



The Implementation Of Restorative Justice Policy For Narcotics Abuse Crime

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Abstract. *Narcotics Abuse has become a vital problem in several countries, including Indonesia. To solve the problem, the Indonesian government has implemented various policies, including a restorative justice policy. The regulation highlighted rehabilitation, reconciliation, and reintegration for the perpetrators, victims, and community. This research aimed to evaluate the implementation of restorative justice regulation in the treatment of drug abuse in Indonesia. The descriptive qualitative method in this study was done through the analysis of literature reviews from various sources related to the application of restorative justice policy for narcotics abuse. The results showed that the implementation of restorative justice policy still got some challenges, even though the regulation was directly adopted to handle narcotics abuse. The contributed factors were the lack of understanding about narcotics abuse and society support, limited resources, and the disagreement among agencies and those factors influenced the effectiveness of the policy implementation. In conclusion, the implementation of restorative justice policy needs more attention and progress continuity, even though the policy has offered an approach that has effective potential in treating narcotics abuse. It needs great attempt to make the society understand the problem, better communication among the agencies, and the allocation of enough resources to effectively support the policy.*

Keywords: *Drug Abuse, Restorative Justice, Implementation, Indonesia, Challenges.*

1. INTRODUCTION

Narcotics Abuse has been a problematic case in some nations, including Indonesia. It has become a crucial problem for the government and community that affected the social, economic, and health sectors. The government has tried to reduce the bad effects caused by narcotics abuse and even ban them forever. To reach that goal, the Indonesian government has adapted some policies and one of them is the restorative justice approach.

Restorative justice is an approach for enforcing the laws which focuses on rehabilitation, reconciliation, and reintegration for narcotics' offenders, victims, and the society. This approach is different from the punitive approaches that focus on the punishment and vengeance of the perpetrators. In the context of drug abuse, the restorative justice approach is expected to give solutions holistically and continuously.

Many studies have been conducted to evaluate the implementation of restorative justice policy in treating drug abuse. The evaluative studies of restorative justice have been conducted by Nugroho, Wahyulina, & Rahayu in the journal of *Maksigama*, Dauly in *Impresi Indonesia*

journal, and Megoondo in his dissertation at Universitas Islam Sultan Agung . The results depicted the policy's effectiveness and the challenges in the implementation process.

However, there were some missing fields found in the previous research such as the concept of restorative justice for the drug abuse case committed by a child, the abortion of prosecution for drug abuse based on restorative justice, and the implementation of restorative justice in treating the drug abuse in Indonesia.

Considering the case, this research aimed at analyzing deeply the employment of restorative justice to drug abuse in Indonesia. Through the qualitative approach and the use of various data such as interviews with the person in charge of the case, and the regulation document analysis, this study could give a clear understanding of how far the policy could work well and what were the challenges faced in the implementation process.

As a consequence, this study gave a constructive suggestion for the understanding and revision of the policy and the treatment practice of drug abuse in Indonesia, so that the good impact could increase particularly for the community and generally for the nation.

2. LITERATURE REVIEW

a. Restorative Justice

The literature reviews about the implementation of restorative justice policy on drug abuse have become the focus of some research done by scholars and researchers. That research has provided comprehensive knowledge on how the restorative justice policy was implemented to treat the drug abuse case, the effects, and the challenges during the implementation. Restorative justice is one of the penalty methods aiming at restoring the victim's dignity, perpetrator, and community that was harmed by the crime, and to prevent further infringement or violation.

A relevant study conducted by Nugroho, Wahyulina, & Rahayu published in *Jurnal Maksigama* mentioned that the study discussed the operation of restorative justice to the abuse of narcotics and psychotropics substances, and through the comprehensive analysis, the researcher depicted how effective the policy was and some challenges that they might face.

b. Narcotics Crime

Narcotics crime can be defined as one of the actions that breaks the law and it is regulated in articles 11 to 148 in law number 35 of 2009 about Narcotics. In the context of restorative justice policy, Daulay in *Jurnal Impresi Indonesia*, has identified the implication of

restorative justice to the drug abuse of methamphetamine substance and the effectiveness of how to eliminate the narcotics crime. The study gave detailed information on how the policy affected certain narcotics treatments.

Megonondo in his dissertation at Universitas Islam Sultan Agung, explored the regulation construction in terminating the persecution of narcotics offenders in the frame of restorative justice based on Pancasila's Justice value. The study not only discusses the enactment of restorative justice but also analyzes the basic law of the regulation aspects.

Besides, specific research focused on certain aspects of drug abuse, such as the drug abuse by a child. Hasibuan, Sendy, & Tarigan in *Innovative: Journal Of Social Science Research*, identified the concept of restorative justice for drug abuse by a child. This study gave an important depiction of how the policy could be implemented in this special context.

Moreover, the research also studied many various practical aspects of implementing the policy of restorative justice for drug abuse. In line with the case, Patoni, Gani, & Rasito in *Sibatik Journal* discussed the restorative justice in enforcing criminal law regarding drug abuse in Senyerang district, Tanjung JAbung Barat regency.

The comprehensive information on the persecution termination the narcotics abuse based on restorative justice was discussed by Herman et al. in the book of *Halu Oleo Legal Research*. This research presented a different perspective on handling the problem caused by drug abuse.

In the aspect of practical approach, Sidabutar in *Jurnal Hukum Kaidah* explored the narcotics criminal resolution for the wrongdoer as a victim with the approach of restorative justice based on Pancasila's justice norm. This gave a better holistic view of how the policy can give solutions to drug offenders.

c. The Policy Implementation

The study of restorative justice also included the aspect of evaluation and policy implementation. In this case, Huda et al. in *Jurnal Ilmiah Kebijakan Hukum* conducted an integrated assessment of the restorative justice implementation in handling narcotics criminal abuse in Indonesia. This study described how far the policy has been implemented and what were the effects in the treatment of narcotics cases.

Besides, the research also identified the restorative justice implementation in different criminal contexts, Zahrah & Taun in *Innovative: Journal of Social Science Research*, studied the implementation of law prosecution with the restorative justice approach in resolving the

criminal case of sexual assault. This showed how flexible the restorative justice approach is in every criminal context.

To maximize the attempts of the restorative justice approach, Almond & Zulfa in *Jurnal Pendidikan Tambusai* discussed how to optimize the restorative justice approach to “*victimless crime*” such as drug abuse as the solution for the prison that is overloaded.

Overall, the literature review gave us a comprehensive understanding of how to implement the restorative justice policy for drug abuse, starting from the conceptual aspect to the practical application in handling various narcotics abuse cases. A better comprehension of the various aspects of these might give a clear and strong background to the policy improvement and practical treatment of narcotics abuse in Indonesia.

Progressive law is one of the laws that change significantly the existing regulation to be more impactful, particularly in guaranteeing human dignity. In line with restorative justice, that theory has similar characteristics that belong to restorative justice which is prioritizing justice value for the community. The theory is also in line with the preamble of the 1945 constitution of Indonesia.

3. RESEARCH METHODOLOGY

The research methodology used in this study was qualitative descriptive and conducted through the analysis of literature reviews from various sources related to the enactment of restorative justice policy to narcotics abuse. The qualitative approach was used to comprehend the social phenomena and the context of complicated policy, and the descriptive approach aimed at showing a clear and detailed description of the policy implementation. The data were collected through various scientific articles, dissertations, and other related publications. The analysis was done by reading, comprehending, and synthesizing the findings from various sources to get a detailed and comprehensive depiction of the implementation status of restorative justice policy to narcotics abuse. By using the method, the study aimed to give a deeper understanding of the challenges, accomplishments, and potential improvement in implementing the policy in the context of narcotics abuse in Indonesia.

4. RESULT AND DISCUSSION

a. The Notion of Restorative Justice Policy to the Narcotics Abuse

The discussion of restorative justice policy on narcotics abuse involves important various aspects to consider. One of the aspects is reviewing the laws that regulate narcotics abuse and the relevance to the restorative justice approach. The laws that regulate the treatment

for narcotics abuse in Indonesia is Law Number 35 of 2009 about narcotics. Article 50 section (3) states that the narcotics offenders who are arrested or being inducted to get treatment can get termination prosecution if, in the process of rehabilitation, he or she shows progress. This was in line with the restorative justice principles that address the recovery and reintegration of the perpetrators into the community.

However, practically, the implementation of restorative justice policy to the narcotics abuses still faced some challenges. One of the challenges is the lack of the community's comprehension and consciousness of the concept of restorative justice and the need for recovering the perpetrators. Although law number 35 of 2009 gave a clear background of policy to terminate the persecution in the context of rehabilitation, there were some stigmas and negative stereotypes of the wrongdoers of narcotics that resisted the implementation of the restorative justice approach.

b. The Challenges and Solutions

The lack of appropriate sources also became one of the reasons for implementing this policy. Although the laws have given a background policy to rehabilitate and reintegrate socially, the supporting tools, facilities, officers, experts, and social support are very limited in the quality and capacity to help the process. Article 127 section (1) from law number 35, the year 2009 emphasized that the government should provide a proper rehabilitation service for the narcotics offenders. However, in reality, there were some social gaps between the need for rehabilitation and the available facilities also the proper services.

Another challenge was the lack of coordination among the related agencies in implementing the restorative justice policy. The process of rehabilitation and reintegration of the wrongdoers into the community required good cooperation among various agencies, such as law agencies, rehabilitation agencies, and social agencies. However, they were difficult to find consensus due to the lack of coordination among them and it resisted the progress in implementing the restorative justice policy.

Moreover, the aspect of human rights protection was also important in implementing the restorative justice policy for narcotics abuse. Article 8 section (1) from the law number 35, the year 2009 emphasized that narcotics abuse can get protection for human rights based on the law's regulation. In the setting of restorative justice, the context of human rights became an important aspect to consider in the process of rehabilitation and reintegration of the wrongdoers into the community.

Regular evaluation should be conducted to maintain the effectiveness and efficiency of the policy. The evaluation may take in various methods, particularly in the form of qualitative, quantitative, literature reviews, and case studies. The evaluation is done to make sure that the restorative justice policy can optimally result in handling narcotics abuse and to identify which areas need to be improved and repaired.

Therefore, the employment of a restorative justice policy for narcotics abuse was a complex attempt and required good coordination among various related parties. In the Indonesian context, although law number 35, year 2009 gave a clear background for the restorative justice approach, further efforts were still needed to improve the community comprehension, repair the coordination among the agencies, also make sure that human rights protection was enforced in the process of rehabilitation and social reintegration for the narcotics wrongdoers.

To continue the discussion of implementing the restorative justice policy to narcotics abuse, it should be highlighted that there were some relevant additional aspects to consider. One of the aspects was the active participation of the community to support the restorative justice approach in handling narcotics abuse cases. Law number 35, the year 2009 about Narcotics, particularly in Article 127 section (2), emphasized the vital role of the community in preventing narcotics abuse and rehabilitating the wrongdoers. In the background of restorative justice, the part of the community is to enable the reconciliation procedure among the perpetrators, victims, and community, and to support socially that is needed by the wrongdoers who are in rehabilitation.

Besides, the aspect of recovery and social reintegration for the perpetrators who did the narcotics abuse needed to be considered. Law number 35, the year 2009 stated the importance of giving social rehabilitation programs for drug offenders, as it is regulated in Article 111 section (1). In the context of restorative justice, the recovery, and social reintegration program became the main focus in restoring the drug offenders to the community in a good way to return their dignity and productivity. The programs consisted of skills development, education empowerment, and coaching, also supporting them with psychosocial for the perpetrators and the family.

However, in implementing the restorative justice policy for narcotics abuse, the challenges of the law aspects and regulation should be considered. Even though law number 35, the year 2009 has given a clear policy background for the restorative justice approach, there were some needs to complete the detailed regulation and the operations. Article 77 section 1 emphasized that the government is required to arrange the drug regulations nationally which

include the policy, programs, prevention strategies for drug abuse, rehabilitation, limitation, and control of the drugs. However, in reality, there were some ineffective procedures and national policy implementations in handling drug abuse.

Another consideration was the effort to improve the access and rehabilitation service quality for drug abuse. Law number 35, the year 2009 emphasized the importance of providing a qualified rehabilitation service for drug offenders, as mentioned in Article 129 section (1). However, in reality, the challenges were in the form of inappropriate accessibility, availability, and facilities. There were some social gaps among the needs for rehabilitation, available facilities, and appropriate services, especially in remote areas that have no access to proper resources.

Another challenge in implementing the approach to handle the drug abuse was related to the drug abuse that involved children. Law number 35, the year 2009 highlighted that children who are involved in narcotics abuse should get special treatment and protection according to the child protection law. However, in solving narcotics abuse, the law enforcers got some problems, particularly in the aspect of rehabilitation, social reintegration, and human rights protection.

Besides, the systematic evaluation of restorative justice policy should be done to evaluate the policy' effectiveness and efficiency. This evaluation would make sure that the restorative justice policy can give a great result in solving narcotics abuse and identify what areas that are required to be repaired and developed. With this case in mind, the implementation of restorative justice policy for narcotics abuse was not an easy effort and it required cooperation and coordination among the parties. Although law number 35, the year 2009 has given a framework regulation for the restorative justice approach in Indonesian context, some extra efforts are needed to rise the public understanding, improve the coordination of the parties, and make sure legal protection for human rights during the process of rehabilitation and social reintegration for the narcotics perpetrators.

5. CONCLUSION

In sum, the implementation of the restorative justice policy for narcotics abuse emphasized some aspects that should be reconsidered. Generally, the implementation of restorative justice policy was a multifaceted step and it required better coordination among the government, agencies, community, and criminals. Although there was a framework for the policy in the form of law number 35, the year 2009 about narcotics, there were some challenges

that required to be solved in reaching the formulated purposes in treating narcotics abuse through the use of restorative justice approach.

Firstly, this conclusion emphasized the importance of understanding detailed information about the idea of restorative justice in the community, particularly in the field of law enforcers and related parties. The proper information about the approach could maximize the implementation and reach the desired objectives in handling narcotics abuse cases. Therefore, the attempts to improve awareness and understanding of restorative justice became a priority to enhance the policy implementation.

Next, the conclusion highlighted the importance of providing proper resources such as financial support and human resources to enhance the implementation of restorative justice policy. The rehabilitation facilities, experts, staff, and social supports, were also important to improve the quality of implementing the restorative justice policy for the drug offenders. It should be noted that the coordination among the related parties and institutions needs to be enhanced to make sure that the implementation runs well and effectively.

Besides, the conclusion stated that human rights were necessary to protect during the process of rehabilitation and social reintegration for the narcotics offenders. Even though they have committed a crime that broke the law, they still have the right to live and get justice as regulated in the principles of human rights. Therefore, in implementing the restorative justice policy, it should be considered seriously that human rights need to be protected as regulated in law number 35, year 2009 about Narcotics and child laws protection.

Then, the conclusion also highlighted that it was necessary to conduct regular evaluations during the implementation of restorative justice policy in handling narcotics abuse. The evaluation should be done to assess comprehensively the effectiveness and efficiency of the policy and to identify the areas that need to be repaired and improved. So, the evaluation results could be a foundation for making better decisions in improving the quality and effectiveness of the restorative justice implementation.

Next, the conclusion highlighted the need for active participation from the community in supporting the restorative justice policy. The community has a vital role in supporting the rehabilitation and social reintegration process for drug offenders and creating well-supporting surroundings for them. Therefore, it should be noted that all community members must take part in the development of implementing restorative justice policy.

Lastly, the conclusion once again underlined the necessity of every role from the related parties, including the government, agencies, community, and drug offenders in the process of improving the implementation of restorative justice policy to the narcotics abuse. By building

good coordination and cooperation among the related parties, the objectives of creating an effective, fair, and continuous system to handle narcotics abuse could be acquired.

So, this conclusion emphasized that the application of restorative justice policy to narcotics abuse requires a holistic and comprehensive approach involving various aspects from community awareness, appropriate sources provision, human rights protection, regular evaluation, an active role of the community, and all of the related agencies. By integrating all of the aspects optimally, the objectives of restorative justice to provide a good quality and effective narcotics criminal treatment could be acquired.

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