

The Role Of The Prosecutor's Office In Terminating Prosecution Of Victims Of Drug Abuse Based On Restorative Justice (Study of the Sumedang District Attorney's Office)

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Abstract. *The research aims to determine the role of the prosecutor's office in terminating prosecutions against victims of drug abuse, the weaknesses of the prosecutor's role in terminating prosecutions against victims of drug abuse, and the role of the prosecutor's office in terminating prosecutions against victims of drug abuse based on restorative justice. Approach methodempirical legal research (empirical juridical). Empirical legal research is research that examines law as real behavior (law in action), namely how legal provisions are applied and implemented by law enforcement officers in practice. The results of the research and discussion are that (1) The termination of prosecution by the prosecutor against victims of drug abuse has a legal basis in the Criminal Procedure Code and is strengthened by Law Number 35 of 2009 which emphasizes rehabilitation for users. This attributive authority allows for a rehabilitative approach for perpetrators who use it for themselves and are not involved in illicit trafficking. The application in this case has fulfilled the legal, sociological, and philosophical aspects, and reflects restorative justice that is humanistic and oriented towards recovery. (2) The weakness of the termination of prosecution against victims of drug abuse is due to regulatory disharmony, weak coordination, limited rehabilitation, and the dominance of the sentencing paradigm. According to the legal system theory put forward by Lawrence M. Friedman, law is placed as a social system consisting of interrelated elements that work in an integrated manner in society. Law is not only understood as a collection of written norms, but as a mechanism that lives and functions through interactions between the structure, substance, and culture of law. (3) Termination of prosecution by the prosecutor based on restorative justice is legally valid according to Law Number 35 of 2009 and Regulation of the Republic of Indonesia Prosecutor's Office Number 15 of 2020, placing drug abusers as subjects of rehabilitation. This case shows that this approach is appropriate if carried*

out with an integrated assessment, objective criteria, and transparency, in line with Yudi Latif's thoughts on the restoration of human dignity. Implementation without clear parameters risks creating legal uncertainty.

Keywords: *Narcotics; Prosecutor's Office; Restorative Justice.*

1. Introduction

Indonesia is a country of law as clearly stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, every human being has the desire to live in an orderly, harmonious and consistent manner with society and longs for a society that complies with applicable laws. The creation of peace is based on harmony between order and tranquility for citizens.¹ However, the reality in social life is that the problem of narcotics is a problem that must be handled seriously by all levels of society.

The abuse of narcotics in Indonesia has reached a worrying condition for society.² Social changes in society lead to changes in behavior, perceptions, feelings, and awareness due to drug abuse. Besides being addictive for users, this dependence also impacts people's lives.³ Drug abuse cases are a frequently heard problem, from mass media reports as well as various case records processed by law enforcement agencies such as the National Narcotics Agency (BNN), the Police, and also the Prosecutor's Office.

The enactment of Law Number 35 of 2009 concerning Narcotics aims to ensure oversight of narcotics distribution, ensuring their proper use and their intended use. It also provides protection and safety for the Indonesian people from drug abuse and illicit trafficking, which are undoubtedly detrimental to the nation and state. This law regulates rehabilitation policies for drug abusers, enabling them to improve their actions and recover from drug abuse.

The Narcotics Law, which regulates the distribution of narcotics and other addictive substances, carries criminal penalties. Previously, the Narcotics Law was regulated through Law Number 22 of 1997, which was amended by the Narcotics Law. Considering that there are several things that need to be refined in Article 2 concerning the regulation of narcotics in order to adapt to existing developments. Article 127 paragraph 1 states that every abuser of Class I, II, or III narcotics for themselves is subject to imprisonment. However, there are several terms that have the same essence as narcotic users themselves, including drug abusers, victims of abuse, former drug abusers, and patients.

2. Research Methods

The type of research used is empirical legal research (empirical juridical). Empirical legal research examines law as actual behavior (law in action), namely how legal provisions are applied and implemented by law enforcement officials in practice.

¹Edmon Makarim, 2007, *Compilation of Telematics Law*, Pustaka Pelajar, Yogyakarta, p. 39

²Lestari I, *Criminal Law Enforcement Against Drug Users at the Central Java Regional Police*, *Jurnal Daulat Hukum* Vol. 1. No. 1 March, 2017, p. 610

In this study, an empirical approach is used to examine the role of the Sumedang District Attorney's Office in implementing restorative justice-based prosecution termination for victims of drug abuse, as well as how this authority is exercised in law enforcement practice.⁴

The approach methods used include, Empirical Juridical Approach This is done by reviewing the legal provisions that regulate the authority of the Prosecutor's Office, then connecting them with empirical facts in the field, especially the practice of terminating prosecutions based on restorative justice at the Sumedang District Attorney's Office.⁵ In addition, the conceptual approach (Conceptual Approach) The conceptual approach is used to analyze legal concepts such as the role of the Prosecutor's Office, prosecutorial authority, victims of drug abuse, and restorative justice based on relevant legal doctrines and theories.⁶

3. Results and Discussion

3.1. Analysis Of The Role Of The Prosecutor's Office In Terminating Prosecutions Of Victims Of Drug Abuse

Narcotics are essentially substances or drugs that have benefits in the field of healthcare, particularly in treatment and scientific development. However, on the other hand, narcotics also carry a high potential for dependency if used without supervision and not in accordance with medical purposes. This condition makes narcotics an ambivalent substance, namely, they can provide therapeutic benefits while also causing destructive impacts for individuals and society if misused. Therefore, regulation of narcotics is oriented not only towards utilization but also towards strict control and supervision through criminal law instruments.⁷

Regulations regarding narcotics in Indonesia are specifically stipulated in Law Number 35 of 2009 concerning Narcotics, which defines narcotics as a substance with two dimensions: a medicine beneficial for health services and a substance that can cause dependence and harm if misused. Therefore, this law not only

3Atet Sumanto, *The Effectiveness of the Death Penalty in the Process of Law Enforcement for Narcotics Crimes, Perspective: Study of Legal and Development Issues* 22, No. 1, 2017, p. 21

4Soerjono Soekanto, 2018, *Introduction to Legal Research*, UI Press, Jakarta, p. 52

5Bambang Sunggono, 2019, *Legal Research Methodology*, RajaGrafindo Persada, Jakarta, p. 43

6Amiruddin and Zainal Asikin, 2018, *Introduction to Legal Research Methods*, Raja Grafindo Persada, Jakarta, p. 27

7Mardani, 2008, *Drug Abuse from the Perspective of Islamic Law and National Criminal Law*, Rajawali Pers, Jakarta, pp. 1–3

regulates aspects of eradicating illicit drug trafficking but also focuses on rehabilitation efforts for drug users and addicts.⁸

In the context of criminal law, drug abuse is classified as a crime because it violates statutory provisions and causes widespread social harm. Drug crimes are not only viewed as violations of legal norms, but also as crimes with specific characteristics, such as links to illicit trafficking networks, impacts on public health, and the potential to damage the nation's future generations. Therefore, countermeasures are implemented through a comprehensive approach, encompassing both penal and non-penal policies.⁹

Criminal law policy regarding drug crimes in Indonesia demonstrates a paradigm shift from a purely repressive approach to a more humanistic one. This shift is evident in the recognition of the status of users or addicts as parties who are positioned not only as perpetrators of criminal acts, but also as victims in need of rehabilitation. This approach aligns with developments in modern criminal law thought, which emphasizes the importance of a balance between legal certainty, justice, and expediency in handling drug cases.¹⁰

Thus, drug crimes cannot be understood solely as unlawful acts in the formal sense, but must also be viewed from a social, health, and criminal policy perspective. This multidimensional approach serves as the basis for law enforcement officials, including the prosecutor's office, in determining proportionate law enforcement measures, particularly for victims of drug abuse, who are more appropriately directed toward recovery efforts through rehabilitation rather than criminalization.¹¹

Victims of drug abuse are individuals who use drugs not for illicit purposes, but rather due to dependency, environmental influences, social pressure, or certain psychological factors that place them in a vulnerable position. From a modern criminal law perspective, this group is no longer viewed solely as perpetrators of crimes, but also as those in need of protection and rehabilitation. This shift in perspective reflects developments in criminal policy that place health and rehabilitation as integral components of combating drug crimes.¹²

Normatively, recognition of drug abuse victims can be seen in the provisions granting them the right to medical and social rehabilitation. These provisions

8Law Number 35 of 2009 concerning Narcotics.

9Siswanto Sunarso, 2004, *Law Enforcement of Psychotropic Drugs in Legal Sociology Studies*, RajaGrafindo Persada, Jakarta, pp. 25–27.

10Barda Nawawi Arief, 2010, *Anthology of Criminal Law Policy*, Citra Aditya Bakti, Bandung, p.90

11Andi Hamzah, 2012, *Principles of Criminal Law in Indonesia and its Development*, Sofmedia, Jakarta, p. 136

12Mardani, *Op.Cit.*, p. 47

demonstrate that the law serves not only as a means of repression but also as a protective instrument for individuals caught up in drug abuse. Thus, the approach used is no longer solely based on punishment, but rather prioritizes rehabilitation efforts so that victims can return to their normal social functions within society.¹³

From a victimological perspective, drug abuse victims fall into the category of self-victimizing victims, meaning individuals who become victims of their own actions due to their addiction. However, this condition does not eliminate the state's obligation to provide protection, considering that drug addiction is a health problem that requires specialized treatment. Therefore, the placement of drug abuse victims within the criminal justice system must balance criminal accountability with rehabilitation needs.¹⁴

Furthermore, a rehabilitation approach for drug abuse victims aligns with the objectives of criminal justice, which should not only focus on retribution but also on improving the perpetrator and protecting society. Retributive punishment for drug abuse victims has the potential to have negative impacts, such as increased social stigma, overcrowding in correctional institutions, and ineffective addiction recovery efforts. Therefore, a criminal law policy that prioritizes rehabilitation is considered more appropriate for handling drug abuse victims than conventional punishment.¹⁵ Thus, victims of drug abuse must be treated as subjects requiring a humanistic and rehabilitative approach within the criminal justice system. Recognizing this victim status serves as a crucial foundation for law enforcement officials, including the prosecutor's office, in determining law enforcement policies oriented toward recovery, human rights protection, and the effectiveness of comprehensive drug crime prevention.¹⁶

The Relationship between the Role of the Prosecutor's Office and the Termination of Prosecution of Victims of Drug Abuse In the Indonesian criminal justice system, the Prosecutor's Office holds a strategic position as *dominus litis*, the case controller who determines whether a case should be transferred to court or whether prosecution should be discontinued. This position grants prosecutors the authority to legally and sociologically assess a criminal case, including drug abuse cases involving victims of abuse. In this context, prosecutors not only act as repressive public prosecutors, but also as law enforcement officers responsible for realizing justice that is oriented towards benefit and restoration.¹⁷

13Siswanto Sunarso, 2012, *Legal Politics in the Narcotics Law*, Rineka Cipta, Jakarta, p.115

14Rena Yulia, 2010, *Victimology: Legal Protection for Crime Victims*, Graha Ilmu, Yogyakarta, p. 85

15Barda Nawawi Arief, 2007, *Problems of Law Enforcement and Criminal Law Policy in Crime Prevention*, Kencana, Jakarta, p. 75

16Andi Hamzah, 1993, *Criminal and Penal System in Indonesia*, Pradnya Paramita, Jakarta, p. 156

17Andi Hamzah, 2014, *Indonesian Criminal Procedure Law*, Sinar Grafika, Jakarta, p. 165

The authority to terminate a prosecution is generally regulated in the Criminal Procedure Code, which provides a basis for prosecutors to terminate a prosecution if there is insufficient evidence, the incident does not constitute a crime, or the case is closed by law. Furthermore, developments in criminal law policy in Indonesia provide room for termination of prosecution based on a restorative justice approach, which emphasizes resolving cases through restoration of the original state rather than solely through punishment. This approach is particularly relevant in drug abuse cases involving victims in need of rehabilitation.¹⁸

In narcotics cases, the provisions of Law Number 35 of 2009 provide the normative basis that drug addicts and victims of drug abuse are required to undergo medical and social rehabilitation. This provision serves as the basis for prosecutors to consider terminating prosecutions against drug abuse victims who have undergone an integrated assessment process and been recommended for rehabilitation. Therefore, terminating prosecutions should not be understood as a disregard for law enforcement, but rather as the implementation of more effective and recovery-oriented legal policies.¹⁹

The prosecutor's role in terminating prosecutions against drug abuse victims also reflects the application of the principle of limited opportunity, which is the authority of the public prosecutor to discontinue a case for the sake of a greater legal interest. In this case, the interests in question are victim recovery, prevention of ongoing dependency, and mitigation of the negative impacts of ineffective criminal punishment. This approach aligns with the goals of modern criminal justice, which are oriented not only toward retribution but also toward the rehabilitation of the perpetrator and the protection of society.²⁰

In practice, prosecutors play a crucial role in assessing the results of an integrated assessment to determine whether someone is truly a victim of drug abuse or involved in a drug trafficking network. This assessment is crucial because it determines the direction of the case, namely whether it proceeds to trial or is dismissed through a discontinuation of prosecution followed by rehabilitation. Thus, the prosecutor's role is not merely administrative, but also substantive in ensuring that rehabilitative policies are implemented effectively.²¹

Furthermore, the suspension of prosecutions against drug abuse victims has had positive impacts, including reducing correctional overcrowding, reducing recidivism rates, and accelerating the recovery process for victims. This policy also

18Article 140 paragraph (2) of the Criminal Procedure Code

19Article 54 in conjunction with Article 127 of Law Number 35 of 2009 concerning Narcotics

20Barda Nawawi Arief, *Op.cit.*, p. 94

21Siswanto Sunarso, *Op.cit.*, p. 120

reflects a humanistic approach to law enforcement that positions the law as a means of protection and recovery, not merely a tool of punishment. Therefore, optimizing the role of the prosecutor's office in implementing the suspension of prosecutions against drug abuse victims is a crucial part of realizing a just and expedient-oriented criminal justice system.²²

To provide a more concrete picture of the implementation of the prosecutor's authority to terminate prosecutions against drug abuse victims, an analysis of a legal event that occurred in practice is necessary. The normative approach outlined previously needs to be supplemented with an empirical study through a chronology of the case, so that prosecutors can understand how statutory provisions are applied by prosecutors in handling drug abuse cases involving victims.

The presentation of the case chronology is important because it provides an overview of the legal facts, allowing for an analysis of the handling process, from the investigation stage, the transfer of case files, the public prosecutor's investigation, to the considerations underlying the termination of prosecution. Therefore, this case study will clearly demonstrate the prosecutor's role in assessing a suspect's status as a victim of drug abuse based on the results of an integrated assessment, and how rehabilitation policies are implemented in law enforcement practice.

Furthermore, analysis of the case chronology also allows for identification of the conformity between normative provisions and field practice, including the supporting factors and obstacles faced by prosecutors in implementing the termination of prosecution. This is important for assessing whether the policy of terminating prosecution of drug abuse victims has been implemented consistently, proportionally, and in accordance with the objectives of criminal law, which are oriented towards justice, benefit, and legal certainty. A brief description of the chronology of events is as follows:

On Friday, May 19, 2023, at approximately 9:45 a.m. Western Indonesian Time, law enforcement officers arrested a man named Mr. TH, also known as Opik bin Saepudin, in Cipacing Hamlet, RT 01/RW 01, Cipacing Village, Jatinangor District, Sumedang Regency. The arrest was made based on information previously obtained regarding suspected drug abuse at the location.

During a search of the suspect, officers found evidence in the form of a used glass pipette containing white crystal residue. According to the suspect, the white

²²Rena Yulia, 2010, *Victimology: Legal Protection for Crime Victims*, Graha Ilmu, Yogyakarta, p. 89

crystals were remnants of methamphetamine he had previously used. This evidence is strongly suspected of being directly linked to the suspect's drug abuse.

The suspect was then subjected to further investigation, including laboratory testing of the evidence to confirm that the white crystals found were Class I narcotics, including crystal methamphetamine. Based on the initial investigation and the suspect's confession, there was no indication of his involvement in a drug trafficking network.

3.2. Analysis of the Weaknesses of the Prosecutor's Role in Terminating Prosecutions Against Victims of Drug Abuse

The Indonesian criminal justice system, in handling drug abuse cases, still tends to position users as perpetrators of the crime, even though conceptually they are also viewed as victims in need of rehabilitation. This paradigm has implications for the dominance of a repressive approach over a therapeutic one, resulting in prosecutions proceeding to trial without optimally considering the possibility of terminating the prosecution. However, developments in modern criminal law policy are moving toward the use of non-imprisonment mechanisms for perpetrators with certain characteristics, including self-administered drug users, through restorative and rehabilitative justice approaches.²³

The prosecutorial authority held by the Indonesian Attorney General's Office (AGO) normatively provides the opportunity to terminate prosecutions based on the principles of restorative justice. However, in practice, the implementation of this authority has not been optimal. This is evident in the limited number of drug abuse cases resolved through the termination mechanism, thus preventing the goal of rehabilitation for abuse victims from being fully achieved. This situation indicates weaknesses in both the regulatory aspects, institutional structure, and the legal culture that has developed within the prosecution process.²⁴

Normatively, a restorative justice-based policy of terminating prosecutions requires a paradigm shift from a punitive orientation to a restorative orientation. However, a prosecution system that still focuses on proving the elements of a crime formally often prioritizes legal certainty over utility and substantive justice. As a result, drug users who should have access to rehabilitation are instead entangled in the judicial process, ultimately resulting in conviction.²⁵

23Mardjono Reksodiputro, 1994, *Indonesian Criminal Justice System*, University of Indonesia Press, Jakarta, p. 118

24Andi Hamzah, *Op.cit.*, p.114.

25Muladi and Barda Nawawi Arief, 2010, *Criminal Theories and Policies*, Alumni, Bandung, p.110.

On the other hand, structural factors also influence the limited implementation of prosecution terminations. Coordination between law enforcement officials in determining the status of drug abuse victims, particularly regarding rehabilitation recommendations, has not been effective. Furthermore, the administrative mechanism for filing for prosecution terminations is often viewed as complex and demanding stringent requirements, leading prosecutors to prefer proceeding with trials. This situation indicates that the normative authority available is not fully supported by an institutional system responsive to a restorative justice approach.²⁶

From a legal culture perspective, there remains a tendency to assess the success of prosecutions based on the number of cases brought to court and the level of punishment imposed. This orientation has the potential to hinder the implementation of the policy of halting prosecutions of drug abuse victims, as non-prosecution mechanisms are considered inconsistent with conventional law enforcement performance. However, in a modern criminal law approach, the success of law enforcement is measured not only by repressive aspects, but also by the justice system's ability to provide protection and redress to those in need.²⁷

In reality, there are weaknesses in the role of the Prosecutor's Office in Terminating Prosecutions of Victims of Drug Abuse. Normatively, the policy of terminating prosecutions of victims of drug abuse has gained legitimacy in the Indonesian criminal law system through a restorative justice approach. However, this regulation still leaves a number of conceptual and legal issues. One major weakness lies in the disharmony between norms that place drug users as parties who must be rehabilitated and other norms that continue to qualify their actions as criminal acts that can be processed to the prosecution stage. This condition creates ambiguity in the application of the law, so that law enforcement officers tend to use a repressive approach rather than a rehabilitative one.²⁸

Furthermore, regulations regarding restorative justice-based prosecution terminations remain administrative in nature and have not been fully integrated into the criminal procedural law system. As a result, these mechanisms are often viewed as discretionary policies, the implementation of which depends on the subjective judgment of the public prosecutor. The absence of clear normative standards regarding the criteria for drug abuse victims eligible for prosecution terminations also leads to inconsistencies in practice.²⁹

26Romli Atmasasmita, 2001, *Legal Reform, Human Rights and Law Enforcement*, Mandar Maju, Bandung, p.201.

27Barda Nawawi Arief, *Op.cit.*, p. 207

28Muladi and Barda Nawawi Arief, *Op.cit.*,

29Andi Hamzah, *Op.cit.*,

Another normative weakness relates to the lack of comprehensive regulations regarding recovery indicators in drug abuse cases. Unlike conventional crimes that have direct victims, drug abuse is often categorized as a victimless crime, making the concept of restorative justice difficult to apply textually. This raises doubts about determining the form of recovery that can serve as the basis for terminating prosecution.³⁰ Thus, normatively it can be said that the existing regulatory framework does not provide sufficient legal certainty for prosecutors to consistently implement the termination of prosecution against victims of drug abuse.

Structural weaknesses relate to institutional aspects and working mechanisms within the criminal justice system. In practice, the Indonesian Attorney General's Office's authority to discontinue prosecution is inextricably linked to the results of police investigations and rehabilitation recommendations from relevant institutions. This dependence limits prosecutors' latitude, particularly when the case files submitted have been structured with evidence that points to conviction.³¹

Furthermore, coordination between law enforcement officials in determining the status of drug abuse victims remains ineffective. Differing perspectives between investigators, prosecutors, and rehabilitation institutions often hinder the implementation of a restorative approach. In many cases, the lack of agreement on indicators of self-use results in cases being referred to court even though the perpetrator substantively meets the criteria for being a victim.³²

From an administrative perspective, the procedure for requesting a termination of prosecution is also considered quite complex, requiring multiple stages of case presentation and approval. While intended to maintain accountability, this mechanism actually slows the process and reduces the effectiveness of restorative justice. Consequently, prosecutors prefer to proceed with the trial, as it is considered procedurally simpler.³³ Limited rehabilitation facilities and infrastructure are also structural factors contributing to the low level of discontinuation of prosecution. Without adequate rehabilitation support, discontinuation of prosecution policies are difficult to implement optimally.

Cultural weaknesses relate to the values, paradigms, and orientations of law enforcement that have developed within the prosecution system. Historically, the Indonesian criminal justice system has been influenced by a retributive paradigm

³⁰Mardjono Reksodiputro, Op.cit.,

³¹Romli Atmasasmita, 2001, *Legal Reform, Human Rights and Law Enforcement*, Mandar Maju, Bandung, p.101.

³²Barda Nawawi Arief, 2008, *Anthology of Criminal Law Policy*, Kencana, Jakarta, p.118.

³³Lilik Mulyadi, 2007, *Normative, Theoretical, Practical and Problematic Criminal Procedure Law*, Alumni, Bandung, p. 207

that emphasizes punishment as a response to crime. This paradigm influences the perspective of law enforcement officials, who tend to judge the success of prosecutions based on the number of cases processed and ultimately reached a verdict.³⁴

In the context of drug abuse, this paradigm continues to position users as criminals who must be punished, even though criminologically they fall into the category of self-victimizing offenders. This perspective hinders the implementation of a rehabilitative approach that should be a priority in treating drug abuse victims.³⁵

Furthermore, concerns persist that discontinuing prosecutions will be perceived as a sign of weak law enforcement. This perception encourages prosecutors to resort to criminal prosecutions to maintain the institution's image and meet performance targets. An administrative orientation that emphasizes the quantity of prosecutions also contributes to the low use of the discontinuing prosecution mechanism.³⁶ A legal culture that still views narcotics solely as a crime without distinguishing between users and dealers contributes to increased pressure on law enforcement officials to pursue cases in court. This situation demonstrates that the implementation of restorative justice requires not only regulatory changes but also a paradigm shift within the criminal justice system as a whole.³⁷

The Ideal Model of the Prosecutor's Office's Role in Terminating Prosecutions of Drug Abuse Victims, with optimization of the role of the Republic of Indonesia's Prosecutor's Office in terminating prosecutions of drug abuse victims, requires strengthening the normative basis that provides legal certainty for public prosecutors. One strategic step that needs to be taken is the explicit integration of restorative justice policies into the criminal procedural law system, so that the mechanism for terminating prosecution is no longer understood as a mere administrative policy, but as a legal instrument that has strong legal legitimacy.³⁸

Furthermore, harmonization is needed between provisions that place drug users as those subject to rehabilitation and provisions governing criminal penalties. This harmonization is crucial to eliminate the dualism of norms that has created uncertainty in prosecution practices. In this context, the formulation of clear legal parameters regarding the criteria for victims of drug abuse, including indicators of dependence, the amount of evidence, and recommendations for rehabilitation, is

34Muladi, 1995, *Selected Chapters on the Criminal Justice System*, UNDIP Publishing Agency, Semarang, p. 205

35Romli Atmasasmita, *Op.cit.*,

36Barda Nawawi Arief, 2007, *Problems of Law Enforcement and Criminal Law Policy*, Kencana, Jakarta, p.107.

37Mardjono Reksodiputro, 2007, *Criminology and the Criminal Justice System*, UI Center for Justice and Legal Services, Jakarta, p. 25

38Andi Hamzah, 2014, *Indonesian Criminal Procedure Law*, Sinar Grafika, Jakarta, p.114.

an urgent need.³⁹Regulatory strengthening also needs to be accompanied by the development of technical and operational prosecution guidelines, so that public prosecutors have a uniform reference point for implementing termination of prosecution. These guidelines must prioritize rehabilitation in handling drug abuse victims.

The ideal role model for the Prosecutor's Office also requires institutional strengthening to support the implementation of restorative justice. Public prosecutors need to be given proportional discretion in determining prosecution policies for drug abuse victims, without being hampered by multi-tiered and time-consuming administrative mechanisms. Simplifying the procedure for terminating prosecutions is a crucial step in increasing the effectiveness of this policy's implementation.⁴⁰Furthermore, coordination between law enforcement officials must be systematically established through an integrated working mechanism between investigators, prosecutors, and rehabilitation institutions. The integrated criminal justice system model needs to be optimized so that drug abuse cases are handled with a rehabilitative approach from the investigation stage. This way, prosecutors are not simply subjected to repressive case construction but can play an active role in determining recovery-oriented policies.⁴¹Institutional strengthening also includes increasing the capacity of human resources within the Prosecutor's Office through special training on restorative justice, criminological approaches to drug abuse, and rehabilitation needs assessment techniques.

The ideal role of the Prosecutor's Office hinges not only on changes to regulations and institutional structures but also requires a transformation of the prosecution paradigm. Public prosecutors need to shift their orientation from a retributive approach to a rehabilitative one that prioritizes recovery. In this context, prosecution success is no longer measured solely by the number of cases brought to trial, but also by the justice system's ability to reduce recidivism rates and rehabilitate drug abuse victims.⁴²

This paradigm shift must be supported by institutional policies that position prosecution termination as a positive performance indicator in certain cases, particularly those involving drug abuse victims. This way, public prosecutors will no longer view this mechanism as a weakness in law enforcement, but rather as an implementation of substantive justice.⁴³Furthermore, efforts are needed to reduce the stigma against drug users through an educational and humane

39Muladi and Barda Nawawi Arief, 2010, *Criminal Theories and Policies*, Alumni, Bandung, p. 76

40Lilik Mulyadi, 2007, *Normative, Theoretical, Practical and Problematic Criminal Procedure Law*, Alumni, Bandung, p. 87

41Mardjono Reksodiputro, *Op.cit.*,

42Muladi, *Op.cit.*,

43Barda Nawawi Arief, 2007, *Problems of Law Enforcement and Criminal Law Policy*, Kencana, Jakarta, p. 107

approach to the prosecution process. Public prosecutors can act as agents of change in encouraging a shift in the public's perspective on drug abuse as a health and social problem, rather than simply a crime.

Implementing restorative justice-based prosecution termination cannot be effective without adequate rehabilitation support. Therefore, synergy between the Prosecutor's Office and relevant ministries and institutions is necessary to ensure the availability of affordable and high-quality rehabilitation facilities.⁴⁴ Furthermore, developing an integrated data system regarding drug user status and rehabilitation history will facilitate public prosecutors' comprehensive assessments. This system can also serve as a basis for determining appropriate and measurable prosecution policies. Technically, developing simple and applicable standard operating procedures for filing for termination of prosecution will increase the effectiveness of the policy's implementation. Simplifying case disclosure mechanisms and utilizing information technology in administrative processes are strategic steps to reduce bureaucratic hurdles.

4. Conclusion

Regarding the role of the prosecutor's office in terminating prosecutions against victims of drug abuse, it can be concluded that the prosecutor's authority to terminate prosecutions has a clear legal basis in the Narcotics Law itself and is implemented in proceedings based on the Criminal Procedure Code, and is reinforced by the Prosecutor's Regulation on restorative justice. This authority is a legitimate attributive authority and is used to assess not only the formal aspects of the crime, but also aspects of benefit and recovery. In cases of drug abuse, Law Number 35 of 2009 emphasizes that victims of drug abuse are required to undergo rehabilitation. Therefore, for perpetrators who are proven to use narcotics for themselves, are not involved in illicit trafficking, and have evidence in small quantities, termination of prosecution with a rehabilitative approach is the right step. The application in the A quo case shows that the termination of prosecution is legally appropriate, sociologically beneficial, and reflects justice philosophically. This policy is a form of restorative justice that supports a more humane, effective, and recovery-oriented criminal justice system. The prosecutor's role in terminating prosecutions of drug abuse victims is less than optimal due to ongoing weaknesses in normative, structural, and cultural aspects. Normatively, there is disharmony between repressive narcotics law provisions and restorative justice policies. Structurally, limited coordination among law enforcement officials, the uneven distribution of integrated assessments, and the lack of rehabilitation facilities present obstacles. Culturally, the conventional sentencing paradigm remains dominant, resulting in inconsistent application of the rehabilitative approach. The ideal model required is a comprehensive reformulation of

⁴⁴Romli Atmasasmita, 2010, *Contemporary Criminal Justice System*, Kencana, Jakarta, p.110.

prosecution policy through regulatory harmonization, strengthening institutional coordination, and developing uniform technical guidelines. This reorientation positions drug abuse victims as subjects of rehabilitation, rather than punishment, thereby creating a more humane, effective, and equitable criminal justice system.

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