevention: Maintenance Strategies in the Treatment of Addictive Behaviors*. Guilford Press. Pp 71-88.

perpetrator, the victim, and the community, rather than focusing on punishment. As a result, perpetrators may feel that their actions do not result in severe legal consequences, thus suboptimally achieving the goal of law enforcement to provide a deterrent effect and prevent the recurrence of similar crimes. This situation can also give rise to the public perception that the legal system is too lenient toward perpetrators of drug abuse.

5) Cultural Factors

Indigenous communities believe that criminal acts must be resolved through a trial, and that those who commit crimes must be punished or imprisoned. Furthermore, customary law in West Papua remains strong, and most communities still believe that crimes can be resolved through customary courts. Therefore, restorative justice programs are considered ineffective and do not provide a deterrent effect on perpetrators, as they believe perpetrators of crimes go unpunished. Therefore, law enforcement officials need to understand, integrate cultural values, and provide understanding to indigenous communities in the implementation of restorative justice.¹²

In Indonesia, restorative justice is implemented by formal institutions, one of which is implemented at the Prosecutor's Office at the prosecution stage by terminating the prosecution of criminal cases that have met the requirements. The process of terminating the prosecution begins with the crime in the District Attorney's Office which analyzes the requirements and prepares the administration which is then verified by the High Prosecutor's Office and the Attorney General's Office through the Deputy Attorney General for General Crimes makes the final decision whether the termination of prosecution through restorative justice can be implemented or not. The implementation of restorative justice in Indonesia is highly dependent on the victim's willingness to reach a peace agreement. A comparison of the implementation of restorative justice in Indonesia with other countries is as follows:

1. United States of America

Restorative justice Implemented at the state level in the United States through community panels, restitution, victim awareness education, diversification, alternative school spending, and mediation programs between victims and offenders. These methods are used to offer an alternative to the more traditional justice system, which focuses more on punishment. A study conducted by Matthew Marcellino Gunawan and colleagues compared the implementation of restorative justice in several countries: the United States, Germany, Poland, Switzerland, and Indonesia. They found that the basic principles of restorative

¹² Soerjono Soekanto, Op Cit., Pg. 12.

justice—restore relationships and social responsibility of offenders—remain the same, despite differences in implementation.¹³

2. German

Germany uses restorative justice as a form of criminal mediation for crimes punishable by up to five years in prison. Following the mediation process, the actions taken to reach an agreement are monitored, and grounds for discontinuing prosecution are determined. This demonstrates that restorative justice in Germany is part of a legitimate legal process and an alternative resolution. Restorative justice has been incorporated into the German criminal justice system as part of a more restorative and rehabilitative approach.

3. Poland

Restorative justice Applied in Poland for crimes punishable by a maximum of five years in prison. The process begins with professionally facilitated mediation between the perpetrator and the victim. The primary goal of mediation is to enable the perpetrator to speak constructively with the victim, and the victim is the primary goal. This allows the perpetrator to acknowledge their guilt, take responsibility for their actions, and take concrete action to repair the damage they have suffered. The prosecutor then decides to discontinue the prosecution based on the mediation results. This demonstrates that restorative justice is not merely an alternative; it has become an integral part of the formal legal process. A study by Wahyudi et al. showed that the success of restorative justice in Poland is measured not only by case resolution; it also demonstrates increased victim satisfaction, a reduced risk of recidivism, and improved social relationships within the community.

4. Switzerland

In Switzerland, restorative justice emerged in response to the lack of empirical evidence on the effectiveness of imprisonment in reducing crime rates. The Swiss government adopted a flexible restorative justice model to adapt mediation procedures to the type of crime, the characteristics of the offender, and the needs of the victim. Various implementation models exist, including formal mediation involving law enforcement and more informal community programs. This method emphasizes restoring relationships between offenders and victims and restoring their social responsibility. According to research by Wahyudi et al., restorative justice was incorporated into the Swiss justice system to enhance law enforcement in a more humanistic manner. To ensure that each case is resolved fairly and prevent future conflict, Switzerland emphasizes the flexibility of

¹³Gunawan, MM, Suwadi, P., & Rustamaji, M. (2024). Comparison of restorative justice implementation in Indonesia, USA, Germany, Poland, and Switzerland. *Revista de Gestão Social e Ambiental*, 18(1), e04677.

restorative justice procedures. Switzerland demonstrates how restorative justice can be adapted to contemporary legal systems to meet preventive, rehabilitative, and restorative goals.

Based on the results of an interview with Tulus Ardiansyah, SH, MH as the public prosecutor who handled the narcotics crime case that was terminated through restorative justice at the Manokwari District Attorney's Office, the effectiveness of implementing the termination of prosecution in handling narcotics crimes based on restorative justice is as follows:

1) Effective in solving the problem of overcrowding in correctional institutions (prisons)

Currently, one of the problems facing law enforcement is overcrowding in correctional institutions (prisons). Therefore, by halting prosecution through restorative justice, this problem can be addressed, particularly in the handling of drug crimes, as the current prison population is dominated by drug offenders. However, this must also be balanced with the optimization of facilities and infrastructure, such as rehabilitation centers for drug abusers, victims of drug abuse, and addicts whose cases have been resolved through a restorative justice approach.

2) Efficiency of legal processes

Implementing a restorative justice-based discontinuation of prosecution in handling narcotics crimes makes the legal process more efficient because the settlement mechanism does not require all the formal and time-consuming stages of criminal justice, from investigation, prosecution, repeated trials, to the execution of the sentence. For example, in cases of small-scale drug abuse that are not linked to a distribution network and meet the requirements for restorative justice, mediation and rehabilitation programs can be implemented. This saves time for law enforcement officers and reduces the backlog of cases, thus making the justice system more effective and focused.

3) Promoting more humanistic justice

Restorative justice In handling narcotics crime cases, it can encourage more humanistic justice because this approach views the perpetrators of criminal acts, especially for abusers, addicts, and victims of narcotics abuse, so that the perpetrators are not merely considered criminals who must be punished, but as individuals who need help to recover from dependence.

The process of terminating prosecutions for drug crimes through restorative justice focuses on restoring the offender's condition through medical and social rehabilitation, as well as returning them to a productive society. This approach also provides space for dialogue, mediation, and resolution that considers the

interests of all parties, thus more closely aligning with humanitarian values and the goals of modern law, which emphasize rehabilitation and social reintegration.

Implementing a restorative justice-based approach to drug crime can break the negative stigma against drug abusers, addicts, and victims and provide them with a second chance to improve their lives. This is a concrete manifestation of humane justice, compared to the conventional criminal justice system, which tends to be repressive.

4. Conclusion

The application of a restorative justice approach in handling narcotics crime cases, based on Attorney General's Guidelines Number 18 of 2021, reflects a new direction of legal reform in Indonesia that emphasizes humanitarian aspects and recovery through rehabilitation, rather than solely punishment. Granting prosecutors the authority to discontinue prosecution and resolve cases at the pre-trial stage is a concrete manifestation of the principle of *Dominus Litis Jaksa*, which places prosecutors in control of cases, taking into account conscience and legal expediency. In practice at the Manokwari District Attorney's Office, although the implementation of this mechanism is still limited, with only one out of 39 narcotics cases in 2025 being resolved restoratively, this demonstrates careful attention to ensuring that each application meets substantive and procedural requirements. However, its implementation still faces various obstacles, including limited adequate rehabilitation facilities, high implementation costs, and the lack of an explicit legal basis in the Criminal Procedure Code (KUHP) regulating the termination of prosecution based on restorative justice. This situation is exacerbated by a lack of inter-agency coordination, a lack of understanding among officials of the concept of restorative justice, and a persistent societal paradigm that considers criminal punishment the sole form of justice. Therefore, realizing true restorative justice requires strengthening regulations, increasing the capacity of law enforcement officers, developing standardized rehabilitation facilities, and shifting the societal paradigm toward more humane, equitable, and socially rehabilitative law enforcement, as mandated by Attorney General's Guidelines Number 18 of 2021.

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