

***VICTIMOLOGICAL STUDY OF NARCOTICS ABUSERS USING A
RESTORATIVE JUSTICE APPROACH AT THE BNN JAWA TIMUR***
**STUDI VIKTIMOLOGI TERHADAP PENYALAH GUNA NARKOTIKA
DENGAN PENDEKATAN KEADILAN RESTORATIF DI BNN PROVINSI
JAWA TIMUR**

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ABSTRACT

This study is a normative legal study supplemented by data and interviews, where the data shows that victims of drug abuse have been subjected to legal proceedings and sentenced to prison by court decisions. This approach of imposing punishment has proven ineffective in reducing drug abuse and has instead led to an increase in the number of repeat drug offenders in society. Therefore, penal mediation by law enforcement officials using a restorative justice approach is needed to achieve recovery and healing from drug addiction. This will protect victims of drug abuse and, more importantly, be accepted back their families and into society.

Keywords: Drug Abusers, Restorative Justice, Victimology Study

ABSTRAK

Penelitian ini merupakan penelitian hukum normatif yang dilengkapi data lapangan dan wawancara semi terstruktur, dimana data menunjukkan bahwa selama ini korban penyalahgunaan narkotika lebih banyak di proses hukum dan dijatuhi hukuman penjara oleh putusan pengadilan. Pendekatan dengan penjatuhan hukuman tersebut terbukti tidak efektif dalam mengurangi penyalahgunaan narkoba dan justru muncul banyaknya residivis penyalahgunaan narkoba di masyarakat. Untuk itu, melalui mediasi penal oleh penegak hukum dengan pendekatan *restorative justice* lebih dibutuhkan untuk mendapatkan pemulihan dan kesembuhan dari ketergantungan narkotika. Sehingga, para korba penyalahgunaan narkotika dapat terlindungi dan yang lebih utama adalah dapat kembali ke keluarga dan diterima kembali oleh masyarakat.

Kata Kunci: Kajian Viktimologi, Keadilan Restoratif, Penyalahguna Narkoba

A. INTRODUCTION

Legal principles form the fundamental foundation of the legal system and serve as guidelines for the application and enforcement of law. These principles embody values of justice and act as the internal basis for the legal system, including in the legislative process and law enforcement activities.¹ In practice, legal principles are incorporated into statutory regulations and are applied in efforts to uphold law and justice. Law enforcement requires fair treatment for all parties involved, including offenders, victims and society. The rule of law emphasizes the obligation of law enforcement officials to provide equitable legal services.² Effective law enforcement must be grounded in the principles of equality before the law and the protection of human rights.

Article 12D paragraph (1) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) mandates the protection and recognition of victims by stipulating that every person has the right to acknowledgment, guarantees, security and fair legal certainty, as well as equal treatment before the law. This protection encompasses various aspects, including protection from criminal acts and the fulfillment of victims' rights within judicial proceedings.

Similarly, the provisions in the new Indonesian Criminal Code (KUHP), which will take effect on January 2, 2026, offer improved protection for victims of criminal acts compared to the previous Criminal Code. The 2023 Criminal Code provides more detailed regulations regarding victims' rights, protection mechanisms and sanctions for perpetrators who obstruct victims' rights.³ This Law introduces a new paradigm by prioritizing three forms of justice corrective, restorative and retributive justice—aimed at providing better protection for victims. The regulation of victim protection is also stipulated in the Law on the Protection of Witnesses and Victims.⁴

¹ Dilshod Salomovich Mustafauqlov, *Principles of Law and Their Place in The Legal System*, Review of Law Sciences, No.3 (2023).

² Nurhidayati, Maharani dan Fauziah Lubis, *Implementasi Bantuan Hukum Pro Bono dan Pro Deo Dalam Penegakan Hukum di Indonesia*, As-Syar'i: Jurnal Bimbingan & Konseling Keluarga, Vol.5, No.2 (2023).

³ Padlah Riyadi, *Reconstruction of Restorative Justice Regulations Within The Indonesian Penal System Post-Law No. 1 of 2023*, Peradaban Journal of Law and Society, Vol.3, No.2 (2024).

⁴ Ahmad Rivai Ardiansyah Harahap, Sayyid Al Farros dan Asmak Ul Hosnah, *Implementation of Pancasila Values in the Formation of Law No. 1 of 2023 (New Criminal Code)*, Formosa Journal of Science and Technology, Vol.4, No.1 (2025).

His Law does not provide a single definition of “victim.” However, he recognizes various forms of suffering experienced by victims as a result of criminal acts, including physical, mental and economic harm, as stipulated in Article 1, point 3 of the Law on the Protection of Victims and Witnesses. Furthermore, criminal sanctions for narcotics users are not regulated in the 2023 Criminal Code. However, they are governed by Law Number 35 of 2009 on Narcotics (Narcotics Law), specifically in Article 127 paragraph (3) of the Narcotics Law. Article 127 of the Narcotics Law stipulates that the abuse of narcotics for personal use may be subject to imprisonment, except when the individual is proven to be a victim of abuse. Victims of narcotics abuse are those who are forced or deceived into using narcotics, as explained in the Elucidation of Article 54 of the Narcotics Law. Law No. 35 of 2009 clearly stipulates that narcotics abusers should receive rehabilitation⁵ ; however, in practice, imprisonment remains predominant. More than 90% of narcotics abusers continue to receive prison sentences, even though, by Law, they are entitled to rehabilitation (Kementerian Pendidikan dan Kebudayaan, 2018).

Based on data from the Indonesian Drug Report 2025, the Indonesian National Police (Polri) and the National Narcotics Agency (BNN) have uncovered a total of 46,748 narcotics cases, resulting in the arrest of 61,439 suspects. East Java recorded the second-highest number of narcotics cases after DKI Jakarta, with 5,593 cases and 7,026 suspects. The enforcement of these formal legal measures has led to overcrowding in detention centers and correctional institutions.⁶ As of 2024, the Ministry of Law and Human Rights recorded that 60% of inmates were involved in narcotics-related cases out of a total of more than 264,000 inmates in 2023 and 2024. In April 2024, there were a total of 270,207 inmates and detainees across Indonesia, with 114,625 of them incarcerated for narcotics offenses. The number of inmates and detainees in Indonesian prisons and detention centers far exceeds their capacity, which is only around 140,424 people.

⁵ Romie, Fauzie Yusuf Hasibuan dan Kristiawanto, *Reconstruction of the Settlement of Misdemeanor Crimes by the Prosecutor's Office Through Restorative Justice*, Advances in Social Humanities Research, Vol.3, No.4 (2025).

⁶ Badan Narkotika Nasional Republik Indonesia, *Indonesia Drug Report 2025*, Badan Narkotika Nasional Republik Indonesia, Jakarta, 2025.

Narcotics-related criminal offenses constitute a form of transnational crime due to their highly sophisticated methods, advanced technology, extensive organizational networks, broad operational areas and the significant number of victims, particularly among the nation's youth. These factors pose a serious threat to the well-being of society, the country and the state. In fact, Article 7 of the Narcotics Law stipulates that "Narcotics may only be used for health services and/or the development of science and technology." Organized transnational crime poses a threat to social, economic and political security, as well as global peace.⁷

Article 127 of the Narcotics Law stipulates criminal provisions for narcotics abusers, so that narcotics abuse is still considered a criminal offense. Therefore, narcotics offenses must be accompanied by criminal liability so that a person can be sentenced in accordance with the principle of *nullum crimen sine culpa*, namely, no punishment without fault, except in cases where there are grounds for justification or excuse, as well as the absence of fault or incapacity to be held responsible. However, the phrase "abuser for personal use" in Article 127 of the Narcotics Law does not distinguish between first-time users, recreational users, people with an addiction, or victims of abuse, so all abusers are treated the same.⁸

From the perspective of victimology and legal policy in Indonesia, drug addicts and abusers are frequently positioned as victims of the criminal acts they commit against themselves (self-victimizing victims). This paradigm is reflected in the legal application that emphasizes rehabilitation, rather than solely punishment, for people with an addiction and victims of narcotics abuse. This approach is based on the understanding that they experience dependency as a consequence of narcotics abuse, thereby requiring protection and recovery, not merely punishment.⁹

⁷ Sunarso Siswanto, *Viktimologi dalam Sistem Peradilan Pidana*, Sinar Grafika, Jakarta, 2012.

⁸ Muhammad Shobirin, dkk., *Concept of Protection for Victims of Narcotics Abuse in Indonesia Fairly Based on Pancasila*, Journal of Law and Sustainable Development, Vol.12, No.1 (2024).

⁹ Vivi Ariyanti, *The Role of Judges in Guaranteeing Legal Certainty and Justice: An Analysis to the Application of Judicial Independence Principle in Criminal Cases in Indonesia*, International Conference of Moslem Society, Vol.13 (2019).

There are two methods for resolving legal cases,¹⁰ through the courts (litigation) and through out-of-court settlements (non-litigation).¹¹ The resolution of criminal cases¹² outside the court through reconciliation between parties is common in civil cases.¹³ However, criminal cases¹⁴ are generally resolved through litigation.¹⁵ The settlement of criminal cases¹⁶ through out-of-court reconciliation represents an alternative approach, known as penal mediation, which adopts a restorative justice perspective.¹⁷

Returning to the ancestral traditions of the Indonesian people, which prioritize deliberation to achieve consensus in resolving disputes, serves as a reference for alternative solutions to criminal law issues, commonly referred to as penal mediation.¹⁸ Such resolution, as stipulated in Article 2 paragraph (4) of Law Number 48 of 2009, must adhere to the principle that "judicial proceedings shall be conducted in a simple, prompt and low-cost manner." Settlement of cases through penal mediation with a restorative justice approach can also be applied to children in conflict with the law, as regulated by the Juvenile Criminal Justice System Law (UU SPPA).¹⁹

¹⁰ Tegar San Putra, Sigit Sapto Nugroho dan Meirza Aulia Chairani, *Keabsahan Alat Bukti Digital dalam Pembuktian Kasus Phantom Hacker Scam*, Rewang Rencang: Jurnal Hukum Lex Generalis, Vol.7, No.7 (2026), p.1-23.

¹¹ Kevin David Sirait dkk., *Pertanggungjawaban Pidana atas Deepfake AI dalam Produksi dan Distribusi Pornografi Digital di Indonesia*, Jurnal Hukum Lex Generalis, Vol.7, No.7 (April 2026).

¹² Dea Novitasari, *Pertanggungjawaban Pidana Pelaku Penipuan dengan Modus Kerja Sama usaha: Studi Putusan Nomor 75/Pid.B/2024/PN Kbu*, Rewang Rencang: Jurnal Hukum Lex Generalis, Vol.7, No.7 (2026), p.1-10.

¹³ Dwi Wahyuni dkk., *Kajian Upaya Preventif Kepala Sekolah dan Kepolisian dalam Mencegah Tindak Penculikan Anak*, Jurnal Hukum Lex Generalis, Vol.7, No.7 (April 2026), <https://doi.org/10.56370/jhlrg.v7i7.3375>.

¹⁴ Dwi Wahyuni dkk., *Kajian Upaya Preventif Kepala Sekolah dan Kepolisian dalam Mencegah Tindak Penculikan Anak*.

¹⁵ Rufaidah, dkk., *Rekonstruksi Normatif Penegakan Hukum terhadap Kekerasan Seksual dalam Rumah Tangga Berdasarkan Undang-Undang Nomor 23 Tahun 2004*, Rewang Rencang: Jurnal Hukum Lex Generalis, Vol.7, No.7 (April 2026), p.1-15.

¹⁶ Lusiana Margareth Tijow, dkk., *Penegakan Hukum terhadap Tindak Pidana Penipuan Berbasis Media Sosial di Indonesia: Studi tentang Maraknya Kasus Penipuan di Masyarakat*, Rewang Rencang: Jurnal Hukum Lex Generalis, Vol.7, No.7 (2026).

¹⁷ Laurent Enrico Aditya Wahyu Saputra, dkk., *The Core of Restorative Justice in Indonesia's Criminal Justice System*, International Journal of Religion, Vol.5, No.11 (2024).

¹⁸ Dhian Artwitadibrata dan Akhmad Khisni, *The Concept of Criminal Law for Personnel of Narcotics Abuse*, Jurnal Daulat Hukum, Vol.3, No.4 (2020).

¹⁹ Nadif Maulana, dkk., *Akibat Hukum Ketidakpastian Hukum Batas Waktu Deferred Prosecution Agreement (Dpa) pada Sistem Peradilan Pidana Indonesia*, Rewang Rencang: Jurnal Hukum Lex Generalis, Vol.7, No.7 (April 2026).

Narcotics crimes, as regulated in the Narcotics Law, include narcotics abuse. For Indonesia, this issue is severe, particularly regarding the models and patterns of law enforcement while respecting the human rights of narcotics addicts and abusers.²⁰ The 2021 national survey on narcotics abuse showed that the prevalence rate of drug abuse among Indonesians aged 15-64 in the past year (2021) was 1.95%, equivalent to 3,662,646 people. Compared to 2019, this prevalence rate increased by 0.15%, with the rise occurring in urban areas.²¹ According to the Indonesian Drug Report, in 2022, the National Police and the National Narcotics Agency arrested 55,452 individuals.²²

Drug abusers can be classified into two main groups: narcotics addicts and victims of narcotics abuse.²³ The Narcotics Law (UU Narkotika) explicitly adopts a humane approach toward both groups. Article 54 of the Narcotics Law stipulates that narcotics addicts and victims of narcotics abuse are required to undergo rehabilitation. This approach signifies a paradigm shift from mere punishment to efforts aimed at recovery and the restoration of their social functions as members of society.

The Decree of the Head of the National Narcotics Agency (BNN) Number: Kep/833/VII/KA/PB.06.00/2023, concerning the Establishment of the National Level Integrated Assessment Team, emphasizes the protection of victims (addicts and victims of narcotics abuse), as reflected in its considerations. The purpose of these technical guidelines is to serve as a technical reference for handling narcotics addicts and victims of narcotics abuse who, without rights and in violation of the law, have been designated as suspects and/or defendants, so that they may undergo rehabilitation based on recommendations from the Integrated Assessment Team (TAT). These recommendations may take the form of inpatient rehabilitation, outpatient rehabilitation, or rejection by the Integrated Assessment Team (TAT).

²⁰ Mohamad Ali Syaifudin, Abdullah Sulaiman dan Vientje Ratna Multiwijaya, *Implementation of The Rehabilitation Model on Victims of Drug Abuse in The Development of The Legal System in Indonesia*, Interdisciplinary Journal and Hummanity, Vol.2, No.4 (2023).

²¹ Badan Narkotika Nasional Republik Indonesia, *Indonesia Drug Report 2021*, Badan Narkotika Nasional Republik Indonesia, Jakarta, 2021.

²² Badan Narkotika Nasional Republik Indonesia, *Indonesia Drug Report 2023*, Badan Narkotika Nasional Republik Indonesia, Jakarta, 2023.

²³ Idah Faridah dan Kunarso, *The Judge Considerations in Making Decision Against Narcotics in Children*, YURIS: Journal of Court and Justice, Vol.1, No.4 (2022).

The Indonesian National Police has responded to this approach by granting police authority as stipulated in Article 16 of Law Number 2 of 2002 concerning the Indonesian National Police, dated January 8, 2002 (the Police Law) and Article 18 of the Police Law, which has been followed up by the issuance of Police Regulation Number 8 of 2021 concerning the Settlement of Criminal Cases Using Restorative Justice (Perpol No. 8 of 2021). Restorative justice offers a more inclusive and humanistic approach by prioritizing the active participation of offenders (as well as victims) and the community in the case resolution process (penal mediation). In addition, this approach aims to prevent the overcapacity of correctional institutions, particularly for narcotics offenders.

The restorative justice approach focuses on restoring relationships between offenders, victims and the community, as opposed to the traditional punitive approach that emphasizes sanctions. Restorative justice seeks to repair the harm caused by criminal acts, not merely to punish the offender.²⁴ Howard Zehr states that restorative justice provides an alternative approach to resolving crime by emphasizing offender accountability and the restoration of relationships among the parties involved. The restorative justice approach in Indonesia is increasingly developing as an alternative for resolving criminal cases based on the restoration of relationships between offenders, victims²⁵ and the community.²⁶ Similarly, Muhammad Fajrul Falah explains that restorative justice is an approach within the criminal justice system that prioritizes the restoration of relationships damaged by criminal acts, rather than merely imposing punishment. This approach involves all relevant parties, including offenders, victims and the community.²⁷

²⁴ Sijia Xiao, Shagun Jhaver dan Niloufar Salehi, *Addressing Interpersonal Harm in Online Gaming Communities: The Opportunities and Challenges for a Restorative Justice Approach*, ACM Transactions on Computer-Human Interaction, Vol.30, No.6 (2022).

²⁵ Krisna Wibowo Mohammad, Sigit Sapto Nugroho dan Anik Tri Haryani, *Analisis Kelemahan Perlindungan Korban Perempuan Victim Blaming dalam Kekerasan Seksual*, Rewang Rencang: Jurnal Hukum Lex Generalis, Vol.7, No.7 (2026), p.1-14.

²⁶ Lode Walgrave, *Restorative Justice in Severe Times: Threatened or an Opportunity?*, New Criminal Law Review, Vol.22, No.4 (2019).

²⁷ L. Sihombing dan Yeni Nuraeni, *Efektifkah Restoratif Justice ? Suatu Kajian Upaya Optimalisasi Sistem Peradilan Pidana di Indonesia*, Jurnal Hukum Mimbar Justitia, Vol.9, No.2 (2023).

Previous studies have been conducted, including one by Tasya Nafisatul Hasan and Marli Candra, titled “A Victimological Review of Protection Rights in Drug Abuse (Victimless Crime),” published in PAMPAS: Journal of Criminal Law, Volume 2, Issue 2, 2021. Mezy Alyka Setiawan, A Legal Review of Victimology Regarding Drug Abuse Based on Law No. 35 of 2009 on Narcotics, published in Nusantara: Journal of Education, Arts, Science and Social Humanities, 2023. Furthermore, the article by Dini and Kasmanto Rinaldi, A Victimological Perspective on Drug Addicts (A Study at the Pekanbaru City BNNK), SEIKAT: Journal of Social Sciences, Politics and Law, Vol. 2 No. 1 February 2023 and finally written by Dollar and Khairul Riza, “The Application of Qualifications for Substance Abusers, Addicts and Victims of Drug-Related Criminal Offenses to Realize the Value of Justice,” published in the journal KIHAN, Vol. 1, No. 1, 2022.

Unlike previous research, this study focuses on drug abusers as both victims and offenders.²⁸ Under the concept of restorative justice (RJ) or penal mediation, law enforcement officials (police, prosecutors and judges) strive to bring offenders and victims together; however, in cases involving drug users, the RJ concept shifts with the inclusion of an assessment by the National Narcotics Agency (BNN) (Integrated Assessment), which encompasses both legal and medical aspects. Consequently, when conducting RJ, the police (investigators) follow only the results or recommendations of the BNN (outpatient treatment, inpatient treatment, or inpatient treatment while legal proceedings continue). The objective of this study is to determine the effectiveness of the integrated assessment (BNN) as an outcome or recommendation for drug abusers within the framework of Restorative Justice (RJ) in an effort to improve their lives in the future.

B. RESULT AND DISCUSSION

1. Regulatory Framework for the Protection of Victims of Narcotics Abuse through Restorative Justice

The establishment of the Narcotics Law aims to provide a legal framework for medical and social rehabilitation efforts for narcotics addicts

²⁸ Yeni Vitrianingsih dan Arum Khofifah Kurniawati, *Pertanggungjawaban Pidana dan Sanksi Administrasi bagi Apoteker yang Mengedarkan Obat Keras Tanpa Resep Dokter Secara Online*, Rewang Rencang: Jurnal Hukum Lex Generalis, Vol.7, No.7 (2026).

and victims of narcotics abuse. These efforts are implemented through mechanisms determined by each relevant agency, based on the assessment results of the Integrated Assessment Team (TAT). However, the law must clearly define who qualifies as a person with an addiction, a victim and simultaneously as a perpetrator of narcotics abuse who is entitled to rehabilitation.

Referring to Aristotle's theory of justice,²⁹ which states, "Justice consists in treating equals equally and unequals unequally, in proportion to their inequality," the essence of justice is to treat similar cases similarly and dissimilar cases differently, in a proportional manner. Justice is a fundamental objective of law. Therefore, law enforcement officials are not only required to impose sanctions on offenders but are also expected to protect victims of crime, in line with the double-track system principle.³⁰

The mechanism for protecting victims who are also perpetrators of narcotics abuse is carried out through restorative justice, implemented by law enforcement based on the recommendations of the Integrated Assessment Team of the National Narcotics Agency (BNN), which include both medical and legal recommendations. The Head of BNN Decree Number guides this process: Kep/01/IX/DE/PB/06/2023/Berantas, dated September 15, 2023, concerning Technical Guidelines for the Handling of Suspects and/or Defendants of Narcotics Abusers, Addicts and Victims of Narcotics Abuse through Integrated Assessment.

The Integrated Assessment Team (TAT) is vested with the authority to analyze the role of individuals apprehended or caught in the act as Victims of Narcotics Abuse, Narcotics Addicts, or Narcotics Dealers; to determine the criteria for the level of addiction based on the type of substance consumed, the circumstances and conditions at the time of arrest at the crime scene; and

²⁹ Dhananjay Jagannathan, *A Defense of Aristotelian Justice*, Ergo: An Open Access Journal of Philosophy, Vol.11, No.33 (2024).

³⁰ Karina Lira Balqist dan Gelar Ali Ahmad, *Dekonstruksi Pidana Denda dalam Sistem Peradilan Pidana Anak: Analisis Disharmonisasi*, Jurnal Hukum Lex Generalis, Vol.7, No.7 (April 2026).

to recommend therapy and rehabilitation plans for Narcotics Addicts and Victims of Narcotics Abuse.³¹

The majority of suspects or defendants in narcotics cases are both victims and users, as these individuals suffer from health problems due to narcotics use; therefore, imprisonment is not an appropriate solution. In this regard, the Supreme Court, guided by the provisions of Article 103 of the Narcotics Law, issued Supreme Court Circular (SEMA) Number 4 of 2010 concerning the Placement of Narcotics Abusers and Addicts in Medical and Social Rehabilitation Institutions as a basis for judges to consider or refer to when imposing rehabilitation sanctions.

Article 1, point 13 of the Narcotics Law stipulates that "A Narcotics Addict is a person who uses or abuses narcotics and is in a state of dependence on narcotics, either physically or psychologically." Based on this definition, two types of narcotics addicts can be classified: first, individuals who use narcotics and are physically or psychologically dependent; and second, individuals who abuse drugs and are physically or psychologically dependent.

For the first type, this category refers to people with an addiction who possess legitimate authority to use narcotics for their own healthcare services. Such a category arises because the use of drugs aligns with the provisions of Article 7 of the Narcotics Law and refers explicitly to people with an addiction undergoing medical rehabilitation, particularly within the process of medical intervention. In contrast, the second type of narcotics addict is categorized as a person with an addiction who does not have legitimate authority to use narcotics for healthcare purposes.

This classification is based on the definition of "abuser" as stipulated in Article 1, point 15 of the Narcotics Law, which contains an essential element, namely the element of "without rights" or "against the law." Therefore, to determine whether an act is "without rights" or "against the law," it is necessary first to identify the legal basis that legitimizes a person to use narcotics.

³¹ Mikha Dewiyanti Putri, Prih Utami dan Teddy Cipta Lesmana, *The Implementation of Rehabilitation Assessment As Legal Protection For Narcotics Abusers in Indonesia*, Jurnal Dinamika Hukum, Vol.22, No.1 (2022).

The regulation regarding rehabilitation for narcotics addicts is stipulated in Article 54, Article 56, Article 103 and is linked to Article 127 of the Narcotics Law. Article 54 of the Narcotics Law states that “Narcotics addicts and victims of narcotics abuse are required to undergo medical rehabilitation and social rehabilitation.” The regulation for narcotics abusers is outlined in Article 127 paragraph (1), which provides that: Any abuser of:

1. Group I Narcotics for personal use shall be subject to imprisonment for a maximum of 4 (four) years;
2. Group II Narcotics for personal use shall be subject to imprisonment for a maximum of 2 (two) years; and
3. Group III Narcotics for personal use shall be subject to imprisonment for a maximum of 1 (one) year.

For example, if a person is caught in possession of and abusing Group I Narcotics in an amount not exceeding the maximum limit (in accordance with the criteria in point 2 of the Supreme Court Circular Letter of the Republic of Indonesia Number 04 of 2010) for personal use and after a medical examination and/or examination of evidence in court it is revealed that the individual is neither an addict nor a victim of narcotics abuse, then the defendant should be subject to imprisonment as regulated in Article 127 paragraph (1) letter a of the Narcotics Law and not subject to rehabilitation measures as referred to in Article 103 of the Narcotics Law.

The abuse of narcotics in Indonesia has permeated nearly all segments of society, including public officials, members of the legislature and artists. It is important to note that the fundamental purpose of punishment is to establish rules that ensure legal certainty and to uphold the sense of justice within society, which expects the realization of legal justice, as well as to maintain both the certainty and utility of the law itself.³² Article 18 of the Police Regulation stipulates that “in cases of narcotics-related criminal acts, the release of suspects shall be carried out by attaching a recommendation from the integrated assessment team.” This provision demonstrates that the

³² Evgeniya E. Melyukhanova, *Purpose and Tasks of Punishment*, Yugra State University Bulletin, Vol.19, No.2 (2023).

implementation of restorative justice at the investigation stage may proceed as long as a recommendation from the integrated assessment team accompanies it.

The recommendation serves as both a legal basis and an objective consideration for investigators to transfer the resolution of a case from criminal proceedings to rehabilitation (diversion). Specific requirements for handling criminal acts through penal mediation with a restorative justice approach, as stipulated in Article 9 of Indonesian National Police Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice, are as follows:

1. Submission for rehabilitation: drug addicts and victims of drug abuse must apply for rehabilitation.
2. Limited evidence: the evidence is only sufficient for one day of personal use.
3. Positive urine test: The test results confirm that the perpetrator is an active user, not a dealer or someone fabricating the case.
4. No involvement in illicit drug networks: the individual is not part of a network of dealers, distributors, or criminal drug organizations;
5. Completion of an integrated assessment: both medical and legal evaluations declare the perpetrator eligible for rehabilitation.

To implement penal mediation with a restorative justice approach in criminal cases, including narcotics offenses, several conditions must be met: the resulting loss is not substantial; there is reconciliation between the perpetrator and the victim (if any); the perpetrator is not a recidivist; and there is a recommendation from the Integrated Assessment Team of the National Narcotics Agency (BNN). The primary requirements for penal mediation with a restorative justice approach are that the perpetrator is not a recidivist, the act does not cause public unrest and/or rejection, does not lead to social conflict, does not have the potential to divide the nation, is not characterized by radicalism or separatism and does not constitute acts of terrorism, crimes against state security, corruption, or crimes against life.

Several stages are undertaken by investigators in handling narcotics cases, as outlined by Didiek Gunawan. After the initial identification, the process continues with the examination of evidence to determine whether the quantity falls within the threshold for personal consumption. Suppose the proof is deemed sufficient for one day's use and the perpetrator tests positive for narcotics through laboratory testing. In that case, law enforcement officers may apply for an integrated assessment to the Integrated Assessment Team (TAT), which consists of legal and medical evaluations. Subsequently, investigators prepare an official request addressed to the Chairperson of the TAT to propose the assessment of the narcotics abuse suspect. This request must comply with the detailed provisions outlined in the 2023 BNN Technical Guidelines regarding the Procedures for Handling Suspects and/or Defendants of Narcotics Abuse, narcotics addicts and victims of narcotics abuse through integrated assessment. The application must be accompanied by supporting documents such as the Investigation Report (BAP), urine test results, evidence and the chronology of the arrest. All these documents serve as the basis for the Integrated Assessment Team to determine whether the suspect meets the criteria as an addict or victim of narcotics abuse and is eligible for rehabilitation instead of imprisonment.³³

The classification of individuals as narcotics addicts, narcotics abusers and victims of narcotics abuse is essential to be applied consistently by law enforcement officials, including the police. Clear differentiation prevents excessive criminalization of addicts or victims and enables law enforcement to focus on the principal actors within narcotics trafficking networks.

Referring to Howard Zehr's perspective in his book, *The Little Book of Restorative Justice*, restorative justice offers an alternative approach to resolving criminal cases by emphasizing the offender's responsibility and the restoration of relationships among the involved parties. Therefore, the penal mediation model with a restorative justice approach serves as an alternative for resolving criminal cases involving narcotics addicts and victims of

³³ Interview with AIPDA Didiek Gunawan, *The Stages of Investigators in Handling Narcotics Cases*, June 8 2025.

narcotics abuse. Consequently, restorative justice in Indonesia is increasingly developing as an alternative for resolving criminal cases based on restoring relationships among offenders, victims and the community.³⁴

The alternative resolution of cases involving narcotics addicts and victims of narcotics abuse through penal mediation with a restorative justice approach represents a significant breakthrough for these groups. Through this mechanism, they obtain their rights to healing and recovery and it constitutes a highly effective and efficient resolution that fulfills the sense of justice for society, especially for the victims.

2. Restorative Justice for Drug Addicts in the New Criminal Code

Restorative Justice for Drug Addicts Restorative justice for drug addicts and users in Indonesia has shifted from sectoral policies to normative recognition in the new Criminal Code and various regulations issued by the National Police, the Attorney General's Office and the Supreme Court. This approach is considered important both theoretically and practically because it is more in line with human dignity, progressive legal principles, the need for rehabilitation and the problem of overcrowding. However, the absence of a specific overarching legal framework, fragmented regulations, the lack of full integration into the Criminal Procedure Code (KUHAP), as well as cultural and capacity weaknesses among law enforcement officials have resulted in inconsistent implementation. To truly protect and rehabilitate drug addicts, the new framework still requires regulatory harmonization, institutional strengthening and expanded access to rehabilitation based on restorative justice.

The framework for restorative justice for drug addicts and users in Indonesia, as established under Law No. 1 of 2023, has evolved through a combination of various regulations, including the new Criminal Code, the Narcotics Law and sector-specific regulations issued by the National Police, the Attorney General's Office and the Supreme Court. Consequently, the focus of law enforcement regarding drug users has shifted from incarceration

³⁴ Rifqi Alif Darmawan, dkk., *Analysis of the Effectiveness of the Application of Restorative Justice in Criminal Cases in Indonesia*, Journal of World Science, Vol.3, No.5 (2024).

to rehabilitation and social reintegration; however, its implementation still has many shortcomings.³⁵

Specifically, restorative justice is codified in the new Criminal Code—Law No. 1 of 2023—as a sentencing paradigm that emphasizes restitution, offender accountability and social balance, rather than mere retribution. This Act also addresses, in its general provisions, the objectives of criminal punishment, treatment (rehabilitation) and the combination of criminal sanctions and treatment (double-track system).³⁶ Previously, under the old Criminal Code, the system was retributive in orientation; restorative justice was not explicitly recognized and was addressed only through judicial discretion or sector-specific regulations.

Table 1. Comparison of Restorative Justice Provisions in The Old and New Criminal Codes

Aspect	Old Criminal Code	New Criminal Code
Orientation	Retributive, incarceration Restoration	rehabilitation, balance
Restorative justice	Not explicitly regulated	Recognized as a paradigm and basis for sentencing Drug-related provisions
Drug-related provisions	ased on Law No. 35 of 2009 and sectoral practices	Open to the integration of rehabilitation and the victimless crime approach

Historically, the old Criminal Code was a product of colonial law based on the philosophy of *lex talionis* and the retributive paradigm, in which punishment was focused solely on retribution and deterrence, primarily through imprisonment. Consequently, the relationship between the state, the perpetrator and the victim was viewed solely as a violation against the state, rather than as a disruption of social relations. This differs from the orientation

³⁵ Lucky Ferdiles, *Reformasi Hukum dalam Penerapan Restorative Justice dalam Sistem Pidana Nasional*, Lex Publica, Vol.6, No.1 (2019), p.25-31.

³⁶ Deni Ardiansyah dan Marzuki Noor, *Peningkatan Sumber Daya Manusia Polri sebagai Kunci Keberhasilan Restorative Justice*, The Juris, Vol.8, No.2 (2024).

of punishment in the new Criminal Code, which establishes the objectives of punishment as education, rehabilitation of the offender, protection of human dignity and restitution for the victim's losses; this orientation is explicitly set forth in Articles 51 and 52 of Law No. 1 of 2023, which prioritizes a balance between the interests of the offender, victims and society, as well as social reintegration, through probation, community service and diversion mechanisms.

The provisions of the old Criminal Code also did not explicitly recognize restorative justice, Restorative measures were more commonly found outside the Criminal Code through sectoral regulations and were of a fragmentary nature; in the new Criminal Code, restorative justice is normatively integrated into the objectives of punishment, grounds for dropping charges, diversion and forms of alternative sanctions, as seen in Articles 51, 52, 54, 76–80, 112 and 132. From these articles, it is clear that the legal framework allows for the termination of prosecution if an out-of-court settlement has been reached that restores the relationship between the victim, the perpetrator and the community.

To date, drug control has been based on Law No. 35 of 2009 on Narcotics, with a strong focus on criminal punishment, even though Article 54 already mandates rehabilitation for addicts and victims of drug abuse. However, in practice, efforts remain largely sectoral due to the absence of a single, comprehensive regulatory framework. Restorative approaches have also developed through institutional policies—such as rehabilitation, penal mediation and selective discontinuation of prosecution—rather than through the Criminal Code itself.

The new Criminal Code provides a general framework for restorative-rehabilitative sentencing, which can serve as a conceptual basis for interpreting and aligning the enforcement of the Narcotics Law with rehabilitation and recovery, rather than solely on incarceration. Studies on narcotics emphasize the use of medical and social rehabilitation, mediation and the discontinuation of prosecution through a restorative approach to reduce prison overcrowding and strengthen the recovery of victims and users.

Sectorally, restorative justice for drug abuse is governed by various regulations, including National Police Regulation No. 8 of 2021, which governs the handling of criminal offenses based on restorative justice; involves the perpetrator, victim, family and community leaders; and emphasizes restoration to the original state. It is also regulated in Attorney General's Regulation No. 15 of 2020 regarding the discontinuation of prosecution based on restorative justice in general. It is also regulated in Attorney General's Guideline No. 18 of 2021 regarding drug abuse specifically through rehabilitation using a restorative justice approach, which requires the offender to be a user/addict/victim, a positive lab result, not part of a drug trafficking network, drug evidence limited to one day's use and the presence of an integrated assessment. Regulations related to restorative justice are also found in the Supreme Court, namely Supreme Court Regulation No. 1 of 2024, which provides guidelines for adjudicating criminal cases based on restorative justice.

Given the shift in the purpose of criminal punishment under the new Criminal Code toward medical and social rehabilitation, drug addicts and abusers should be regarded as victims of drug-related crimes who are better served by "prevention without punishment" and rehabilitation, rather than imprisonment. This approach is considered effective because it can:

1. Help addicts recover from their addiction through medical and social rehabilitation
2. Reduce prison overcrowding, which is dominated by drug-related cases (approximately 60% of inmates are involved in drug-related offenses; over 80% of them are drug users)
3. Align with progressive legal concepts and respect for human dignity, as well as the "law for human dignity" orientation.

Restorative justice is also viewed as a "reform of the legal system" aimed at addressing structural weaknesses, optimizing resources and resulting in more effective and humane law enforcement. To date, the practice of restorative justice, which has been disseminated through various sectoral regulations related to restorative justice—as stipulated in Perja No.15 of 2020,

Perpol No. 8 of 2020, various guidelines from the Attorney General and technical policies—has led to differing interpretations, inconsistent criteria and varying requirements among institutions. This has resulted in inconsistencies in implementation: while one district attorney's office applies restorative justice for drug users, another district with similar circumstances continues to prosecute them in court. The legal vacuum in the overarching Restorative Justice provisions of the Criminal Procedure Code (KUHP) has led to a lack of clear regulations regarding the discontinuation of prosecution or sentencing based on restorative justice principles, thereby creating issues of legal certainty.

The recognition of certain crimes as “victimless crimes” that require treatment in the new Criminal Code—for example, drug-related cases—serves as a normative justification for a rehabilitative model. This strengthens the position of law enforcement in addressing drug abuse among addicts, with a focus on both medical and social recovery. However, there is still no specific Restorative Justice Law serving as a single overarching legal framework, so this legal vacuum continues to perpetuate fragmentation and the gap between “what ought to be” and “what is.” Therefore, it is essential to have a comprehensive overarching Restorative Justice law that regulates principles, types of cases, procedures and inter-agency coordination, explicitly integrating Restorative Justice principles into the overarching regulations to eliminate gaps at the criminal proceedings level and ensure alignment with the new Criminal Code. Additionally, it is crucial to strengthen rehabilitation facilities (medical and social), integrated assessment mechanisms and oversight to prevent the misuse of restorative schemes, including extortion practices in rehabilitation centers, which must be controlled through robust complaint mechanisms and strict disciplinary enforcement.

3. Analysis of the Protection of Victims of Narcotics Abuse through Restorative Justice at the National Narcotics Agency (BNN) of East Java Province

Victimology, as a discipline that studies victims, aids in understanding the impact of crime on individuals and society and promotes approaches that

prioritize victim recovery rather than solely punishing offenders.³⁷ The role of victimology in restorative justice includes comprehending the effects of crime—where victimology helps identify the physical, psychological and social impacts experienced by victims, as well as the factors that make them vulnerable to crime—while ensuring that victims' rights are fulfilled, which is the essence of restorative justice.³⁸

Victimology ensures that victims receive their rights, such as compensation, protection, psychological support and participation in case resolution processes. Another key aspect is promoting victim recovery; the victimological approach in restorative justice emphasizes victim recovery through various efforts, such as mediation, restitution and rehabilitation, enabling victims to recover from trauma and reintegrate into society.³⁹ Additionally, victimology helps prevent repeat victimization by understanding the root causes of crime and the impacts experienced by victims, so that restorative justice can help prevent future victimization. Finally, victimology in restorative justice helps reduce justice gaps by addressing the limitations of formal justice systems, which often focus on the act and the offender (Dader Strafrecht). At the same time, the needs of victims are frequently neglected.⁴⁰

Restorative justice theory posits that justice is not solely concerned with punishment, but instead emphasizes restoration and reconciliation among offenders, victims and the community. According to John Braithwaite's Reintegration Shaming Theory),⁴¹ the focus is on reintegrating offenders into society by affirming responsibility rather than through stigmatization,

³⁷ Azam Akhmad Akhsya, *Victimological Review of the Implementation of Restorative Justice in Criminal Case*, International Journal of Social Science and Human Research, Vol.6, No.1 (2023).

³⁸ Masahiro Suzuki, *Victim Recovery in Restorative Justice: A Theoretical Framework*, Criminal Justice and Behavior, Vol.50, No.12 (2023).

³⁹ Ana M. Nascimento, Joana Andrade dan Andreia de Castro Rodrigues, *The Psychological Impact of Restorative Justice Practices on Victims of Crimes-a Systematic Review*, Trauma, Violence & Abuse, Vol.24, No.3 (2023).

⁴⁰ Alex Lloyd dan J. Borrill, *Examining the Effectiveness of Restorative Justice in Reducing Victims' Post-Traumatic Stress*, Psychological Injury and Law, Vol.13, No.1 (2020).

⁴¹ Agung Ardiyansyah, *Implementation of Restorative Justice as an Effort to Resolve Minor Criminal Acts in the Criminal Justice System in Indonesia*, International Journal of Social Science and Human Research, Vol.8, No.4 (2025).

aligning with Sudarto's perspective that social reintegration is a crucial process in the rehabilitation of offenders. Through acknowledgment and accountability for their actions, offenders can be accepted back into society without excessive social stigma.⁴²

Furthermore, restorative justice and rehabilitation theories not only prioritize the recovery of offenders but also address the healing of victims and the restoration of damaged social relations. Douglas Colson asserts that restorative justice helps offenders understand the harm they have caused, providing them with opportunities for rehabilitation and reintegration into society. This illustrates how restorative justice within the criminal justice system can assist narcotics offenders in overcoming addiction and returning to society as improved individuals.⁴³ In Indonesia, restorative justice theory has begun to be applied in several criminal cases, including narcotics abuse, as an effort to reduce recidivism and repair social relationships.⁴⁴ The penal mediation mechanism, utilizing a restorative justice approach, offers a humane and solution-oriented method for both addicts and victims of narcotics abuse.⁴⁵ particularly in East Java, as evidenced by data from the National Narcotics Agency of East Java Province.

The procedure for implementing penal mediation using a restorative justice approach commences at the investigation and inquiry stages, during which law enforcement agencies such as the police and the National Narcotics Agency (BNN) identify whether the perpetrator is classified as a person with an addiction or a victim of abuse who is not involved in illicit trafficking networks. This assessment serves as the basis for proposing a resolution through penal mediation with a restorative justice approach aimed at rehabilitation.

⁴² Mimi dan Muhamad Adystia Sunggara, *The Challenges and Potential of Implementing Restorative Justice for Minor Criminal Offenses in Indonesia*, Journal of Law, Politic and Humanities, Vol.5, No.2 (2025).

⁴³ Laurent Enrico Aditya Wahyu Saputra, dkk., *Op.Cit.*.

⁴⁴ Adwi Mulyana Hadi, Anik Iftitah dan Syahrul Alamsyah, *Restorative Justice Through Strengthening Community Legal Culture in Indonesia: Challenges and Opportunity*, Mulawarman Law Review, Vol.8, No.1 (2023).

⁴⁵ Ahmad Nur Rohadi dan Nanik Prasetyoningsih, *The Legal Politics of Restorative Justice in Indonesia*, Pena Justisia: Media Komunikasi dan Kajian Hukum, Vol.22, No.2 (2023).

The subsequent process involves the examination of evidence to determine whether the quantity is within the threshold for personal consumption (in accordance with Supreme Court Circular No. 4/2010). Following this, investigators conduct a preliminary case review to ensure that the case files submitted are indeed eligible for processing through a rehabilitation-oriented approach. The next stage is the integrated assessment, which is a process of consolidating the results of medical and legal evaluations in a case conference led by the Chairperson of the Integrated Assessment Team (TAT) to determine recommendations (treatment, care and recovery in a rehabilitation institution), as well as to establish the role of the individual apprehended as a victim of narcotics abuse, a narcotics addict, or an unlawful narcotics dealer.

Subsequently, the recommendations of the TAT become the primary instrument for police investigators in determining the direction of handling narcotics abuse cases, as stipulated in Police Regulation No. 8 of 2021, which grants the authority to terminate the process at the investigation and inquiry stages if the perpetrator is declared a person with an addiction or a victim of self-use and is deemed suitable to undergo rehabilitation.

Police investigators, as the front line, are responsible for promptly identifying whether an offender is eligible for rehabilitation or should be subjected to criminal prosecution. Investigators must be able to distinguish between users and dealers, as well as understand indicators such as the quantity of evidence and the results of medical assessments. An interview with Cecep Susatiya, a supervisory investigator at the East Java Regional Police⁴⁶ regarding the implementation of penal mediation with a restorative justice approach in narcotics abuse cases handled by investigators at the East Java Regional Police, is as follows: In general, the Integrated Assessment Team (TAT) will present several criteria based on legal guidelines, including Supreme Court Circular No. 4 of 2010 and internal regulations of the National Narcotics Agency (BNN). If all requirements are met and reinforced by the

⁴⁶ Interview with AKBP Susatiya Cecep, *The Implementation of Penal Mediation in Narcotics Abuser Cases*, June 8 2025.

results of the integrated assessment, investigators have the certainty to recommend the victim for rehabilitation. The criteria include:

1. No narcotics evidence is found, but the urine test is positive and the perpetrator admits to being a user. This typically occurs among new users or those using within a limited environment.
2. The evidence found is in a small amount, reasonable for daily personal consumption. Here, reference is made to the limits set by Supreme Court Circular No. 4 of 2010, for example, 1 gram of methamphetamine, five ecstasy pills, etc.;
3. The perpetrator is not a recidivist in narcotics cases. If previously convicted by a court decision, investigators tend not to recommend penal mediation with a restorative justice approach;
4. There is no indication that the perpetrator is involved in illicit trafficking networks, whether as a courier, dealer, or distributor.

According to Zainal et al.⁴⁷, the rationale for recommending treatment, care and recovery for individuals who are both perpetrators and victims of narcotics abuse in rehabilitation institutions is fundamentally based on the results of an integrated assessment conducted by a multidisciplinary assessment team. This process is regulated in the technical guidelines for handling suspects and/or defendants who are narcotics abusers, addicts, or victims of narcotics abuse through integrated assessment. Integrated assessment is a process that combines the results of both medical and legal evaluations in a case conference led by the head of the assessment team, to determine recommendations for treatment, care and recovery in rehabilitation institutions, as well as clarifying the individual's role (whether apprehended as a victim of narcotics abuse, a narcotics addict, or an unauthorized and unlawful narcotics dealer).

The issuance of an integrated recommendation letter, as stipulated in the Decree of the Head of the National Narcotics Agency (BNN) Number KEP/833/VII/KA/PB.06.00/2023 concerning the Establishment of the

⁴⁷ Zainal and Syaiful Asmi Hasibuan, Implementation Of Integrated Assessment In Law Enforcement Against Drug Abusers Narcotics, *LAWYER: Jurnal Hukum*, Vol.1, No.2 (2023).

National Integrated Assessment Team, states that abusers, people with an addiction, or victims of narcotics abuse who are not involved in trafficking networks may be provided rehabilitation at BNN-owned or partner government institutions that meet rehabilitation standards. Conversely, abusers, people with an addiction, or victims of narcotics abuse who are involved in trafficking networks are to be rehabilitated in correctional facilities (Lembaga Perasyarakatan or Rumah Tahanan) while legal proceedings continue. Through this assessment, law enforcement is not solely focused on punitive or repressive measures, but also considers aspects of recovery, rehabilitation and humanity. This approach aligns with the principles of penal mediation and restorative justice, which emphasize healing and restoration over mere punishment.

As an initial filter, the integrated assessment also supports the internal supervision system in handling drug abuse cases. The implementation of integrated assessment serves as a crucial indicator in evaluating the effectiveness of rehabilitation policies that are based on recovery and the protection of human rights. The data on the number and recommendations issued by the East Java Provincial National Narcotics Agency (BNN Provinsi Jawa Timur) from 2023 to 2024 are presented in the following data:

Tabel 2: Rehabilitation Recommendation Data of BNN Jawa Timur

Description	2023	2024
Outpatient Recommendation	239	503
Inpatient Recommendation	821	1.332
Continuation of Legal Process	87	143
No Rehabilitation	47	13

The table above demonstrates that, although a rehabilitation-oriented approach is prioritized, selective law enforcement measures continue to be applied to some instances, particularly those involving organized distribution networks or repeat offenders (recidivists).

The development of outpatient rehabilitation has shown an increase in the number of cases, rising from 239 cases in 2023 to 503 cases in 2024. This increase reflects growing confidence in effectiveness of open rehabilitation,

as well as a more flexible approach for minor drug offenders. The open rehabilitation model allows individuals to remain within their social environment while undergoing the recovery process.

Conversely, the number of inpatient rehabilitation cases has declined from 821 cases in 2023 to 1,332 cases in 2024. This trend indicates that the majority of narcotics abusers are still considered to require intensive treatment in closed rehabilitation facilities, especially those with moderate to severe levels of dependency.

Furthermore, the number of cases processed through legal proceedings has also increased, from 87 cases in 2023 to 143 cases in 2024. This rise suggests that there remains a segment of offenders deemed unsuitable for rehabilitation and thus must undergo judicial processes, possibly due to involvement in illicit trafficking or other legal factors. Despite the prioritization of rehabilitation, law enforcement efforts are still selectively enforced for specific cases.

Meanwhile, the number of cases not subjected to rehabilitation has decreased from 47 cases in 2023 to only 13 cases in 2024. This indicates that legal policies and law enforcement agencies are increasingly favoring a more humane and restorative approach, placing rehabilitation as the primary priority in handling people with an addiction and victims of narcotics abuse. At the same time, this reduces the potential for discrimination or differential treatment against drug abusers.

The integrated assessment conducted by the National Narcotics Agency (BNN) aims to identify whether a suspect has an addiction, is a victim of narcotics abuse, or is part of a drug trafficking network, thereby enabling the provision of proportional recommendations for rehabilitation or further legal proceedings. Suppose the perpetrator is determined to be an abuser, addict, or victim of narcotics abuse based on the recommendations of the integrated assessment team. In that case, a penal mediation process is carried out using a restorative justice approach that involves the family, community and rehabilitation institutions. Therefore, the mechanism for implementing integrated assessment is not merely an administrative process, but constitutes an integral part of a fair and collaborative judicial system.

As part of implementing penal mediation with a restorative justice approach, the success of medical and legal rehabilitation becomes a crucial metric.⁴⁸ Social reintegration refers to the ability of the perpetrator to resume social functions within the community without stigma and with reduced risk of recidivism. However, according to the author, the implementation of integrated assessment at the East Java Provincial BNN has so far proceeded as stipulated and as expected by the public, but in practice still faces challenges. Some of these challenges include differences in interpretation among law enforcement officers regarding recidivist data in the case tracking information system (SIPP), delays in data presentation and the perpetrator's willingness to admit wrongdoing, all of which impact the readiness of the perpetrator to undergo self-improvement.

C. CONCLUSION

Based on the above discussion regarding the victimology study of narcotics abusers through penal mediation with a restorative justice approach at the National Narcotics Agency (BNN) of East Java Province, the following conclusions can be drawn:

1. The regulation of alternative case resolution for addicts and victims of narcotics abuse through penal mediation with a restorative justice approach is now clearly established. It represents a significant breakthrough for narcotics addicts and victims of narcotics abuse. Through this procedure, they can exercise their rights to recovery and rehabilitation. This method constitutes an effective and efficient solution for victims and fulfills the sense of justice within society. The application of restorative justice in drug abuse cases has been shown to positively impact the social recovery and reintegration of offenders, emphasizing rehabilitation and restoration over retribution.

⁴⁸ Faisal, dkk., *Genuine Paradigm of Criminal Justice: Rethinking Penal Reform within Indonesia New Criminal Code*, Cogent Social Sciences, Vol.10 (2024).

2. That an addiction, is a victim of narcotics abuse, or is part of a drug distribution network, thereby enabling proportional recommendations for rehabilitation (outpatient or inpatient) or further legal proceedings. If the perpetrator is determined to be an abuser, addict, or victim of narcotics abuse based on the recommendations of the integrated assessment team, law enforcement authorities will proceed according to the assessment results, specifically by implementing penal mediation involving the family, community and rehabilitation institutions. Efforts to provide rehabilitation oriented towards narcotics addicts and victims of narcotics abuse at BNN East Java Province have been carried out and have shown significant improvement.

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