



Regulatory Reconstruction for Narcotics Abuse Cases Using a Restorative Approach as an Implementation of the Prosecutor's Dominus Litis Principle

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ABSTRACT

The Attorney General's Office of the Republic of Indonesia has handled cases through rehabilitation with a restorative justice approach as an implementation of the prosecutor's *dominus litis* principle. This study aims to analyze the regulations for resolving narcotics abuse cases with a restorative approach, identify their weaknesses, and propose a reconstruction of regulations based on justice values. The research uses a constructivism paradigm with a socio-juridical approach and descriptive research design. Data sources consist of primary, secondary, and tertiary legal materials, collected through literature review and analyzed qualitatively. The findings show that current regulations do not explicitly authorize prosecutors to adopt rehabilitative measures in prosecutorial proceedings. Weaknesses include ambiguous legal norms in Articles 54, 127, and 112 of Law No. 35/2009 on Narcotics, limited rehabilitation facilities, and low public awareness of prevention efforts. To address these gaps, reconstruction of legal norms is needed, particularly in Articles 54 and 103 of Law No. 35/2009 and Article 5 Paragraph 6 of Prosecutor's Regulation No. 15/2020. The study concludes that restorative justice in narcotics cases requires a regulatory framework rooted in justice values. Strengthening legal clarity, expanding rehabilitation infrastructure, and fostering public awareness are crucial to ensure that the prosecutor's *dominus litis* principle supports both justice and effective narcotics control.

Keywords: Reconstruction, Regulation, Restorative Justice, Dominus Litis.

INTRODUCTION

Narcotics are substances or drugs, whether natural, synthetic, or semi-synthetic, that cause effects such as reduced consciousness, hallucinations, and stimulation (Hall et al., 2020; Degenhardt et al., 2021). According to Law No. 35 of 2009 on Narcotics, Article 1 Paragraph 1, narcotics are defined as substances, either synthetic or plant-based, that can produce hallucinatory effects, lower consciousness, and cause addiction (Putra, 2021). These substances can be used for medical purposes, such as pain relief and sedation (Volkow & Collins, 2017; Trescot et al., 2019); however, their misuse leads to serious health and legal consequences (Humphreys et al., 2022; Jalal et al., 2018).

In general, narcotics have three main properties: depressants, stimulants, and hallucinogens (Koob & Volkow, 2016; NIDA, 2020). Depressants suppress the central nervous system, which may cause users to lose consciousness and even weaken cardiac function (Kosten & George, 2021). Stimulants, on the other hand, activate the nervous system, leading to heightened alertness and physical stamina, as seen in the use of methamphetamine (Cruickshank & Dyer, 2019; Jalal et

al., 2018). Hallucinogens induce artificial perceptions that appear real but are not, as in the case of ecstasy (Parrott, 2018). These three properties primarily target the nervous system, affecting both thought and awareness, while prolonged misuse can damage vital organs such as the heart, lungs, liver, and kidneys (Pergolizzi et al., 2020).

The dangers of narcotics not only threaten individual users but also extend to families and society at large (UNODC, 2021). Despite the well-known negative impacts, narcotics abuse continues to increase, often beginning with the user's desire to experience a temporary sense of pleasure or calmness (Darke et al., 2019). While addiction may be treated, prevention or early cessation is far more effective (Humphreys et al., 2022). Thus, narcotics are considered to have a dual nature: beneficial in medical contexts, yet destructive when abused (Kosten & George, 2021; Parrott, 2018).

In Indonesia, illicit drug trafficking and abuse are increasingly alarming (Suryani et al., 2019). In 2023, an estimated 3.3 million users were recorded, equivalent to 1.73% of the total population (BNN, 2023). The Head of the National Narcotics Board (BNN) described this as an iceberg phenomenon with the potential to increase tenfold (Kristina et al., 2020). More disturbingly, around 49–50 young Indonesians die each day due to drugs, with economic losses estimated at IDR 63 trillion annually (Hidayat et al., 2021). These losses include drug expenditures, stolen property, rehabilitation costs, and other related damages (Dharmawan et al., 2022).

This rising trend prompted the President of the Republic of Indonesia to declare that the country is experiencing a drug emergency (Lasco, 2020). Addressing this issue requires comprehensive and sustainable efforts, from upstream prevention to downstream rehabilitation (Muthini, 2025). Although Law No. 35 of 2009 clearly outlines narcotics control, including punitive, medical, and social measures, its implementation remains inconsistent. The gap between normative legal frameworks and practical application has worsened the drug crisis rather than improving it (Ayres & Taylor, 2025; Laksana et al., 2025).

The complexity of the problem is compounded by the fact that narcotics now affect all levels of society—from young children to adults, from urban centers to remote villages. Dealers continuously innovate methods to distribute drugs, even involving women and children as couriers. Users of narcotics are often both perpetrators and victims, requiring medical and social rehabilitation. However, law enforcement remains largely repressive, focusing on punishment rather than addressing the root causes of addiction and psychosocial vulnerabilities.

In principle, Law No. 35 of 2009 accommodates a rehabilitative approach for users and a repressive approach for traffickers. Yet, in practice, both groups are frequently treated with the same punitive measures, creating a paradox. Narcotics users, who should undergo rehabilitation, are often sentenced to imprisonment, undermining the spirit of the law itself. This misalignment between legal policy and its implementation highlights the urgent need for reform in Indonesia's narcotics control system.

One of the most significant innovations in addressing this issue has been the introduction of restorative justice in narcotics cases. Restorative justice emphasizes reconciliation, recovery, and rehabilitation, offering a more humane alternative for eligible offenders. The Prosecutor's Office plays a strategic role in this process through the principle of *dominus litis*, granting prosecutors the authority to determine whether a case proceeds to court or is diverted to rehabilitation. However, challenges remain due to regulatory ambiguities, structural limitations, and cultural barriers.

Several previous studies have examined the implementation of restorative justice in narcotics cases, yet gaps remain in aligning legal frameworks with practical execution. For instance, Lestari (2021) found that although restorative justice offers opportunities for rehabilitation, its implementation in narcotics cases is hindered by weak regulatory clarity and limited inter-agency coordination, resulting in inconsistencies in case resolution. Similarly, Pramono and Widodo (2022) highlighted that the majority of narcotics users are still subjected to punitive imprisonment rather than rehabilitation, despite the legal mandate in Law No. 35 of 2009, reflecting a disconnect between legal norms and judicial practices. These studies underscore that while the potential of restorative justice has been widely acknowledged, there is insufficient exploration of the prosecutor's *dominus litis* role in bridging the gap between regulation and execution.

This study aims to analyze the regulatory framework, identify weaknesses, and propose a reconstruction of narcotics abuse case handling based on restorative justice principles. The expected benefits include theoretical contributions to restorative justice scholarship and practical recommendations for policymakers in reforming narcotics case handling in Indonesia.

RESEARCH METHOD

The approach used in this study is socio-juridical. This approach is based on binding norms or regulations, with the aim of understanding how law, as an empirical phenomenon in society, can be studied as a causal variable that produces various social impacts. A socio-juridical study relies on primary data obtained directly from the field, which are still raw and capable of reflecting the real conditions observed in practice.

The research incorporates several approaches. First, the statute approach, which analyzes relevant laws and regulations. Second, the conceptual approach, which uses legal concepts and theories that have been developed in the field of law. Third, the case approach, which examines court rulings related to narcotics abuse. Finally, the comparative approach, which compares legal systems across different countries or regions to provide a broader perspective.

This research adopts a descriptive-analytical specification. Descriptive research provides a comprehensive and systematic account of the legal phenomena under investigation. Analytical research, on the other hand, seeks to classify, combine, and compare theoretical and practical aspects to reach accurate conclusions. Together, this method allows the study to produce a detailed, systematic, and comprehensive overview of the issues examined.

The study employs both primary and secondary data. Primary data are obtained through field research, including direct information from respondents relevant to the research object. Secondary data are collected through library research, which involves literature reviews, expert findings, and other academic works. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law No. 35 of 2009 on Narcotics, the Criminal Code (*KUHPP*), the Criminal Procedure Code (*KUHAP*), Law No. 11 of 2021 on the Prosecutor's Office, and Prosecutor's Guidelines No. 18 of 2021. Secondary legal materials consist of books, legal research, theses, dissertations, and scholarly writings. Tertiary legal materials include law dictionaries and the Indonesian language dictionary.

Data collection methods consist of library research and document study for secondary data, as well as interviews with prosecutors for primary data. The data obtained are edited, examined, and corrected to ensure accountability. Once validated, the data are systematically organized and presented in descriptive form using qualitative analysis. The qualitative method produces descriptive-analytical data derived from respondents' written or oral statements, as well as actual behavior observed and studied as a whole.

The collected data are analyzed qualitatively by interpreting, organizing, and systematically arranging the findings before drawing conclusions. The analysis follows a deductive reasoning pattern, moving from general principles to specific conclusions. The process also emphasizes the dynamic relationship among legal phenomena through scientific logic. In addition, the normative juridical framework is observed, ensuring that legal rules do not contradict one another, that the hierarchy of legal norms is respected, and that legal certainty is maintained.

RESULTS AND DISCUSSION

Comparison of Foreign Countries in Solving Narcotics Abuse Criminal Cases

Malaysia

To reduce the number of users, the Malaysian government has changed its strategy in dealing with narcotics abuse cases from focusing on the enforcement aspect of criminal law to an approach to combating the disease of addiction through treatment or rehabilitation by issuing the Drug Addicts (Treatment and Rehabilitation) Act 1983 - Amendment 1998. Drug users who are proven to have committed drug crimes in front of the court, the judge is obliged to decide the drug user to undergo rehabilitation. This provision also applies if the abuse is convicted for the second time for the same case and if the drug crime is committed for the third time, then the judge is allowed to decide on the abuse to be imprisoned to have a deterrent effect. The last country to decriminalize drug users is Colombia. The Decriminalization of Drug Use Bill is a follow-up to the Colombian Supreme Court's ruling that possession of small amounts of drugs is a right protected by the constitution.

Thailand

Based on the Narcotics Law B.E. 2522 (1979) the types of drugs in Thailand are divided into five categories: Category I (dangerous drugs, such as heroin and methamphetamine), Category II (cocaine and opium), Category III (in the form of drug formulas), Category IV (anhydride acetate, acetyl chloride and narcotic substances category I and II) and Category V (marijuana). It should be noted that methamphetamine is categorized as a class I narcotic since the United Nations reported that Thailand is at the highest rate of methamphetamine abuse. Narcotics abuse is considered as a patient, not a perpetrator, and must undergo rehabilitation (Rehabilitation Law for Narcotics Abuse BE 2545 (2002)). In addition, drug traffickers in Thailand must be sanctioned under the Law on the Eradication of Narcotics Offenders BE 2534 (1991). Legal control of drugs in Thailand can be classified into 5 categories, namely: Law on control of narcotic substances, Law on competent powers and duties, Special Law, Law on control of chemicals used for drug production and Law for drug offenses.

Inggris

In the UK, the arrangement distinguishes between drug users and drug syndicates. The British government also classifies types of drugs associated with the severity or lightness of sanctions according to the classification. In principle, the application of punishment to both drug users and syndicates is guided by article 3 of the UN convention, and judges are given the authority to exercise discretion in deciding drug cases, but still guided by the classification stipulated in the law.

In the UK, research found that the cost of criminal trials was reduced by around £6,000 per case. In addition, in the study, it was found that 85% of victims were satisfied and recidivism decreased by 27% for adult perpetrators. It can be seen that in the UK restorative justice has a positive impact. This is due to the many applications of restorative justice by police officers in criminal justice. Marshall as quoted in Restorative Justice and Criminal Justice: Competing or reconcilable Paradigm states that restorative justice is a process that involves all parties to a criminal act to find a way to recover the impact of a crime and choose a mechanism to overcome the crime. The goal of restorative justice is to restore the social security of victims and perpetrators who resolve conflicts between them. In the UK, three benefits of restorative justice were found, namely: reducing recidivism, increasing efficiency leading to benefit costs, and increasing public trust and satisfaction. Therefore, restorative justice is not just a new mechanism in criminal justice. The use of restorative justice can vary.

Reconstruction of the Value of Regulation for Handling Narcotics Abuse Cases with a Restorative Approach as the Implementation of the Principle of Dominus Litis for Prosecutors Based on the Value of Justice

The view of justice in national law is based on the basis of the state. Pancasila as the basis of the state or state philosophy (fiilosofische grondslag) is still maintained and is still considered important for the Indonesian state. Axiologically, the Indonesian nation is a supporter of Pancasila

values (subscriber of Pancasila values). The Indonesian nation is divine, humane, united, populous, and socially just.

As a supporter of values, it is the Indonesian nation that respects, acknowledges, and accepts Pancasila as a value. The recognition, appreciation, and acceptance of Pancasila as something valuable will seem to reflect in the attitudes, behaviors, and deeds of the Indonesian nation. If the recognition, acceptance, or appreciation is reflected in the attitudes, behaviors, and deeds of human beings and the Indonesian nation, then in this case the bearer is the attitude, behavior, and deeds of Indonesian people. Therefore, Pancasila as the highest source of law nationally and as its rationality is as the source of national law of the Indonesian nation.

The view of justice in the national law of the Indonesian nation is focused on the foundation of the state, namely Pancasila, the fifth precept of which reads "Social Justice for All Indonesian People". The question now is whether what is called fair according to the conception of national law is sourced from Pancasila.

To further elaborate on justice in the perspective of national law, there is an important discourse on justice and social justice. Fair and equitable is the recognition and balanced treatment of rights and obligations. Such a conception when connected with the second precept of Pancasila as the source of national law of the Indonesian nation, in essence instructs to always carry out harmonious relations between individuals and other groups of individuals so as to create a fair and civilized relationship.

The restorative justice approach emphasizes the fulfillment of justice that returns to the conditions before the crime occurred, while the criminal approach emphasizes retributive control and resocialization. Based on the axiological aspect, restorative justice emphasizes the realization of four things. First, to put criminal law back in its *khitamu* as the *ultimum remedium* (last resort), if other legal remedies and peace mechanisms are not realized. Second, emphasizing the responsibility of the perpetrators of criminal acts directly to the victim for the criminal acts committed. Third, paying attention to the interests and protection of victims of crimes. Fourth, to build a harmonious relationship between victims and perpetrators of criminal acts. As for the epistemological aspect, the restorative justice approach in principle emphasizes its realization.

The reconstruction of values in this study is the regulation of the settlement of the handling of criminal cases of narcotics abuse with a restorative approach as the implementation of the principle of prosecutorial *dominus litis* is the regulation of the settlement of the handling of criminal cases of narcotics abuse with a restorative approach as the implementation of the principle of prosecutor's *dominus litis* which was not previously based on the value of justice, now based on the value of justice.

Reconstruction of Regulatory Norms for Handling Narcotics Abuse Cases with a Restorative Approach as the Implementation of the Principle of Prosecutorial *Dominus Litis* Based on Justice Values

The Restorative Justice approach emphasizes recovery and reconciliation between

perpetrators, victims, and society. This approach is different from the more traditional punitive approach. In the context of the criminal act of narcotics use, the use of restorative justice can focus on rehabilitation, the elimination of stigmatization, and social integration. However, if there are inequities or deficiencies in the implementation of Restorative Justice, some justice issues can arise. The following are some aspects that can be improved or reconstructed in the regulation of law enforcement of criminal acts of narcotics users through the Restorative Justice approach where the need for a Balance Between the Rights of the Perpetrator and the Public Interest where the Restorative Justice approach does not only focus on the recovery of the perpetrator, but also considers the interests of the community and the protection against the harmful use of narcotics. In addition, there is also an adequate involvement of victims in the restorative justice process. If the victim is not adequately involved, this can reduce the effectiveness and fairness of the process.

Ongoing rehabilitation where offenders are not only temporary, but also include long-term support and follow-up to ensure successful social reintegration and ultimately Social and Economic Justice Consider the social and economic factors that may be contributing to the use of narcotics, and consider holistic approaches to addressing them. This may involve social welfare programs and skills training. The need for Prevention and Education is to strengthen prevention and education efforts to reduce the level of narcotics use, by focusing on understanding the root causes and risks involved with Surveillance and Evaluation accompanied by a strong monitoring mechanism to evaluate the effectiveness of the Restorative Justice approach by ensuring that these programs are continuously evaluated and adjusted according to changing needs of the community. The reconstruction of law enforcement regulations for narcotics use crimes through a restorative justice approach requires a careful balance between individual rehabilitation, community protection, and overall social justice. By paying attention to these aspects, it can be increased that the Restorative Justice approach will better meet the value of justice. Therefore, it is necessary to reconstruct Law Number 35 of 2009 concerning Narcotics, namely in Articles 54, Articles 103 and 127, with the hope that Justice for Narcotics Users through the Restorative Justice approach takes into account the values and norms of indigenous or minority peoples to prevent discrimination or inequality.

Progressive Legal Theory was initiated by Satjipto Rahardjo where it is stated that legal thinking needs to return to its basic philosophy, namely law for humans, not the other way around, so that humans become the determinant and point of legal orientation. This is considering that, in addition to certainty and justice, the law also functions for the welfare of human life or provides benefits to society, so it can be said that law is a field and human struggle in the context of seeking happiness in life.

Satjipto Rahardjo stated that both the role of humans and society is displayed in the future, so that the law appears more as a field of human struggle and struggle. The law and the work of the law should be seen in the context of the law itself. The law does not exist for oneself and one's own needs, but for man, especially human happiness.

According to Satjipto Rahardjo, progressive law enforcement is to carry out the law not just

according to the black and white words of the regulations (according to the letter), but according to the spirit and deeper meaning of the law or law. Law enforcement is not only intellectual intelligence, but spiritual intelligence. In other words, law enforcement is carried out with determination, empathy, dedication, commitment to, the suffering of the nation and accompanied by the courage to find other ways than what is usually done.

For progressive law, the process of change is no longer centered on regulations, but on the creativity of legal actors to actualize the law in the right space and time. Progressive legal actors can make changes by making creative interpretations of existing regulations without having to wait for changes in the rules (changing the law). Bad regulation should not be an obstacle for progressive lawmakers to bring justice to the people and justice seekers, because they can make a new interpretation of a regulation each time. At this point, according to Satjipto Rahardjo, the law must be allowed to flow just like that, shifting the paradigm of positivism law to find its own goals. In order for the law to feel its benefits, the services of legal actors who are creative in translating the law into social interests that it must serve.

The form of joint agreement from the government and law enforcement officials in overcoming narcotics crimes is evident when the Joint Regulation of the Chief Justice of the Supreme Court of the Republic of Indonesia, the Minister of Law and Human Rights of the Republic of Indonesia, the Minister of Health of the Republic of Indonesia, the Minister of Social Affairs of the Republic of Indonesia, the Attorney General of the Republic of Indonesia, the Chief of the Police of the Republic of Indonesia, the Head of the National Narcotics Agency of the Republic of Indonesia. Issued a letter with No. 01/PB/MA/III/2014, No. 03 of 2014, No. 11 of 2014, No. 03 of 2014, PER-005/A/JA/03/2014, No. 1 of 2014, No. PERBER/01/III/2014/BNN concerning the Handling of Narcotics Addicts and Victims of Narcotics Abuse into Rehabilitation Institutions, hereinafter referred to as joint regulations.

Based on the joint regulation, it is hoped that narcotics abuse will no longer lead to criminal sanctions in prison, but will still receive rehabilitation. Suspects who were caught using narcotics by the police during the investigation process suspected of abusing narcotics are rarely submitted by the police to get an assessment process. Meanwhile, the assessment process is regulated in a joint regulation where those who are caught using Narcotics are obliged to get an assessment to determine whether they are classified as Narcotics Addicts or victims of Narcotics abuse or as dealers or distributors of Narcotics themselves.

The purpose of this assessment is none other than so that those who are classified as narcotics abusers or narcotics abusers can be rehabilitated instead of receiving criminal sanctions, so that based on the joint regulations, an Integrated Assessment Team was formed based at the central, provincial level, and district/city levels consisting of a team of doctors and a legal team tasked with carrying out an analysis of the role of suspects arrested at the request of relevant investigators with the illicit circulation of narcotics, especially for abuse. The team then carried out a legal analysis, medical analysis and psychosocial analysis and created a rehabilitation plan that contained how long rehabilitation would be needed.

Rehabilitation for narcotics abuse is a treatment process to free abuse from dependence, and the period of undergoing rehabilitation is considered as a period of serving punishment. Rehabilitation for narcotics abuse is also a form of social protection that integrates narcotics abuse into the social order so that he no longer abuses narcotics.

Rehabilitation is an effort to restore mental and physical health aimed at drug abuse who have undergone a curative program. The goal is to stop abuse and be free from concomitant diseases such as physical damage (nerves, brain, blood, heart, lungs, kidneys, liver, etc.), mental damage, character changes towards negative, asocial, concomitant diseases such as HIV/AIDS, Hepatitis, syphilis, and others caused by former drug use.

Victims of narcotics abuse are required to undergo medical rehabilitation and social rehabilitation. Victims of narcotics abuse who have no rights and against the law as suspects and/or defendants in narcotics abuse who are undergoing investigation, prosecution, and trial in court are given treatment, treatment and rehabilitation in rehabilitation institutions. The Public Prosecutor for the purposes of the prosecution and the Judge for the purpose of examination at the court hearing, may request assistance from the local Integrated Assessment Team to conduct an assessment of the defendant.

Along with the development of the times, a person who was initially unfamiliar with narcotics turns into a user of even difficult abuse regardless of his dependence. Narcotics abuse is a "self victimizing victim", because narcotics abuse suffers from dependence syndrome as a result of their own drug abuse. Dependence, addiction, addiction are called diseases, not moral weaknesses, although there is a moral element at first. As a disease, narcotics abuse can be explained by its typical symptoms, which repeatedly relapse, and are progressive, meaning that they get worse, if not helped and treated properly. Many drug users and abusers are caught and thrown into prisons (in this case correctional institutions), even though they should have received medical and social rehabilitation, except for dealers or dealers.

Rehabilitation means restoring the ability that was once possessed to its original state which for some reason must be lost. Rehabilitation for narcotics abuse is a treatment process to free the abuse from dependence, rehabilitation for narcotics abuse is also a form of social protection that integrates narcotics abuse into social order so that he no longer abuses narcotics. Rehabilitation is intended to provide a guarantee of full treatment to victims of narcotics abuse through legal aspects, medical aspects, social aspects, spiritual aspects, as well as the development of education and training in the field of narcotics in an integrated manner, in addition to ensuring the avoidance of victims and institutions and penetration of traffickers, the avoidance of mental damage and the future of narcotics abusers who will kill their development potential, the avoidance of new victims due to the transmission of diseases such as Hepatitis, HIV/AIDS, and other infectious diseases, the realization of legal handling that is in line with medical/social rehabilitation services, and the realization of a dynamic process of handling narcotics victims and scientific and scientific aspects, in accordance with the development of the times as an integrated information network center and realizing technical handling of narcotics and illegal drug abuse for the surrounding area and

national.

The reorientation of law enforcement policies means that in the implementation of the duties and authorities of the Prosecutor's Office in the field of prosecution it is carried out through the optimization of rehabilitation institutions. The prosecutor as the controller of the case based on the principle of dominus litis can settle cases of narcotics abuse through rehabilitation at the prosecution stage. The settlement of narcotics abuse cases through rehabilitation is a mechanism that cannot be separated from the implementation of restorative justice, with the spirit of restoring the original condition carried out by restoring the original condition carried out by restoring the perpetrators of narcotics abuse crimes that are victimless crimes. The settlement of the handling of narcotics abuse cases through rehabilitation is carried out by prioritizing restorative justice and benefits (*doelmatigheid*), and considering the principles of fast, simple, and low-cost justice, the criminal principle as a last resort (*ultimum remedium*), cost and benefit analysis, and the recovery of the perpetrator. The Attorney General's Guideline Number 18 of 2021 concerning the Settlement of Narcotics Abuse Criminal Cases Through Rehabilitation with a Restorative Justice Approach as the Implementation of the Prosecutor's Dominus Litis Principle is intended as a reference for the public prosecutor in resolving the handling of narcotics abuse criminal cases through rehabilitation with a restorative justice approach as the implementation of the Prosecutor's dominus litis principle. Attorney General's Guideline Number 18 of 2021 concerning the Settlement of Handling Narcotics Abuse Cases Through Rehabilitation with a Restorative Justice Approach as the Implementation of the Prosecutor's Dominus Litis Principle is aimed at optimizing the settlement of handling cases of narcotics abuse through rehabilitation with a restorative justice approach as an implementation of the Prosecutor's dominus litis principle.

Table 1. Summary of Reconstruction of Regulations for Handling Narcotics Abuse Cases with a Restorative Approach as the Implementation of the Principle of Dominus Litis of Prosecutors Based on Justice Values

No.	Construction	Debilitation	Reconstruction
1.	Law Number 35 of 2009 concerning Narcotics Article 54: Narcotics addicts and victims of Narcotics abuse are required to undergo medical rehabilitation and social rehabilitation	The substance of the rules is not clear	Reconstruction of Law Number 35 of 2009 concerning Narcotics Article 54 by adding the phrase "if proven in the investigation stage after going through an integrated assessment", so that it reads: Article 54 Narcotics addicts and victims of Narcotics abuse, if proven in the investigation stage after going through an integrated assessment, are required to undergo medical rehabilitation and social rehabilitation treatment.
2	ULaw No. 35 of 2009 on Narcotics Article 103 (1) The judge who examines the case of a Narcotics Addict may:	Not based on the value of justice	Reconstruction of Law No. 35 of 2009 concerning Narcotics Article 103 by adding the word "based on the value of

No.	Construction	Debilitation	Reconstruction
a.	decide to order the person concerned to undergo treatment and/or treatment through rehabilitation if the Narcotics Addict is proven guilty of a Narcotics crime; or		justice" at the end of Paragraph (1) letter b, so that it reads: Article 103 (1) The judge who examines the case of a Narcotics Addict may:
b.	stipulate to order the person concerned to undergo treatment and/or treatment through rehabilitation if the Narcotics Addict is not proven guilty of committing a Narcotics crime.		a. decide to order the person concerned to undergo treatment and/or treatment through rehabilitation if the Narcotics Addict is proven guilty or not guilty of a Narcotics crime; or b. stipulate to order the person concerned to undergo treatment and/or treatment through rehabilitation if the Narcotics Addict is not proven guilty of committing a Narcotics crime based on the value of justice.
3	Regulation of the Prosecutor's Office of the Republic of Indonesia Number 15 of 2020 Article 5 Verse 6 In addition to fulfilling the terms and conditions as referred to in paragraph (1), paragraph (2), paragraph (3), and paragraph (4), the termination of prosecution based on Restorative Justice is carried out by meeting the following conditions: a. there has been a restoration to the original condition carried out by the Suspect by: 1. return the goods obtained from the criminal act to the victim; 2. compensate the Victim; 3. reimburse costs incurred as a result of criminal acts; and/or 4. Repair the damage caused by the consequences of criminal acts; b. there has been a peace agreement between the Victim and the Suspect; and c. the community responds positively.	It is emphasized by restorative justice efforts on narcotics abuse, especially those that have received recommendations from the integrated assessment team	Reconstruction of the Prosecutor's Regulation of the Republic of Indonesia Number 15 of 2020, on Article 5 Paragraph 6 by adding to letter d Article 5 Paragraph 6 in cases of narcotics abuse that have received rehabilitation recommendations from the integrated assessment team, so that it reads: Article 5 Verse 6 In addition to fulfilling the terms and conditions as referred to in paragraph (1), paragraph (2), paragraph (3), and paragraph (4), the termination of prosecution based on Restorative Justice is carried out by meeting the following conditions: a. there has been a restoration to the original condition carried out by the Suspect by: 1. return the goods obtained from the criminal act to the victim; 2. compensate the Victim; 3. reimburse costs incurred as a result of criminal acts; and/or 4. Repair the damage caused by the consequences of criminal acts; b. there has been a peace agreement between the Victim and the Suspect; and

No.	Construction	Debilitation	Reconstruction
			c. the community responds positively. d. in cases of narcotics abuse that have received rehabilitation recommendations from the integrated assessment team

The regulation for resolving narcotics abuse cases through a restorative approach as an implementation of the *dominus litis* principle of prosecutors in Indonesia has not yet been fully grounded in justice. This is due to the absence of explicit legal authority for prosecutors to take rehabilitative measures within the prosecution process. Although Law No. 35 of 2009 on Narcotics provides that narcotics users may undergo rehabilitation, its implementation faces various obstacles. In practice, offenders are often charged under Article 127(1) of Law No. 35 of 2009 with a single indictment; however, many are instead prosecuted with cumulative or alternative charges, often equated with traffickers. The heavy reliance on punitive and repressive measures has proven less effective, as it focuses on punishment without addressing root causes such as addiction and psychosocial factors. Consequently, narcotics regulation has been perceived more as criminal law, while its medical and social dimensions remain underdeveloped.

The weaknesses of the current regulatory framework can be seen in the ambiguous and multi-interpreted provisions of Articles 54 and 103 of Law No. 35 of 2009 and Article 5(6) of the Prosecutor’s Regulation No. 15 of 2020. Substantively, narcotics users face severe prison penalties, even though they are also victims requiring medical and social rehabilitation. Structurally, the limited availability of rehabilitation facilities and the high costs of rehabilitation during prosecution stages pose further challenges, as state-provided rehabilitation remains inconsistent. Culturally, society often perceives narcotics problems solely as the responsibility of the police, with low public awareness and participation in prevention efforts. To address these shortcomings, reconstruction of both values and norms is proposed—such as amending Articles 54 and 103 of Law No. 35 of 2009 and Article 5(6) of the Prosecutor’s Regulation No. 15 of 2020—to explicitly integrate justice-based restorative approaches, including mandatory rehabilitation for proven narcotics addicts based on integrated assessment, thereby aligning narcotics law enforcement with medical, social, and justice-oriented solutions.

CONCLUSION

This study concludes that the regulation for resolving narcotics abuse cases through a restorative justice approach as part of the prosecutor's *dominus litis* principle in Indonesia remains limited, as it has not yet been fully grounded in justice values. The current framework—marked by ambiguous provisions in Law No. 35 of 2009 and the Prosecutor's Regulation No. 15 of 2020, inadequate rehabilitation infrastructure, and low public awareness—results in a predominantly punitive orientation that treats users as criminals rather than victims in need of recovery. By

proposing the reconstruction of Articles 54 and 103 of Law No. 35 of 2009 and Article 5(6) of the Prosecutor's Regulation No. 15 of 2020, this study highlights the urgency of embedding explicit justice-based restorative mechanisms, such as mandatory rehabilitation supported by integrated assessments. The findings contribute to strengthening narcotics law enforcement by balancing legal, medical, and social dimensions, while offering future directions for policy reform to ensure that handling narcotics cases becomes more humane, effective, and sustainable.

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