



LEGAL ANALYSIS OF DRUG ABUSE LAW TREATMENT THROUGH A RESTORATIVE JUSTICE APPROACH TO THE COUNTRY'S ECONOMY

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ABSTRACT

Law evolves continually from the past to the present, aiming to improve various aspects, particularly the implementation of justice. One significant development is Restorative Justice, which shifts the focus in the criminal justice system towards justice for both victims and perpetrators, including alternative punishments like social work. The term "narcotics" often causes people to recoil in fear due to the severe negative impacts and numerous victims associated with these illegal substances. This concern extends widely, particularly among parents who worry about their children's associations. Recently, the issue has escalated to become a widespread concern for all segments of society. This research is to find out the regulations for the use of restorative justice in drug abuse cases and to determine the effect of criminal acts of drug abuse on the country's economy. By using normative legal method, the author finds that Restorative Justice is a shift in the criminal justice system that prioritizes justice for both victims and perpetrators, including alternative punishments like social work. It is regulated by various laws and emphasizes rehabilitation for narcotics abusers, recognizing them as both perpetrators and victims. The illegal drug trade has increased social, health, and economic impacts, with drug abuse leading to crime and social insecurity. Economic pressures drive abusers to commit crimes such as theft and robbery. According to data, Indonesia's state losses due to drugs have significantly risen, reaching IDR 84.7 trillion in 2017. Additionally, the UNODC reported a three-fold increase in opium production since 2006 in Southeast Asia's Golden Triangle, threatening regional stability and law enforcement.

Keywords: legal analysis, drug abuse, law treatment, restorative justice,

INTRODUCTION

Law continues to develop from past to present. The developments that occur are of course aimed at being better in terms of various things, especially the implementation of justice. Various efforts have been made to ensure that these regulations are implemented well in society and in accordance with existing conditions. There are many considerations that must be made to make changes to bring goodness to everyone.

However, all forms of obstacles are not a reason to continue trying to create absolute justice. The development of law has had a big influence on society, so it is

not surprising that it takes various forms. Policy requires the role of society. Because in practice it will be the community that will carry out the legal processes that have been determined. In this regard, one of the legal developments currently occurring is the existence of Restorative Justice (Maysarah, 2017). Restorative Justice is a shift in punishment in the criminal justice system which prioritizes justice for victims and perpetrators of criminal acts as well as alternative punishments such as social work and others. Bagir Manan stated that the substance of Restorative Justice contains principles including building joint

participation between perpetrators, victims and community groups to resolve incident or criminal act, placing perpetrators, victims and the community as "Stakeholders" who work together and directly try find a solution that is considered fair for all parties (win-win solutions).

When hearing the word "narcotics" (a general term for narcotics and psychotropics) it will make some people cringe and feel afraid of the negative impact it will have, this is because there have been many victims who have experienced the impact of the violence of these illicit goods. Remembering this, so many people, especially parents, feel worried about their children's relationships. It's not just limited to parental concerns, lately it has become a common enemy for all groups.

Apart from having a negative impact on the health of users, drug abuse can also have an impact on the economy. The National Narcotics Agency (BNN) estimates that economic losses could reach IDR 74.4 trillion and that only comes from drug abuse. This figure will continue to increase if drug users continue to increase every year. The factor that influences economic losses due to drugs in Indonesia is the proliferation of existing drug distribution markets. In my opinion, the government in Indonesia must work more optimally because if left as it is, the estimated economic losses in Indonesia could be much greater. In fact, IDR 74.4 trillion could be used to build infrastructure in Indonesia so that Indonesia can become more advanced than before. The impact of drugs causes people's purchasing power to decrease. Drugs also have a negative effect on people's productivity and health, especially the younger generation (Farizki, 2022).

Law Number 35 of 2009 concerning Narcotics has provided different treatment for perpetrators of narcotics abuse, before this law came into effect there was no difference in treatment between drug dealers, dealers and producers (Hamzah and Surachman, 2012). On the one hand, narcotics users or addicts are perpetrators of criminal acts, but on the other hand they are victims. According to the Narcotics Law, narcotics addicts are victims, as shown by the provision that narcotics addicts can be sentenced to rehabilitation (Supramono, 2009).

Based on this, if narcotics addicts are only given punishment, then in the future they will still have the potential to repeat these actions. Another thing is that if recovery is carried out for narcotics addicts, of course they are unlikely to do the same thing again. That way, we all don't need to worry about the nation's future generations if these solutions can be implemented well, fairly and firmly without paying attention to conditions such as the economy or other things in accordance with the principle of Equality Before The Law (Sunardi, 2021).

This matter is taken seriously because it involves the future of the nation in the future and based on Restorative Justice, Attorney General ST Burhanuddin issued Guidelines Number 18 of 2021 concerning Settlement of Handling of Criminal Cases of Narcotics Abuse Through Rehabilitation Using a Restorative Justice Approach as an Implementation of Prosecutor's Dominus Litis. The guidelines contain an explanation of the mechanism for implementing Restorative Justice towards narcotics addicts (Arifai, 2021). Therefore, this research is to find out the regulations for the use of restorative justice in drug abuse cases and to determine the effect of criminal acts

of drug abuse on the country's economy.

METHOD

This study employs a normative research method with a descriptive approach. The objective of this research method is to depict, interpret, and comprehend the phenomena or events taking place in the field, ultimately providing a comprehensive and detailed understanding of the issue (Sugiyono, 2021). As normative legal research, the method used is a legal research method which aims to study and analyze the regulation of regional government authority in issuing environmental approvals in statutory regulations so that the results that will be achieved then are to provide a prescription regarding what should be done regarding the issues raised (Marzuki, 2001). The approaches used in this research are the statutory approach, and the conceptual approach.

The statutory approach is by conducting an in-depth study of various statutory regulations relating to criminal acts of drug abuse through a restorative approach to the country's economy. The conceptual approach is used to study and analyze basic concepts and legal principles related to the legal issues being faced. Analysis and interpretation are carried out based on collected legal materials to solve existing legal issues. From the results of the analysis and study and interpretation of legal materials, conclusions will be drawn in the form of arguments to answer the legal issues that will be raised. As the final step, provide a prescription based on the new arguments that have been built in the conclusion, in the form of suggestions or recommendations.

RESULTS AND DISCUSSION

1. Restorative Justice in Drug Abuse Cases

Regarding law enforcement in Indonesia, it cannot be separated from Law Number 8 of 1981 concerning Criminal Procedure Law because based on its words alone, the term refers to the implementation of formal law. You could say that what is meant by law enforcement, the form of its concreteness is the imposition of crimes or sanctions. In this regard, according to Sauer, there are three basic definitions in criminal law, namely the nature of being against the law, error and crime (Dwiyatno, 2007).

Restorative Justice as an important development in human thought is based on the traditions of justice from ancient Arabia, Greece, Rome and other civilizations that accepted a restorative approach. eEven in cases of murder, a restorative approach from the general assemblies (Moots) of Germanic societies that swept across Europe after the fall of Rome, Indian Hinduism as ancient as the Vedic Civilization for whom "he who redeems is forgiven", and the ancient Buddhist, Taoist, and Confucian traditions he saw mixed with today's Western influences in North Asia (Dwiyatno, 2007).

Rufinus Hutaaruk stated that Restorative Justice focuses on the process of direct criminal responsibility from the perpetrator to the victim and the community. If the perpetrators and victims as well as the community whose rights have been violated feel that justice has been achieved through joint deliberative efforts, then it is hoped that punishment can be avoided. This shows that the perpetrator is not the main object of the Restorative Justice approach, but rather the sense of

justice and restoration of the conflict itself is the main object (Hutauruk, 2013).

Apart from that, the Judicial Power Law, namely Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Power, in Article 5, specifically states that judges are obliged to explore the values that live in society (the living law or local wisdom). Thus, in essence, judges must or are obliged to apply the approach or concept of restorative justice in resolving cases because the approach or concept of restorative justice is in accordance with the soul of the Indonesian nation, namely Pancasila, in accordance with customary legal values and is also in accordance with with religious values.

Restorative Justice arrangements in Indonesia have so far been regulated in various regulations, including:

- a. Surat Edaran Kepala Kepolisian Republik Indonesia Nomor SE/8/VII/2018 Tahun 2018 tentang Penerapan Keadilan Restoratif (Restorative Justice) dalam Penyelesaian Perkara Pidana.
- b. Peraturan Kepala Kepolisian Republik Indonesia Nomor 6 Tahun 2019 tentang Penyidikan Tindak Pidana dan Peraturan Kejaksaan Republik Indonesia Nomor 15 Tahun 2020 tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif.
- c. Peraturan Bersama Ketua Mahkamah Agung, Menteri Hukum dan Hak Asasi Manusia, Menteri Kesehatan, Menteri Sosial, Jaksa Agung, Kepala Kepolisian, Kepala Badan Narkotika Nasional Nomor 01/PB/MA/111/2014, Nomor 03 Tahun 2014, Nomor 11 Tahun 2014, Nomor 03 Tahun 2014, Nomor Per005/A/JA/03/2014, Nomor 1

Tahun 2014, Nomor Perber/01/111/2014/BNN tentang Penanganan Pecandu Narkotika dan Korban Penyalahgunaan Narkotika ke Dalam Lembaga Rehabilitasi.

- d. Keputusan Direktur Jenderal Badan Peradilan Umum Mahkamah Agung Republik Indonesia Nomor 1691/DJU/SK/PS.00/12/2020 tentang Pemberlakuan Pedoman Penerapan Keadilan Restoratif (Restorative Justice) di lingkungan Peradilan Umum pada 22 Desember 2020.

Based on the provisions of Article 54 of the Narcotics Law, Narcotics addicts and victims of Narcotics abuse are required to undergo medical rehabilitation and social rehabilitation. However, this rehabilitation is not a form of a Restorative Justice approach "until now the concept of rehabilitation is still part of the punishment" Article 103 of the Narcotics Law opens up space for judges to decide or determine whether to undergo rehabilitation, but can also decide to undergo appropriate imprisonment. provisions of Article 134 of the Narcotics Law. Moreover, the period undergoing rehabilitation is counted as a period serving a sentence. This is what makes rehabilitation actually part of punishment. "We still adhere to the principle of a double track system, where there is criminal action and there is rehabilitation," he said. In fact, rehabilitation is a form of fulfilling the right to health for narcotics abusers.

Philosophically, restorative justice and rehabilitation do have similarities in that the aim is to restore perpetrators and victims to not only recover, but also return to society and not use narcotics again. Therefore, Restorative Justice for

perpetrators of narcotics abuse will be emphasized more on its philosophical aspects through rehabilitation efforts as the state's obligation to restore the condition of perpetrators who are also victims of their own actions (Risdiyanto, 2022).

Based on this, it turns out that the state is starting to think about how to take steps that can restore and/or develop the physical, mental and social development of suspects, defendants or convicts in narcotics cases which are carried out with integrated and coordinated treatment, care and recovery programs by issuing Peraturan Bersama Ketua Mahkamah Agung, Menteri Hukum dan Hak Asasi Manusia, Menteri Kesehatan, Menteri Sosial, Jaksa Agung, Kepala Kepolisian, Kepala Badan Narkotika Nasional Nomor 01/PB/MA/111/2014, Nomor 03 Tahun 2014, Nomor 11 Tahun 2014, Nomor 03 Tahun 2014, Nomor Per005/A/JA/03/2014, Nomor 1 Tahun 2014, Nomor Perber/01/111/2014/BNN tentang Penanganan Pecandu Narkotika dan Korban Penyalahgunaan Narkotika ke Dalam Lembaga Rehabilitasi (Joint Regulation).

This Joint Regulation is aimed at realizing optimal coordination and cooperation in resolving narcotics problems in order to reduce the number of narcotics addicts and victims of narcotics abuse through treatment, care and recovery programs in handling narcotics addicts and victims of narcotics abuse as suspects, defendants or prisoners, on a permanent basis. carrying out the eradication of illicit narcotics trafficking. Apart from that, it is also intended to serve as a technical guideline in handling narcotics addicts and victims of narcotics abuse as suspects, defendants, or prisoners to undergo medical

rehabilitation and/or social rehabilitation. It is also hoped that the medical rehabilitation and social rehabilitation processes can be carried out at the investigation, prosecution, trial and punishment levels in a synergistic and integrated manner.

Currently law enforcement agencies in Indonesia have implemented Restorative Justice in resolving criminal cases, including narcotics crimes. The majority of criminal cases that occur in Indonesia involve narcotics crimes, so that more than 60% (sixty percent) of prisoners and detention centers in Indonesia are related to narcotics cases.

This situation is one of the causes of overcrowding in prisons. As a result of this overcrowding problem, the development of prisoners in prisons is not running optimally. In fact, the complexity of the problems in prisons results in worsening of the health conditions of inmates and affects the psychological atmosphere of the inmates, making it easy for conflicts to occur. Because the cases that contribute to overcrowding in prisons and detention centers are narcotics cases, in order to anticipate the occurrence of overcrowding, different punishments can be made for drug dealers, users and abusers.

For narcotics abuse, it is best not to be sentenced to prison, but rather to take a health approach by carrying out medical and social rehabilitation for the person concerned. Meanwhile, for narcotics dealers who are forced to do so due to economic factors, the state is obliged to help and save them from this economic pressure. So in principle, imposing punishment on such perpetrators is the last resort known as the principle of *ultimum remedium*.

The Supreme Court considers it necessary to implement Restorative Justice for several cases, one of which is narcotics cases which must be carried out by all district court judges and the head of the high court through Keputusan Direktur Jenderal Badan Peradilan Umum Mahkamah Agung Republik Indonesia Nomor 1691/DJU/SK/PS.00/12/2020 tentang Pemberlakuan Pedoman Penerapan Keadilan Restoratif (*Restorative Justice*) di Lingkungan Peradilan Umum. The main decisions are:

- a. Order all district court judges to implement guidelines for implementing Restorative justice in an orderly and responsible manner; and
- b. The Chairman of the High Court is obliged to supervise, monitor and evaluate, as well as report on the implementation of Restorative Justice in the jurisdiction of the High Court concerned.

This decision is intended to encourage optimization of the implementation of PERMA, SEMA, as well as the Supreme Court Chief's Decree which regulates the implementation of Restorative Justice in court. In addition, the implementation of Restorative Justice is to reform the criminal justice system which still prioritizes prison sentences. The development of the criminal system no longer relies on the perpetrator, but has led to the alignment of the interests of victim recovery and accountability for criminal acts. Then, the purpose of issuing this Decree is to make it easier for courts in the general justice environment to understand and implement the application of Supreme Court Regulations, Circular Letters of the

Supreme Court and Decrees of the Chief Justice of the Supreme Court which regulate the implementation of Restorative Justice, encouraging increased implementation of Restorative Justice that has been regulated by the Supreme Court in decisions made by a panel of judges, and the fulfillment of the principles of justice that is fast, simple and low cost.

The implementation of Restorative Justice must be enforced and applied by all district courts in Indonesia, especially in matters of resolving cases involving minor crimes, children's cases, women in conflict with the law and narcotics cases. Specifically for narcotics cases, the Restorative Justice approach can only be applied to addicts, drug abusers, drug addicts, victims of abuse, and one-day use narcotics. This is as mandated in Article 1 of the Joint Regulation of the Chairman of the Supreme Court, Minister of Law and Human Rights, Minister of Health, Minister of Social Affairs, Attorney General, Chief of Police, Head of the National Narcotics Agency regarding Handling of Narcotics Addicts and Victims of Narcotics Abuse in Rehabilitation Institutions.

This Decree stipulates that the Panel of Judges in the trial process can order that narcotics addicts and victims of narcotics abuse undergo treatment, care and recovery at medical rehabilitation institutions and/or social rehabilitation institutions. The court is obliged to provide a list of medical or social rehabilitation institutions in coordination with the Badan Narkotika Nasional (BNN).

Restorative Justice in narcotics cases can be applied if the requirements are met when caught red-handed by National Police investigators and/or BNN investigators, evidence of one day's use is found in the

form of:

- a. Maximum 1 gram of methamphetamine.
- b. Maximum 8 Pills of Ecstasy.
- c. Maximum heroin 1.8 grams.
- d. Maximum cocaine 1.8 grams.
- e. Maximum marijuana 5 grams.
- f. Coca leaves maximum 5 grams.
- g. Mescaline maximum 5 grams.
- h. The maximum psilosybin group is 3 grams.
- i. Maximum LSD group 2 grams.
- j. PCP group maximum 3 grams.
- k. Maximum fentanyl group is 1 gram.
- l. Maximum methadone group 0.5 grams.
- m. Maximum morphine group 1.8 grams.
- n. Maximum pethidine group 0.96 grams.
- o. Maximum codeine group 72 grams.
- p. Bufrenorphine group maximum 32 grams.

The Registrar must ensure that the Prosecutor has attached the results of the assessment from the Integrated Assessment Team to each submission of case files charged in accordance with Article 103 paragraph (1) and Article 127 of the Narcotics Law. If the submitted case file does not include the results of the assessment, the judge during the trial can order the Prosecutor to attach the results of the assessment from the Integrated Assessment Team. The judge can also ask the defendant to present his family and related parties to hear their statements as mitigating witnesses in order to pursue a Restorative Justice approach.

In Law Number 35 of 2009 concerning Narcotics in the form of

regulations regarding restorative justice which is intended to avoid and distance someone from the criminal justice process, which in this case is expected to avoid stigmatization of someone who is in conflict with the law, especially the criminal justice process. So that the person can return to their social environment naturally, and therefore support and role from all parties is very necessary so that this can be realized.

Restorative Justice is a justice concept that prioritizes needs-based reconciliation and restoration of victims, perpetrators and the environment affected by a criminal act. In practice, not all criminal cases result in prison. The concept of restorative justice in Indonesia is still relatively new.

In Mahfud MD's opinion, restorative justice is an extension of justice theory with a different approach. In this conception, criminal acts are seen as a blight on society that must be cured, not just as an act of violating the rule of law. Here, punishment is seen as *ultimum remedium*. In other words, children who are proven guilty of committing a criminal act are given priority to be given sanctions in the form of actions such as returning them to their parents or attending education, healing and training (Nola, 2014).

The law enforcement process using a restorative justice approach in resolving criminal cases carried out by the prosecutor's office refers to PERJA No. 15 of 2020, the definition of restorative justice is the resolution of criminal cases by involving the perpetrator, victim, family of the perpetrator/victim, and related parties to jointly seek a fair solution by emphasizing restoration back to its original state, and not retaliation.

Termination of prosecution based on restorative justice is carried out on the principles of justice, public interest, proportionality, punishment as a last resort, fast, simple and low cost. Restorative Justice Policy through PERJA No. 15 of 2020, which was promulgated in 2021, is expected to be able to resolve minor criminal cases (tipiring) without a green shirt. Since the PERJA was issued to restore conditions to their original condition before any "damage" occurred that could be caused by someone's (suspect's) behavior. The conditions for people who are "entitled" to receive Restorative Justice are:

- a. a crime committed for the first time;
- b. loss under IDR 2.5 million;
- c. there is an agreement between the perpetrator and the victim.

The purpose of punishment which is expected to help achieve that goal must first be defined. Then by directing or aiming at the goal, what methods, methods or actions will be used can be applied. Thus, it is clear that determining the objective of imposing criminal penalties on perpetrators of criminal acts is the first step in strategic planning in the field of punishment. In the study of criminal law, the aim of imposing a crime on a convict who has committed a criminal act is essential, not only because of the social, cultural and structural values that exist and develop in Indonesian society which are contained in Pancasila.

2. The Effect of Drug Abuse as a Criminal Act On The Country's Economy.

Narcotics are drugs derived from plants or non-plants, both synthetic and semi-synthetic, which can cause a decrease or change in consciousness, as well as

reduce pain for the user. Drug abuse has detrimental side effects for both the individual and the national economy. For myself, the negative effects of using narcotics are euphoria and hallucinations. Drugs also have an addictive effect, so that the momentary pleasure you get will cause long-term mental damage.

Not only is it self-defeating, the National Narcotics Agency (BNN) also has a prevalence rate of drug abuse in 2015 reaching 2.2 percent or around four million people in Indonesia who are caught in drug circles. In fact, the results of a survey conducted by BNN and the University of Indonesia Health Research Center in 2014 stated that the country suffered losses of IDR 63.1 trillion due to drug abuse.

As a result of the rise in illegal drug trade, there has been an increase in the impact (loss costs) due to drugs, including social, health and economic impacts. Drug abuse has a huge social impact, encouraging crime and increasing social insecurity. From the point of view of abusers, the economic need to finance the use of expensive drugs encourages them to commit crimes such as theft and robbery.

Law enforcement efforts regarding the occurrence of a criminal act are carried out comprehensively by law enforcement officers in all fields. An example is law enforcement efforts against money laundering and narcotics crimes. In the current era, there are still many cases related to money laundering and narcotics crimes, so it is necessary to optimize law enforcement within this field. In the Indonesian context, an interesting social problem is whether Indonesia's anti-money laundering regime is adequate to support efforts to prevent and eradicate the illicit trafficking of narcotics in the country. So

far, from the results of the PPATK analysis, predicate crimes from money laundering have increased, namely in 2012 (339 cases), 2013 (433 cases), 2014 (524 cases).

In many cases the sale of illegal drugs or narcotics is referred to as a predicate crime which causes the crime of money laundering. However, predicate crimes from money laundering crimes do not only come from the sale of narcotics (drug trafficking), but also corruption, logging without permits (illegal logging), illegal weapons trafficking, prostitution, gambling, and so on. Revealing a criminal case of money laundering means also having to reveal the original crime. The crime of money laundering in Indonesia is regulated in Law Number 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering.

According to Single (Single, *et.al.*, 2001), the socio-economic cost components of drug abuse consist of 4 major parts, namely:

- a. health service costs (costs for drug addiction services and costs for drug-related illnesses & trauma),
- b. productivity costs (premature death costs and Death costs-loss of work and productivity),
- c. sentencing and court-related costs (Criminal expenses, time lost due to crime, and costs in prison), and
- d. costs of loss of property due to accidents or criminal acts.

Like other Asian countries, Indonesia also applies strict punishments and regulations for illicit trafficking and abuse of narcotics, even officers entrusted with eradicating illicit narcotics trafficking have begun to take firm and measurable action against the dealers they catch.

At least in President Jokowi's era, as many as 18 death row convicts, both foreigners and Indonesian citizens, for narcotics cases have been executed and the President is even committed to wiping out the destroyers of the nation's generation at the root, even though many foreign countries oppose and even criticize the severing of bilateral relations. Since the beginning of his reign, Jokowi declared a major war on drugs. Jokowi stated that Indonesia was in a "drug emergency" situation.

The determination of a Drug Emergency Condition is certainly reasonable, according to the results of the BNN and UI survey in 2017, it is estimated that drug spending in a year reaches Rp. 69,848 trillion or 3.97 percent of state income (Rp. 1,750.3 trillion) and the total loss to the state due to drugs every year continues to increase.

Based on data from the Republic of Indonesia BNN Pulitdatin, state losses due to drugs in 2008 amounted to IDR 32.4 trillion, in 2011 it reached IDR 48.2 trillion, in 2014 IDR 63.1 trillion and in 2017 state losses reached IDR 84.7 trillion. Meanwhile, the UN Office on Drugs and Crime (UNODC) reported that there had been a three-fold increase in opium production since 2006 in the Golden Triangle region or the northern part of Southeast Asia, which was feared could disrupt regional stability and law enforcement.

Currently, law enforcement agencies in Indonesia have implemented restorative justice in resolving criminal cases, including narcotics crimes. The majority of criminal cases that occur in Indonesia involve narcotics crimes, so that more than 60% of prisoners and detention centers in

Indonesia are related to narcotics cases. This situation is one of the causes of overcrowding in prisons. As a result of this overcrowding problem, the development of prisoners in prisons is not running optimally. In fact, the complexity of the problems in prisons results in worsening of the health conditions of inmates and affects the psychological atmosphere of inmates, making it easy for conflicts to occur.

Because the cases that contribute to overcrowding in prisons and detention centers are narcotics cases, in order to anticipate the occurrence of overcrowding, different punishments can be made for drug dealers, users and abusers. For narcotics abuse, it is best not to be sentenced to prison, but rather to take a health approach by carrying out medical and social rehabilitation for the person concerned. Meanwhile, for narcotics dealers who are forced to do so due to economic factors, the state is obliged to help and save them from this economic pressure. So in principle, imposing punishment on such perpetrators is the last resort, known as the principle of *ultimum remedium*.

The *Ultimum Remedium* in dealing with Narcotics is more focused on prevention without punishment. This is because prevention efforts are better prioritized than treatment or criminal means. Rehabilitating drug abusers would be better than imprisoning them. If narcotics abusers are rehabilitated, then the chances of recovery from addiction are greater and in the end they will no longer consume illicit substances. Because the Indonesian legal system adheres to a double track system of punishment, that is, when narcotics abuse is sentenced to a criminal sentence, the punishment is carried out through rehabilitation outside prison.

Rehabilitation is one way to save victims of drug abuse from addiction. In fact, the aim of rehabilitation is to restore drug addicts and abusers from their dependence on narcotics and be able to return to living a normal life in a state of physical and mental health so that they can reintegrate into society.

CONCLUSION

Restorative Justice is a shift in punishment in the criminal justice system which prioritizes justice for victims and perpetrators of criminal acts as well as alternative punishments such as social work and others. Restorative Justice arrangements have so far been regulated in various regulations mentioned above. Therefore, Restorative Justice for perpetrators of narcotics abuse will be emphasized more on its philosophical aspects through rehabilitation efforts as the state's obligation to restore the condition of perpetrators who are also victims of their own actions.

As a result of the rise in illegal drug trade, there has been an increase in the impact (loss costs) due to drugs, including social, health and economic impacts. Drug abuse has a huge social impact, encouraging crime and increasing social insecurity. From the perspective of abusers, the economic need to finance the use of expensive drugs encourages them to commit crimes such as theft and robbery. Based on data from the Republic of Indonesia BNN Pulitdatin, state losses due to drugs in 2008 amounted to IDR 32.4 trillion, in 2011 it reached IDR 48.2 trillion, in 2014 IDR 63.1 trillion and in 2017 state losses reached IDR 84.7 trillion. Meanwhile, the UN Office on Drugs and Crime (UNODC) reported that there had

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