

Restorative Justice-Based Rehabilitation for Narcotics Offenders in Indonesia: A Juridical Analysis of the Attorney General's Guideline Number 18 of 2021

Najwa Aulia Ramadhani¹, Appe Hutaauruk², Hotman Sinambela³, Fendi Maruba Parlindungan Hutahaean⁴

Program Studi Ilmu Hukum, Fakultas Hukum, Universitas Mpu Tantular, Indonesia

Article Info

Article history:

Accepted: 9 September 2026

Publish: 17 September 2026

Keywords:

Restorative Justice;

Narcotics Rehabilitation;

Narcotics Addicts;

Attorney General's;

Criminal Law.

Abstract

The increasing number of narcotics abuse cases in Indonesia has encouraged the government to adopt a restorative justice approach that prioritizes rehabilitation over imprisonment for eligible narcotics offenders. The Attorney General's Guideline Number 18 of 2021 serves as the primary legal framework governing the implementation of rehabilitation through legal proceedings for narcotics users, addicts, and victims of narcotics abuse. This study aims to examine the juridical basis, legal relevance, and practical implementation of rehabilitation under the Guideline, as well as to identify the legal challenges encountered in its application. This research employs a normative juridical method using statutory and conceptual approaches. The study analyzes primary legal materials, including Law Number 35 of 2009 concerning Narcotics and the Attorney General's Guideline Number 18 of 2021, supported by secondary legal materials from recent scholarly publications related to restorative justice, rehabilitation, and narcotics law. The findings indicate that rehabilitation through legal proceedings is legally consistent with the principles of restorative justice and the ultimum remedium doctrine, particularly for narcotics users requiring medical and social recovery rather than punitive sanctions. Nevertheless, the implementation of the Guideline continues to face several challenges, including the absence of clear legal benchmarks distinguishing narcotics addicts, abusers, and victims, inconsistent interpretations among law enforcement agencies, dependence on the Integrated Assessment Team's recommendations, limited rehabilitation facilities, and inadequate post-rehabilitation monitoring. These issues may reduce legal certainty and create disparities in law enforcement practices. Therefore, strengthening legal standards, improving institutional coordination, and developing more objective assessment criteria are essential to enhance the effectiveness and consistency of restorative justice-based rehabilitation within Indonesia's criminal justice system.

This is an open access article under the [Lisensi Creative Commons Atribusi-BerbagiSerupa 4.0 Internasional](https://creativecommons.org/licenses/by-sa/4.0/)



Corresponding Author:

Appe Hutaauruk

Program Studi Ilmu Hukum, Fakultas Hukum, Universitas Mpu Tantular, Indonesia

Email Coresspondent: appehturuk@gmail.com

1. INTRODUCTION

Narcotics abuse remains one of the most serious criminal law issues in Indonesia because it affects not only public security but also public health and social welfare. The increasing number of narcotics abuse cases has encouraged a shift in criminal law policy from a purely punitive approach toward a more balanced approach that combines

punishment with rehabilitation. This policy shift recognizes that narcotics addicts and victims of narcotics abuse require medical and social recovery while remaining accountable under the criminal justice system. Consequently, Indonesian narcotics law has increasingly emphasized rehabilitation as an integral component of criminal justice reform (Prakoso, 2013).

The development of rehabilitation policies reflects the growing recognition that narcotics addicts should not always be treated solely as criminals but also as individuals suffering from substance dependence. Rehabilitation is therefore regarded as a legal mechanism aimed at restoring the physical, psychological, and social conditions of narcotics users while reducing the likelihood of repeated drug abuse. Such an approach is expected to produce more effective long-term outcomes than imprisonment alone, particularly for offenders whose primary involvement is personal narcotics consumption (Hidayatun & Widowaty, 2020).

The implementation of restorative justice has become increasingly significant in resolving narcotics abuse cases in Indonesia. Rather than focusing exclusively on retributive punishment, restorative justice seeks to restore the offender through rehabilitation while simultaneously protecting the interests of society. This approach is consistent with the philosophy that criminal sanctions should promote recovery, reintegration, and social responsibility, especially for narcotics addicts who require comprehensive treatment instead of incarceration (Arief & Ambarsari, 2018).

To strengthen the implementation of restorative justice, the Attorney General of the Republic of Indonesia issued Attorney General's Guideline Number 18 of 2021 concerning the Settlement of Narcotics Abuse Cases through Rehabilitation Based on Restorative Justice. The Guideline provides prosecutors with procedural standards for determining whether narcotics offenders are eligible to receive rehabilitation during the prosecution stage. It also reinforces the prosecutor's authority under the principle of *dominus litis* to prioritize legal solutions that emphasize recovery while maintaining legal certainty (Putra & Widnyana, 2023).

Although the Guideline has introduced a clearer legal framework, its practical implementation continues to encounter numerous challenges. Differences in interpretation among law enforcement officers, inconsistencies in integrated assessment results, limited rehabilitation facilities, and varying prosecutorial practices frequently create disparities in determining whether an offender qualifies for rehabilitation. These implementation issues potentially undermine legal certainty and equality before the law in narcotics case handling (Heriyanto, Winarno, & Ariesta, 2025).

Several previous studies have examined restorative justice and rehabilitation from different perspectives. Research by Ramadhan and Soponyono (2022) emphasized the importance of restorative justice as an alternative criminal policy for narcotics abuse cases. Similarly, Setyawan and Rochaeti (2022) highlighted the urgency of implementing restorative justice within Indonesia's criminal justice system. Meanwhile, Marune (2023) explained that restorative justice provides a more humane mechanism for resolving narcotics abuse cases by prioritizing rehabilitation over imprisonment. However, these studies primarily discuss restorative justice conceptually and generally without focusing specifically on the juridical implementation of Attorney General's Guideline Number 18 of 2021.

Other studies have concentrated on rehabilitation policies and their legal implications. Pambudi, Rozah, and Sutanti (2022) analyzed the relevance of rehabilitation sanctions to the objectives of criminal punishment, while Damayanti (2024) examined the institutional role of rehabilitation centers within Indonesia's narcotics legal system. Furthermore, Kurniawatie (2024) discussed judicial considerations in imposing

rehabilitation under Article 127 of Law Number 35 of 2009 concerning Narcotics. Nevertheless, these studies pay limited attention to the prosecutorial stage regulated by Attorney General's Guideline Number 18 of 2021, particularly regarding the legal benchmarks used to determine rehabilitation eligibility.

The scientific novelty of this article lies in its comprehensive juridical analysis of Attorney General's Guideline Number 18 of 2021 as the principal legal instrument governing restorative justice-based rehabilitation during the prosecution stage. Unlike previous studies that predominantly discuss rehabilitation from judicial or policy perspectives, this research specifically evaluates the legal foundation, implementation challenges, and legal certainty generated by the Guideline in the context of prosecutorial discretion and restorative justice.

Based on the foregoing discussion, this study aims to analyze the juridical basis for implementing restorative justice-based rehabilitation under Attorney General's Guideline Number 18 of 2021, evaluate its effectiveness in handling narcotics abuse cases, identify the legal obstacles encountered during implementation, and formulate recommendations for strengthening legal certainty and consistency within Indonesia's criminal justice system.

2. METHOD

This study employed a normative juridical research design to examine the legal framework governing restorative justice-based rehabilitation for narcotics offenders in Indonesia. Normative juridical research emphasizes the analysis of statutory regulations, legal doctrines, legal principles, and scholarly literature relevant to a particular legal issue. The research focused on evaluating the legal consistency and implementation of Attorney General's Guideline Number 18 of 2021 in relation to Law Number 35 of 2009 concerning Narcotics and other relevant legal instruments governing rehabilitation and restorative justice (Prakoso, 2013).

The research adopted two complementary approaches. The first was the statutory approach, which examined the legal provisions contained in Law Number 35 of 2009 concerning Narcotics, Attorney General's Guideline Number 18 of 2021, and other related regulations governing rehabilitation and restorative justice. The second was the conceptual approach, which analyzed legal concepts concerning narcotics abuse, narcotics addiction, restorative justice, rehabilitation, criminal liability, and the prosecutor's authority under the principle of *dominus litis* to provide a comprehensive legal interpretation of the applicable regulations (Sihombing, Syahrin, Ablisar, & Mulyadi, 2023).

The legal materials analyzed in this study consisted of primary, secondary, and tertiary legal materials. Primary legal materials included statutory regulations directly related to narcotics law and restorative justice policies. Secondary legal materials comprised peer-reviewed journal articles, legal textbooks, and scholarly publications discussing rehabilitation, restorative justice, criminal law policy, and narcotics law. Tertiary legal materials included legal dictionaries, official government publications, and other supporting references used to clarify legal terminology and concepts (Ramadan, 2023).

Data collection was conducted through an extensive library research method by identifying, reviewing, and systematically analyzing relevant legal documents and academic publications. The collected legal materials were organized according to the research objectives and classified based on their legal authority and relevance to the implementation of restorative justice-based rehabilitation. This method enabled the researcher to obtain comprehensive legal information concerning both the normative framework and contemporary scholarly discussions regarding narcotics rehabilitation (Damayanti, 2024).

The collected legal materials were analyzed using a descriptive-analytical qualitative method. The analysis involved interpreting statutory provisions, comparing legal

doctrines with current legal practices, identifying inconsistencies among regulations, and evaluating the implementation of Attorney General's Guideline Number 18 of 2021 within Indonesia's criminal justice system. The interpretation focused on assessing whether restorative justice-based rehabilitation fulfills the principles of legal certainty, justice, and legal expediency while ensuring effective protection for narcotics addicts and victims of narcotics abuse (Setyowati & Handayani, 2024).

3. RESULTS AND DISCUSSION

a. Juridical Basis of Restorative Justice-Based Rehabilitation under Attorney General's Guideline Number 18 of 2021

The Indonesian criminal justice system has undergone a significant transformation in addressing narcotics abuse by gradually shifting from a punitive orientation toward a more balanced legal approach that incorporates rehabilitation and restorative justice. This transformation is rooted in the recognition that narcotics addicts are not merely offenders but also individuals experiencing physical and psychological dependence requiring medical and social intervention. Consequently, criminal law no longer exclusively emphasizes imprisonment as the primary response to narcotics abuse but increasingly recognizes rehabilitation as an integral component of legal protection and social recovery. This policy reflects the broader objective of criminal law to achieve justice, legal certainty, and social welfare simultaneously while preventing repeated narcotics abuse through comprehensive treatment rather than solely through punitive sanctions (Prakoso, 2013).

The legal basis for rehabilitation in Indonesia primarily derives from Law Number 35 of 2009 concerning Narcotics, which explicitly recognizes the obligation to provide medical and social rehabilitation for narcotics addicts and victims of narcotics abuse. The law establishes that rehabilitation constitutes an essential component of narcotics control policy because addiction is considered a health condition requiring structured recovery. Therefore, criminal sanctions imposed upon narcotics users should not disregard their need for treatment and social reintegration. This legal framework illustrates that Indonesian narcotics legislation adopts a dual perspective by simultaneously protecting society from narcotics crimes and protecting addicts through appropriate rehabilitation measures (Hidayatun & Widowaty, 2020).

The emergence of restorative justice further strengthens the legal justification for rehabilitation within Indonesia's criminal justice system. Restorative justice emphasizes restoring the social balance disrupted by criminal conduct rather than focusing exclusively on retribution. In narcotics abuse cases, this approach seeks to facilitate the offender's recovery while minimizing unnecessary incarceration that may hinder rehabilitation. Through restorative justice, law enforcement institutions are encouraged to prioritize solutions capable of repairing both individual and social harm, thereby supporting sustainable reintegration into society. This approach also aligns with contemporary criminal law policies that increasingly recognize rehabilitation as an effective response for offenders suffering from narcotics dependence (Arief & Ambarsari, 2018).

A significant milestone in implementing restorative justice within narcotics cases was the issuance of Attorney General's Guideline Number 18 of 2021. This Guideline provides prosecutors with a comprehensive legal framework for resolving narcotics abuse cases through rehabilitation during the prosecution stage. Rather than automatically pursuing imprisonment, prosecutors are granted authority to evaluate whether suspects satisfy the legal requirements for rehabilitation based on integrated assessment results and other statutory considerations. The Guideline therefore

represents a policy innovation that integrates prosecutorial discretion with restorative justice principles while reinforcing the prosecutor's constitutional role as *dominus litis* within Indonesia's criminal justice process (Sinaga, 2021).

The authority granted to prosecutors under the Guideline reflects a broader development in Indonesian prosecution policy emphasizing legal effectiveness and proportionality. As *dominus litis*, prosecutors possess strategic authority to determine the continuation of criminal proceedings based upon legal evidence and public interest considerations. The rehabilitation mechanism introduced through Attorney General's Guideline Number 18 of 2021 demonstrates that prosecutorial discretion is no longer limited to deciding whether to prosecute but also includes determining whether rehabilitation constitutes a more appropriate legal response than imprisonment. Such authority strengthens the integration between criminal justice objectives and restorative justice values within prosecution practice (Sihombing, Syahrin, Ablisar, & Mulyadi, 2023).

The implementation of rehabilitation also reflects the philosophical understanding that criminal punishment should pursue broader objectives than retaliation alone. Contemporary criminal law increasingly acknowledges rehabilitation as a mechanism capable of reducing recidivism by addressing the underlying causes of criminal behavior. In narcotics abuse cases, dependence on prohibited substances frequently becomes the primary factor driving unlawful conduct. Therefore, imprisonment without adequate rehabilitation often fails to eliminate addiction and may instead increase the possibility of repeated offenses after release. Rehabilitation consequently serves not only humanitarian objectives but also contributes to more effective criminal prevention and public protection (Pambudi, Rozah, & Sutanti, 2022).

Despite the progressive legal framework established through Attorney General's Guideline Number 18 of 2021, its implementation remains closely connected to the quality of integrated assessment procedures conducted before rehabilitation decisions are made. The integrated assessment process is intended to distinguish narcotics addicts, victims of narcotics abuse, and narcotics traffickers objectively so that rehabilitation is granted only to individuals meeting statutory requirements. Accurate assessment is therefore fundamental to maintaining legal certainty while preventing abuse of restorative justice mechanisms. The effectiveness of this assessment process significantly influences public confidence in rehabilitation policies and determines whether restorative justice achieves its intended legal objectives (Wahyu et al., 2021).

Recent legal scholarship also indicates that rehabilitation should be interpreted as an inseparable component of Indonesia's broader criminal law reform agenda. Rather than functioning as an exception to criminal punishment, rehabilitation increasingly represents an alternative legal response specifically designed for offenders whose criminal responsibility is substantially influenced by narcotics dependence. This perspective supports the development of a more humane criminal justice system that balances accountability with recovery while respecting the principles of justice, proportionality, and legal certainty. Accordingly, Attorney General's Guideline Number 18 of 2021 constitutes not merely an administrative policy but a concrete manifestation of Indonesia's commitment to implementing restorative justice within narcotics law enforcement. The Guideline therefore provides an important juridical foundation for harmonizing criminal punishment with rehabilitation and demonstrates the continuing evolution of Indonesian criminal law toward a more restorative and recovery-oriented legal system (Setyawan & Rochaeti, 2022).

b. Implementation of Restorative Justice-Based Rehabilitation in Narcotics Abuse Cases

The implementation of restorative justice-based rehabilitation in narcotics abuse cases represents one of the most significant developments in Indonesia's criminal justice policy. Unlike the conventional criminal justice approach, which predominantly emphasizes imprisonment, restorative justice encourages law enforcement authorities to prioritize recovery for eligible narcotics offenders. This policy recognizes that narcotics addiction is not merely a legal issue but also a medical and social problem requiring comprehensive intervention. Consequently, rehabilitation has become an essential mechanism for restoring offenders' physical, psychological, and social conditions while simultaneously protecting society from the continuing impact of narcotics abuse. The implementation of this approach reflects the government's commitment to balancing legal certainty with humanitarian considerations within criminal law enforcement (Heriyanto, Winarno, & Ariesta, 2025).

The practical implementation of Attorney General's Guideline Number 18 of 2021 begins with identifying whether a suspect satisfies the legal criteria to receive rehabilitation. Prosecutors evaluate various legal and factual considerations, including the suspect's involvement in narcotics distribution, the quantity of narcotics seized, criminal history, and recommendations produced through the Integrated Assessment Team. These assessments aim to distinguish narcotics addicts and victims of narcotics abuse from traffickers or organized criminal actors. By applying objective legal standards before prosecution proceeds, prosecutors are expected to ensure that rehabilitation is granted only to individuals genuinely requiring medical and social recovery instead of conventional criminal punishment (Putra & Widnyana, 2023).

An important aspect of implementing rehabilitation involves the Integrated Assessment Team, which consists of medical professionals and law enforcement representatives. This multidisciplinary assessment evaluates the offender's level of dependency, medical condition, psychological status, and degree of involvement in narcotics-related criminal activities. The recommendations generated by this team provide prosecutors with an objective basis for determining whether restorative justice through rehabilitation is appropriate. The assessment process therefore serves as a safeguard against arbitrary decision-making while promoting consistency in prosecutorial discretion across different jurisdictions (Damayanti, 2024).

The effectiveness of rehabilitation implementation can also be observed through its contribution to increasing legal awareness among narcotics offenders. Rehabilitation programs generally combine medical treatment, psychological counseling, social reintegration, and legal education to reduce dependency while encouraging offenders to recognize the legal consequences of narcotics abuse. Such comprehensive interventions aim not only to eliminate addiction but also to strengthen offenders' understanding of their legal responsibilities, thereby reducing the likelihood of recidivism after completing rehabilitation programs. Consequently, rehabilitation contributes simultaneously to individual recovery and broader crime prevention objectives (Hamdani, Arliman, & Amiruddin, 2025).

Despite its progressive legal framework, practical implementation frequently encounters administrative and institutional challenges. One of the primary difficulties concerns the coordination among prosecutors, investigators, medical professionals, rehabilitation institutions, and the Integrated Assessment Team. Differences in institutional procedures, varying interpretations of legal requirements, and limited administrative support often delay assessment processes and affect the

consistency of rehabilitation decisions. Such procedural obstacles demonstrate that effective restorative justice requires not only adequate legal regulations but also efficient institutional collaboration among all stakeholders involved in narcotics case handling (Sayutis, Danil, & Yoserwan, 2024).

Another significant challenge concerns balancing legal protection for narcotics addicts with society's demand for effective criminal law enforcement. Public perception often associates rehabilitation with leniency, creating concerns that offenders may avoid criminal accountability. Nevertheless, restorative justice does not eliminate criminal responsibility; instead, it redirects the legal response toward treatment for offenders who satisfy statutory rehabilitation requirements. Accordingly, rehabilitation should be understood as a specialized legal sanction designed to address addiction rather than as an exemption from criminal law. Public understanding of this distinction remains essential for maintaining confidence in restorative justice policies (Mahendra & Samosir, 2023).

The implementation of rehabilitation also reveals disparities among judicial decisions involving narcotics offenders. Similar factual circumstances may result in different prosecutorial recommendations or judicial outcomes because of varying interpretations regarding offender eligibility, integrated assessment findings, and evidentiary considerations. Such disparities may weaken legal certainty and create inconsistent application of restorative justice across different regions. Therefore, greater standardization of rehabilitation criteria and assessment procedures is necessary to ensure equal treatment before the law while preserving prosecutorial independence in individual cases (Budiawan, Mulyadi, & Yunara, 2025).

Recent legal developments indicate that restorative justice-based rehabilitation has increasingly become an important component of Indonesia's criminal justice reform. The implementation of Attorney General's Guideline Number 18 of 2021 demonstrates a growing institutional commitment to resolving narcotics abuse cases through recovery-oriented legal mechanisms without undermining public safety or legal accountability. Although practical challenges remain, continuous improvements in institutional coordination, assessment quality, prosecutorial capacity, and rehabilitation infrastructure are expected to strengthen the effectiveness of this policy. Ultimately, successful implementation depends upon consistent legal interpretation, objective assessment procedures, and sustained cooperation among all criminal justice institutions responsible for handling narcotics abuse cases (Analisis Pedoman Jaksa Agung Nomor 18 Tahun 2021 Terhadap Keadilan Restoratif Dalam Perkara Tindak Pidana Penyalahgunaan Narkotika, 2026).

c. Legal Challenges and Future Directions for Strengthening Rehabilitation Policies

The implementation of restorative justice-based rehabilitation under Attorney General's Guideline Number 18 of 2021 has demonstrated considerable progress in promoting a more humane criminal justice system. Nevertheless, various legal and institutional challenges continue to hinder the effective realization of this policy. One of the most fundamental issues concerns the dual legal status of narcotics addicts, who are simultaneously recognized as criminal offenders and individuals requiring medical treatment. This dualism frequently creates differences in legal interpretation among investigators, prosecutors, and judges regarding whether rehabilitation or imprisonment should be prioritized. As a result, similar narcotics abuse cases may receive different legal outcomes despite involving comparable factual circumstances, thereby affecting legal certainty and equal treatment before the law (Setyowati & Handayani, 2024).

Another important challenge concerns the limited legal certainty surrounding the interpretation of rehabilitation provisions contained in Law Number 35 of 2009 concerning Narcotics. Although statutory regulations recognize rehabilitation as an essential legal response for narcotics addicts and victims of narcotics abuse, the practical determination of eligibility often depends upon subjective assessments conducted during criminal proceedings. Variations in interpreting statutory requirements may create uncertainty regarding who genuinely qualifies for rehabilitation and who should instead receive conventional criminal sanctions. Consequently, strengthening legal interpretation and developing more objective legal standards remain necessary to ensure consistent implementation throughout Indonesia's criminal justice system (Kurniawatie, 2024).

The effectiveness of rehabilitation policies is also closely associated with the availability and quality of rehabilitation institutions. Many rehabilitation centers continue to experience limitations regarding infrastructure, medical personnel, psychological services, and post-rehabilitation supervision programs. These limitations reduce the capacity of rehabilitation institutions to provide comprehensive recovery services capable of preventing relapse and facilitating successful social reintegration. Without adequate institutional support, rehabilitation may become merely a procedural requirement rather than an effective legal mechanism for restoring offenders' physical, psychological, and social well-being (Damayanti, 2024).

The absence of comprehensive post-rehabilitation monitoring further represents a significant weakness within the current legal framework. Successful rehabilitation should not conclude when offenders complete treatment programs but should continue through structured supervision, counseling, community assistance, and periodic evaluation. Insufficient monitoring increases the possibility of relapse, particularly among offenders returning to social environments associated with narcotics abuse. Therefore, rehabilitation policies require stronger coordination between rehabilitation institutions, prosecutors, community organizations, and local governments to ensure sustainable recovery and minimize recidivism (Amaliyah & Riani, 2024).

From the perspective of criminal law policy, concerns also persist regarding whether rehabilitation alone provides sufficient deterrence against repeated narcotics abuse. Critics argue that offenders may perceive rehabilitation as a relatively light legal consequence compared with imprisonment, thereby reducing the preventive function of criminal sanctions. This debate illustrates the continuing tension between rehabilitation-oriented criminal policy and traditional punitive approaches emphasizing deterrence and retribution. Accordingly, criminal law policymakers must continuously evaluate whether existing rehabilitation mechanisms successfully balance humanitarian objectives with the broader goals of criminal justice, including crime prevention and public protection (Pratama, 2025).

The development of restorative justice within narcotics law enforcement also requires stronger legal harmonization among the various institutions responsible for criminal case handling. Effective implementation depends not only upon prosecutors but also upon investigators, judges, rehabilitation professionals, correctional institutions, and the National Narcotics Board. Differences in institutional priorities, procedural standards, and legal interpretation frequently reduce the consistency of rehabilitation decisions. Strengthening inter-agency cooperation through standardized operational procedures and integrated legal guidelines would contribute significantly to improving legal certainty and institutional effectiveness (Ramadhan & Soponyono, 2022).

In addition to institutional reforms, future rehabilitation policies should emphasize the development of objective legal benchmarks capable of distinguishing narcotics addicts, victims of narcotics abuse, recreational users, and narcotics traffickers. Clear legal indicators supported by scientific assessment methods would reduce subjective prosecutorial discretion while ensuring that restorative justice is applied exclusively to individuals satisfying statutory requirements. Such objective standards would simultaneously strengthen public confidence, improve transparency, and reduce disparities in criminal justice practices throughout Indonesia (Analisis Pedoman Jaksa Agung Nomor 18 Tahun 2021 Terhadap Keadilan Restoratif Dalam Perkara Tindak Pidana Penyalahgunaan Narkotika, 2026).

4. CONCLUSION

This study concludes that Attorney General's Guideline Number 18 of 2021 provides a significant juridical foundation for implementing restorative justice-based rehabilitation in the settlement of narcotics abuse cases in Indonesia. The Guideline strengthens the role of prosecutors in prioritizing rehabilitation for eligible narcotics addicts and victims of narcotics abuse while maintaining the principles of justice, legal certainty, and public interest. The integration of restorative justice into the prosecution process reflects the evolving orientation of Indonesia's criminal justice system, which increasingly recognizes rehabilitation as an essential component of criminal law enforcement rather than relying solely on punitive sanctions.

The study further finds that the implementation of restorative justice-based rehabilitation has contributed to a more recovery-oriented criminal justice policy. Nevertheless, its effectiveness remains constrained by inconsistent legal interpretation among law enforcement agencies, the absence of standardized legal benchmarks for determining rehabilitation eligibility, disparities in integrated assessment practices, and limited rehabilitation infrastructure. These challenges reduce legal certainty and may result in inconsistent application of rehabilitation across different jurisdictions.

Strengthening rehabilitation policies requires harmonized legal standards, objective assessment mechanisms, enhanced inter-agency coordination, and sustainable post-rehabilitation supervision. These improvements are essential to ensure that restorative justice-based rehabilitation functions not only as an alternative criminal sanction but also as an effective legal instrument for promoting offender recovery, preventing recidivism, and supporting the long-term development of a fair, humane, and effective criminal justice system in Indonesia..

5. BIBLIOGRAPHY

- Amaliyah, R., & Riani, D. S. (2024). Dampak psikologis penyalahgunaan narkotika terhadap tahanan di Kepolisian Resor (Polres) Musi Rawas. *Jurnal Pengabdian Kepada Masyarakat*, 14(2), 93–97. <https://doi.org/10.30999/jpkm.v14i2.3404>
- Analisis Pedoman Jaksa Agung Nomor 18 Tahun 2021 terhadap keadilan restoratif dalam perkara tindak pidana penyalahgunaan narkotika. (2026). *Jurnal Media Akademik (JMA)*, 4(1). <https://doi.org/10.62281/9yiw2p58>
- Arief, H., & Ambarsari, N. (2018). Penerapan prinsip restorative justice dalam penyelesaian tindak pidana narkotika. *Jurnal Hukum & Pembangunan*, 48(2), 374–391. <https://doi.org/10.21143/jhp.vol48.no2.1667>
- Budiawan, S. V., Mulyadi, M., & Yunara, E. (2025). Analisis yuridis disparitas pidana terhadap putusan pengadilan penyalah guna narkotika kaitannya dengan barang bukti melebihi penyalah guna. *Jurnal Rectum*, 7(1), 45–63.

- Damayanti, P. L. (2024). Peran lembaga rehabilitasi dalam sistem hukum pidana narkoba di Indonesia. *Jurnal Hukum, Politik dan Ilmu Sosial*, 3(4), 294–300. <https://doi.org/10.55606/jhpis.v3i4.4470>
- Hamdani, D. A., Arliman, L., & Amiruddin. (2025). Efektivitas rehabilitasi pengguna narkoba terhadap tingkat kesadaran hukum pelaku. *Ekasakti Legal Science Journal*, 2(4), 328–336. <https://doi.org/10.60034/n9wdex74>
- Heriyanto, H., Winarno, R., & Ariesta, W. (2025). Penyelesaian tindak pidana penyalahgunaan narkoba melalui restorative justice di tingkat kejaksaan. *Yurijaya: Jurnal Ilmiah Hukum*, 7(1), 1–17. <https://doi.org/10.51213/yurijaya.v7i1.193>
- Hidayatun, S., & Widowaty, Y. (2020). Konsep rehabilitasi bagi pengguna narkoba yang berkeadilan. *Jurnal Penegakan Hukum dan Keadilan*, 1(2), 166–181. <https://doi.org/10.18196/jphk.1209>
- Kurniawatie, E. (2024). Dasar pertimbangan hakim terhadap penyalahgunaan narkoba ditinjau dari aspek rehabilitasi didasarkan Pasal 127 Undang-Undang Nomor 35 Tahun 2009 tentang narkoba. *SINERGI: Jurnal Riset Ilmiah*, 1(12), 1374–1396.
- Mahendra, F., & Samosir, P. (2023). Perlindungan hukum bagi pecandu narkoba dalam perspektif hukum pidana positif di Indonesia. *Jurnal Hukum Pidana dan Penanggulangan Kejahatan*, 12(1), 34–45. <https://doi.org/10.20961/jhp.v12i1.65432>
- Pambudi, M. R., Rozah, U., & Sutanti, R. D. (2022). Relevansi ketentuan sanksi rehabilitasi pecandu narkoba dengan tujuan pemidanaan. *Diponegoro Law Journal*, 11(2). <https://doi.org/10.14710/dlj.2022.33591>
- Prakoso, A. (2013). Kebijakan hukum pidana terhadap penyalahguna narkoba dalam Undang-Undang Nomor 35 Tahun 2009. *Jurnal Hukum dan Peradilan*, 2(1), 15–28. <https://doi.org/10.25216/jhp.v2i1.132>
- Pratama, A. R. (2025). Menggugat efektivitas pemenjaraan terhadap pecandu narkoba dalam sistem peradilan pidana Indonesia. *Jurnal Magister Hukum Udayana*, 14(1), 72–85. <https://doi.org/10.24843/JMHU.2025.v14.i01.p06>
- Putra, I. M. A., & Widnyana, I. W. (2023). Hambatan eksekusi rehabilitasi narkoba pada tahap penuntutan berdasarkan Pedoman Jaksa Agung Nomor 18 Tahun 2021. *Kertha Semaya: Journal Ilmu Hukum*, 11(4), 782–795. <https://doi.org/10.24843/KS.2023.v11.i04.p12>
- Ramadan, R. (2023). Kebijakan formulasi hukum pidana terhadap tindak pidana penyalahgunaan narkoba di Indonesia. *Jurnal Ilmiah Penegakan Hukum*, 10(1), 45–54. <https://doi.org/10.31289/jiph.v10i1.8741>
- Ramadhan, A., & Soponyono, E. (2022). Kebijakan hukum pidana dalam penyelesaian perkara penyalahgunaan narkoba melalui keadilan restoratif. *Jurnal Pembangunan Hukum Indonesia*, 4(2), 215–228. <https://doi.org/10.14710/jphi.v4i2.215-228>
- Setyawan, D., & Rochaeti, N. (2022). Urgensi pelaksanaan pendekatan restorative justice dalam perkara tindak pidana narkoba. *Jurnal Hukum Lex Generalis*, 3(5), 361–377. <https://doi.org/10.56370/jhlg.v3i5.234>
- Setyowati, R., & Handayani, T. (2024). Dualisme status hukum pecandu narkoba dalam implementasi kebijakan kriminal. *Jurnal Penelitian Hukum De Jure*, 24(2), 189–202. <https://doi.org/10.30641/dejure.2024.V24.189-202>
- Sihombing, D. C., Syahrin, A., Ablisar, M., & Mulyadi, M. (2023). Penguatan kewenangan jaksa selaku dominus litis sebagai upaya optimalisasi penegakan hukum pidana berorientasi keadilan restoratif. *Locus: Jurnal Konsep Ilmu Hukum*, 3(2), 63–75. <https://doi.org/10.56128/jkih.v3i2.42>

Suhariyanto, B. (2018). Restorative justice dalam kebijakan kriminalisasi penyalahguna narkoba. *Jurnal Penelitian Hukum De Jure*, 18(4), 491–504.
<https://doi.org/10.30641/dejure.2018.V18.491-504>