



# Reforming the Treatment of Drug Users through the Integration of Rehabilitation and Restorative Justice

Era Handayani, Hieronymus Soerjatisnanta, Heni Siswanto  
Universitas Lampung, Indonesia

## Abstract

The repressive approach toward drug users in Indonesia continues to dominate law enforcement practices, often resulting in incarceration rather than rehabilitation. This punitive orientation disregards the fact that many drug users are victims of addiction who require medical and psychological recovery rather than imprisonment. The gap between the predominantly punitive legal framework and the rehabilitative needs of users contributes to prison overcrowding and the low success rate of social reintegration. This study aims to analyze the potential integration of restorative justice and rehabilitation as a reformatory strategy in addressing drug related offenses. Restorative justice emphasizes the restoration of harm and social reintegration, aligning closely with the therapeutic objectives of rehabilitation programs. Employing a normative juridical method, this research examines national legislation and policy instruments to assess the legal feasibility of such integration. The findings reveal that while both restorative justice and rehabilitation are formally recognized within Indonesia's legal system, their implementation remains fragmented due to regulatory inconsistencies, weak institutional coordination, and pervasive stigma against drug users. The study concludes that integrating these two approaches presents a more humane and effective alternative to punitive sanctions. Comprehensive policy reform and institutional capacity building are urgently needed to support this paradigm shift.

## Keywords:

Restorative justice, rehabilitation, drug users, criminal justice reform, Indonesia.

**How to cite:** Handayani, E., Soerjatisnanta, H., & Siswanto, H. (2025). Reforming the Treatment of Drug Users through the Integration of Rehabilitation and Restorative Justice. *GPH-International Journal of Social Science and Humanities Research*, 8(05), 63-67.  
<https://doi.org/10.5281/zenodo.15539156>



## Background of the Problem

The repressive approach remains the dominant paradigm in the criminal justice system for addressing drug abuse in Indonesia. Although Law Number 35 of 2009 on Narcotics mandates rehabilitation for addicts and victims of narcotics abuse, its implementation has been inconsistent. According to the latest data from the Directorate General of Corrections (Ditjen PAS) of the Ministry of Law and Human Rights of the Republic of Indonesia, as of April 2024, the number of narcotics related inmates reached 135,823 individuals. This figure accounts for over 50% of the total prison and detention center population, which stood at 271,385 during the same period. This condition indicates that more than half of the incarcerated population in Indonesia is involved in narcotics cases, either as users or traffickers. (Usman, 2025)

The punitive criminalization of drug users not only exacerbates the issue of overcrowding in correctional institutions but also neglects the rehabilitative aspect that should be the primary focus. This approach tends to criminalize drug users without adequately addressing their need for recovery and social reintegration. Consequently, the rate of recidivism remains high, and efforts to prevent and combat narcotics abuse become less effective.

As an alternative, the concept of restorative justice has begun to be introduced in handling cases of drug abuse. The Attorney General's Office, for instance, has issued Attorney General's Guideline Number 18 of 2021, which enables the resolution of drug abuse cases through a restorative justice approach with a focus on rehabilitation. This approach aims to restore the conditions of both the offender and the victim, while also reducing the burden on the criminal justice system. (Haposan, 2021)

Nevertheless, the implementation of restorative justice in narcotics cases still faces significant challenges. Divergent perspectives among law enforcement officers, limited rehabilitation facilities, and lack of interagency coordination constitute major obstacles to the effective application of this approach. Additionally, the persistent stigma against drug users continues to hinder rehabilitation and social reintegration efforts. (Joshua, 2020)

Therefore, a reform in the treatment of drug users is necessary one that integrates restorative justice with rehabilitation programs. Such integration is expected to offer a more humane and effective solution to the narcotics problem in Indonesia. This research aims to analyze the potential and challenges of implementing such an approach and to provide policy recommendations that support the reform of the criminal justice system in relation to narcotics abuse.

## Research Methodology

This study employs a normative juridical method with a doctrinal legal research approach, focusing on the synchronization and effectiveness of regulations concerning the integration of restorative justice and rehabilitation in addressing drug abuse cases. The data sources include primary legal materials (such as Law No. 35 of 2009 on Narcotics, the Indonesian Penal Code, Attorney General's Guideline No. 18 of 2021, and Supreme Court Circular No. 4 of

2010), secondary legal materials (academic literature, journals, and institutional reports), and tertiary legal materials (legal dictionaries and encyclopedias). The analysis is conducted qualitatively by interpreting and connecting legal norms with evolving practices, supported by empirical data from institutions such as the Directorate General of Corrections and the National Narcotics Board (BNN). This approach aims to identify weaknesses and formulate legal policy recommendations that are more humane and oriented toward social recovery.

## **Discussion**

The handling of narcotics abuse cases in Indonesia has predominantly relied on a repressive approach through criminal prosecution. This is evidenced by the high number of drug-related inmates dominating the prison population. Such an approach has given rise to several issues, including prison overcrowding, high recidivism rates, and limited effectiveness in addressing narcotics problems in a holistic manner. (Lawalata, 2022)

Law Number 35 of 2009 on Narcotics adopts a dual-track system, which allows for the imposition of both criminal sanctions and rehabilitative measures on narcotics offenders. Article 127 paragraph (1) stipulates that narcotics users may be sentenced to imprisonment, while Article 54 mandates medical and social rehabilitation for addicts and users of narcotics.

Article 54 of Law No. 35 of 2009 clearly states that narcotics addicts and victims of abuse are required to undergo medical and social rehabilitation. This provision is reinforced by Article 55, which sets out a self-reporting mechanism to access rehabilitation services. However, in practice, the implementation of rehabilitation remains hindered by several factors, including limited facilities, inadequate human resources, and pervasive social stigma against drug users.

Although Law No. 35 of 2009 provides a legal basis for rehabilitation, its implementation within the criminal justice system remains limited. Many narcotics offenders are still subjected to imprisonment without due consideration of rehabilitative alternatives, primarily due to a lack of understanding and coordination among law enforcement agencies.

To enhance the rehabilitative approach, the Attorney General's Office issued Attorney General Guideline Number 18 of 2021 concerning the Resolution of Narcotics Abuse Cases through Rehabilitation under a Restorative Justice Approach. This guideline allows for the discontinuation of prosecution for narcotics users who meet certain criteria, provided they undergo rehabilitation.

The application of restorative justice in narcotics cases involves an integrated assessment mechanism comprising both legal and medical teams. These teams are tasked with determining whether the suspect is an addict or a trafficker, as well as identifying appropriate rehabilitation needs. The results of this assessment serve as the basis for decisions on whether prosecution should be discontinued and rehabilitation initiated. (Hibatullah, 2024)

Despite the issuance of these guidelines, the implementation of restorative justice continues to face several challenges, including limited understanding among law enforcement personnel, inadequate rehabilitation facilities, and institutional resistance to a shift from repressive to rehabilitative paradigms. (Pakpahan, 2015)

The Supreme Court has also supported the rehabilitative approach through the issuance of Supreme Court Circular (SEMA) No. 4 of 2010, which instructs that addicts and victims of narcotics abuse should be placed in medical and social rehabilitation institutions. This directive aims to reduce reliance on custodial sentences for drug users and promote rehabilitation as an alternative measure.

Several legal scholars have advocated for the decriminalization of narcotics use, emphasizing rehabilitation over criminal punishment. This approach is considered more effective in addressing the root causes of drug abuse, as it reduces the burden on the criminal justice system while offering drug users the opportunity to recover and reintegrate into society. (Syahputri & Puspitosari, 2024)

The restorative justice approach offers several advantages, including a focus on healing both victims and offenders, reducing the burden on the judicial system, and increasing community involvement in case resolution. In the context of narcotics, this approach enables users to recover and avoid social stigma. Community participation plays a vital role in supporting the rehabilitation of drug users. Civil society organizations, families, and local communities can contribute by providing social support, rehabilitation facilities, and reintegration programs for former users. (Hibatullah & Rusmiati, 2024)

The government bears the responsibility of ensuring the availability of adequate rehabilitation facilities, providing training for law enforcement personnel, and conducting educational campaigns to reduce stigma against drug users. Investment in rehabilitation programs can yield longterm benefits for public health and national security. (Nugroho *et al.*, 2020)

Periodic evaluation of existing rehabilitation programs is necessary to assess their effectiveness in reducing drug abuse and recidivism rates. Empirical data and findings from such evaluations can be used to enhance the quality of current programs and inform the development of future legal policies.

To support the integration of restorative justice and rehabilitation, harmonization of related legal frameworks including the Narcotics Law, the Criminal Code, and implementing regulations is essential. Such harmonization aims to eliminate overlapping provisions and inconsistencies in legal application.

Training and education for law enforcement officers on restorative justice and rehabilitation are crucial to ensure consistent understanding and implementation. These programs should include legal, psychological, and social components relevant to drug-related case management.

The development of rehabilitation infrastructure, including medical and social rehabilitation centers, is necessary to support the implementation of rehabilitation programs. The government may collaborate with the private sector and civil society to ensure the provision of accessible and affordable facilities. Evidence based legal research and policy development can contribute to the formulation of effective strategies for handling narcotics cases.

Empirical data and academic analysis should be leveraged to evaluate current policies and design more targeted interventions. (Haris *et al.*, 2024)

International cooperation and collaboration with other countries and global organizations can provide access to best practices, resources, and technical assistance in combating narcotics. This cooperation may include information exchange, training programs, and technical support in the development of rehabilitation and restorative justice initiatives.

## **Conclusion**

The integration of restorative justice with rehabilitation programs in handling narcotics abuse cases represents a strategic step toward reforming a criminal justice system that has long been overly punitive. This approach aligns with legal principles that emphasize offender recovery, community protection, and enforcement efficiency. Although the legal basis such as Law No. 35 of 2009 and Attorney General Guideline No. 18 of 2021 is already in place, implementation continues to face challenges, particularly with regard to interagency coordination, limited rehabilitation infrastructure, and resistance to paradigm shifts among law enforcement personnel. Strengthening policy frameworks, providing ongoing training, and developing adequate rehabilitation infrastructure are essential to ensuring that drug users are treated as individuals in need of recovery, rather than merely as criminals.

## **References**

- Haris, O. K., Rizky, A., Nur, F., & Hermanto, N. A. (2024). *The application of restorative justice principles to drug addicts from the perspective of criminal law*. Halu Oleo Legal Research, 6(1), 47–57.
- Nugroho, B., Wahyulina, D., & Rahayu, S. (2020). *Implementation of restorative justice system policy in drug and psychotropic abuse cases*. Jurnal Maksigama, 14(1), 39–48.
- Hibatullah, M. N., Rusmiati, E., & Takariawan, A. (2024). *Legal implications of restorative justice implementation by prosecutors in drug abuse cases*. Yurispruden: Journal of the Faculty of Law, Islamic University of Malang, 7(1), 131–150.
- Pakpahan, H. (2015). *Restorative justice for drug and narcotic users*. Jurnal Cakrawala Hukum, 6(2), 129–140.
- Syahputri, A. A. D., & Puspitosari, H. (2024). *Procedure for implementing restorative justice for drug abusers*. Journal of History Education and Social Humanities Research, 4(1), 143–149.
- Nugraha, W., & Handoyo, S. (2019). *Application of restorative justice in the handling and resolution of narcotics crimes committed by children in Balikpapan City*. Journal de Facto, 6(1).
- Lawalata, J. H., Titahelu, J. A. S., & Latupeirissa, J. E. (2022). *Restorative justice approach in the resolution of drug crime cases at the investigation stage*. TATOHI: Journal of Legal Studies, 2(1), 91–112.