

Healing the Wound of Drug Abuse: Restorative Justice in Indonesian Narcotics Rehabilitation

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ABSTRACT

Indonesian Law No. 35 of 2009 on Narcotics recognizes narcotics addicts as individuals entitled to medical and social rehabilitation rather than ordinary criminals, reflecting a shift from a punitive criminal justice model to a public health approach. The law promotes decriminalization of narcotics users and requires law enforcement to prioritize rehabilitation. However, in practice, many addicts continue to be arrested, prosecuted, and imprisoned alongside drug dealers, revealing a significant gap between legal norms and implementation. This study examines the implementation of rehabilitation through a restorative justice approach within the jurisdiction of the Rokan Hilir Resort Police and identifies the main obstacles affecting its effectiveness. Using a sociological juridical method with a descriptive analytical approach, the research analyzes empirical data from narcotics cases handled by the Rokan Hilir Police between 2021 and 2022. The findings indicate an increase in narcotics cases from 176 in 2021 to 187 in 2022, underscoring the need for effective rehabilitation-based interventions. Although Law No. 35/2009 and Police Regulation (Perpol) No. 8 of 2021 provide a legal framework for restorative justice and rehabilitation, implementation remains constrained by limited rehabilitation funding, social stigma, procedural difficulties in addiction assessment, and potential misuse of authority by law enforcement officers. The study highlights the persistent gap between rehabilitation-oriented legal norms and punitive enforcement practices and emphasizes the need for stronger institutional support to ensure that narcotics addicts receive recovery-oriented justice.

KEYWORDS *Restorative Justice, Narcotics Rehabilitation, Drug Addiction, Law Enforcement*

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I. INTRODUCTION

Drug abuse remains one of the most persistent global challenges affecting public health, criminal justice, and socio-economic development. According to the United Nations Office on Drugs and Crime (UNODC), approximately 296 million people used illicit drugs worldwide in 2021, representing a 23 percent increase over the previous decade, while nearly 39.5 million individuals suffered from drug use disorders requiring treatment and rehabilitation.¹ Despite these alarming figures, access to treatment remains disproportionately low, with fewer than one in five individuals experiencing drug dependence receiving adequate medical or psychosocial intervention.² This treatment gap has prompted governments and international organizations to reconsider the effectiveness of punitive drug policies that rely predominantly on criminal prosecution and imprisonment.

For decades, criminal justice systems across many jurisdictions have approached drug use through prohibition-oriented policies based on deterrence and incarceration. Such policies were developed on the assumption that severe criminal sanctions would reduce both drug demand and drug-related crime. However, an increasing body of empirical evidence demonstrates that imprisonment alone rarely addresses the underlying causes of substance dependence and often exacerbates social exclusion, unemployment, relapse, and recidivism.³ Incarceration may temporarily interrupt drug consumption, yet it frequently fails to provide sustained treatment or facilitate long-term recovery. Consequently, punitive approaches have been criticized for imposing significant financial burdens on criminal justice systems while generating limited public health benefits.⁴

¹ United Nations Office on Drugs and Crime (UNODC). *World Drug Report 2023*. (Vienna: United Nations, 2023).

² See World Health Organization (WHO), and United Nations Office on Drugs and Crime (UNODC). *International Standards for the Treatment of Drug Use Disorders*. (Geneva: WHO, 2020).

³ Alex Stevens, "Drug Policy, Harm and Human Rights: A Rationalist Approach." *International Journal of Drug Policy* 22, no. 3 (2011): 233-238. <https://doi.org/10.1016/j.drugpo.2011.02.003>

⁴ Joanne Csete, Hannah Kamarulzaman, Michel Kazatchkine, Frederick Altice, Marcela Balicki, Javier Buxton, et al. "Public Health and International Drug Policy." *The Lancet* 387, no. 10026 (2016): 1427–1480. [https://doi.org/10.1016/S0140-6736\(16\)00619-X](https://doi.org/10.1016/S0140-6736(16)00619-X).

Recognizing these limitations, international drug policy has undergone a gradual but significant paradigm shift from a predominantly punitive framework toward a public health-oriented approach emphasizing prevention, treatment, rehabilitation, and social reintegration. The United Nations General Assembly Special Session (UNGASS) on the World Drug Problem reaffirmed that national drug policies should incorporate evidence-based treatment and rehabilitation while respecting human rights and proportionality in criminal justice responses.⁵ Similarly, the International Standards for the Treatment of Drug Use Disorders, jointly developed by the World Health Organization (WHO) and UNODC, recommend that individuals experiencing drug dependence should receive comprehensive medical and psychosocial treatment rather than punitive sanctions whenever appropriate.⁶ These developments reflect an evolving understanding that addiction constitutes a chronic health condition requiring therapeutic intervention rather than merely criminal punishment.

The emergence of restorative justice has further reinforced this transformation by offering an alternative paradigm that prioritizes repairing harm, restoring social relationships, and facilitating offender reintegration. Unlike conventional criminal justice systems that emphasize retribution through punishment, restorative justice seeks to address the underlying causes of offending while balancing the interests of offenders, victims, and society.⁷ Although restorative justice was initially developed to resolve interpersonal crimes, its principles have increasingly been applied to drug-related offences involving individuals whose criminal conduct primarily arises from substance dependence rather than organized criminal activity. Bazemore and Schiff⁸ argue that restorative justice provides a more appropriate response for offenders suffering from addiction because rehabilitation addresses criminogenic needs more effectively than incarceration. Likewise, Gade⁹ emphasizes that restorative justice should not merely function as an alternative dispute resolution mechanism but as a broader philosophy capable of transforming criminal justice institutions into systems that prioritize recovery and social inclusion.

The shift toward rehabilitation-based drug policy has also been supported by growing empirical evidence from comparative studies. Among the most influential examples is Portugal's drug policy reform, implemented in 2001, which decriminalized the possession of small quantities of illicit drugs for personal use while expanding access to treatment and rehabilitation services. Hughes and Stevens¹⁰ found that the Portuguese model substantially reduced problematic drug

⁵ See United Nations. *Outcome Document of the 2016 United Nations General Assembly Special Session on the World Drug Problem: Our Joint Commitment to Effectively Addressing and Countering the World Drug Problem*. (New York: United Nations, 2016).

⁶ See World Health Organization (WHO), and United Nations Office on Drugs and Crime (UNODC). *International Standards for the Treatment of Drug Use Disorders*. (Geneva: WHO, 2020).

⁷ Howard Zehr, *The Little Book of Restorative Justice*. (New York: Good Books, 2015)

⁸ See Gordon Bazemore, and Mark Schiff. *Restorative Community Justice: Repairing Harm and Transforming Communities*. (Cincinnati, OH: Anderson Publishing, 2015).

⁹ Christian Gade, "Promoting Restorative Justice as De Jure Punishment: A Vision for a Different Future." *The International Journal of Restorative Justice* 5, no. 1 (2022): 37-54. <https://doi.org/10.5553/TIJRJ.000093>

¹⁰ Caitlin Elizabeth Hughes, and Alex Stevens. "What Can We Learn from the Portuguese Decriminalization of Illicit Drugs?" *British Journal of Criminology* 50, no. 6 (2010): 999-1022. <https://doi.org/10.1093/bjc/azq038>.

use, HIV infections, drug-related deaths, and prison overcrowding without increasing overall levels of drug consumption. Rather than eliminating criminal law entirely, Portugal redirected individuals apprehended for drug use toward multidisciplinary health commissions responsible for determining appropriate treatment and social support measures. Subsequent evaluations continue to identify Portugal as one of the most successful examples of integrating criminal justice and public health responses to substance dependence.¹¹

Comparable developments have occurred elsewhere in Europe. Switzerland's heroin-assisted treatment programme demonstrated significant reductions in criminal behaviour, overdose mortality, and illicit drug markets among long-term opioid users receiving comprehensive medical treatment.¹² Likewise, studies conducted in the Czech Republic found that combining decriminalization with accessible rehabilitation services improved treatment participation while reducing the social costs associated with incarceration.¹³ Collectively, these experiences illustrate that rehabilitation-oriented policies do not necessarily weaken law enforcement but instead allow criminal justice institutions to concentrate resources on organized trafficking while addressing drug dependence through evidence-based healthcare interventions.

Nevertheless, the implementation of rehabilitation-based policies remains uneven across jurisdictions. Bean¹⁴ observed that although many countries have formally recognized addiction as a public health issue, institutional cultures within police organizations frequently remain influenced by traditional punitive paradigms. Consequently, law enforcement agencies often continue processing drug users through conventional criminal procedures despite legal provisions encouraging diversion into treatment programmes. Hayle¹⁵ similarly argued that police discretion constitutes one of the most influential determinants of whether individuals experiencing substance dependence receive rehabilitation or criminal prosecution. Their comparative analysis demonstrates that legal reform alone cannot guarantee effective implementation without corresponding institutional capacity, administrative coordination, and organizational commitment among frontline law enforcement officials.

Previous scholarship has also examined restorative justice from broader criminological perspectives. Sherman and Strang¹⁶ conclude that restorative justice generally produces higher levels of offender accountability, victim satisfaction, and compliance than conventional punitive sanctions for many categories of crime. However, they caution that successful implementation depends heavily upon institutional support, legal certainty, and clearly defined procedural standards. In

¹¹ See European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). *European Drug Report 2023: Trends and Developments*. (Luxembourg: Publications Office of the European Union, 2023).

¹² Martin Killias, and Marcelo Fernando Aebi. "The Impact of Heroin Prescription on Heroin Markets in Switzerland." *Crime Prevention Studies* 11 (2000): 83-100.

¹³ Josef Radimecký, "Rhetoric versus Practice in Czech Drug Policy." *Journal of Drug Issues* 37, no. 1 (2007): 11-44. <https://doi.org/10.1177/002204260703700102>

¹⁴ Philip Bean, *Legalizing Drugs: Debates and Dilemmas*. (Bristol: Policy Press, 2014).

¹⁵ Steven Hayle, "Decriminalization as an Alternative to Drug Prohibition". In *International Drug Policy*. (Cham: Palgrave Macmillan, 2025), pp. 267-300. https://doi.org/10.1007/978-3-031-75570-5_10

¹⁶ Lawrence W. Sherman, and Heather Strang. *Restorative Justice: The Evidence*. (London: The Smith Institute, 2007).

the specific context of drug-related offences, Shenk and Zehr¹⁷ argue that restorative justice programmes are most effective when integrated with comprehensive treatment services capable of addressing both addiction and broader socio-economic vulnerabilities. Without adequate rehabilitation infrastructure, restorative justice risks becoming merely a procedural alternative without producing meaningful behavioural change.

Although international scholarship strongly supports rehabilitation-oriented drug policy, important debates remain regarding its practical implementation. Some researchers argue that decriminalization may inadvertently weaken deterrence if not accompanied by effective prevention programmes.¹⁸ Others contend that rehabilitation requires substantial institutional investment, professional expertise, and inter-agency coordination to produce sustainable outcomes.¹⁹ These differing perspectives indicate that the effectiveness of restorative justice depends not only on legislative reform but also on the capacity of criminal justice institutions to translate legal principles into operational practice.

Taken together, previous international studies provide several important conclusions. First, criminalization alone has limited effectiveness in reducing drug dependence or preventing recidivism. Second, rehabilitation combined with restorative justice generally produces more favourable public health and criminal justice outcomes than imprisonment for drug users and addicts. Third, despite growing international acceptance of rehabilitation-oriented policies, implementation frequently encounters institutional barriers, particularly at the level of police investigation where discretionary decision-making largely determines whether individuals enter treatment or proceed through conventional criminal prosecution. These findings provide an important conceptual foundation for examining how restorative justice is implemented within Indonesia's narcotics law enforcement system.

Indonesia has formally adopted the global shift toward a health-oriented approach to narcotics control through Law No. 35 of 2009 concerning Narcotics. Unlike previous legislation, the Narcotics Law recognizes that narcotics addicts and victims of narcotics abuse require medical and social rehabilitation rather than purely punitive sanctions. Articles 54, 55, and 103 explicitly provide that narcotics addicts are entitled to rehabilitation and authorize judges to order treatment in place of imprisonment. This legislative framework reflects Indonesia's commitment to balancing criminal law enforcement against drug trafficking with therapeutic interventions for individuals experiencing drug dependence. The policy orientation is broadly consistent with international standards promoted by the United Nations, which emphasize proportionality in sentencing and encourage diversion into treatment for people with substance use disorders.²⁰

¹⁷ Barb Toews Shenk, and Howard Zehr. "Restorative Justice and Substance Abuse: The Path Ahead." *Youth & Society* 33, no. 2 (2001): 314-328. <https://doi.org/10.1177/0044118X01033002009>

¹⁸ MRRobert J. acCoun, and Peter Reuter. *Drug War Heresies: Learning from Other Vices, Times, and Places*. (Cambridge: Cambridge University Press, 2001).

¹⁹ See United Nations Office on Drugs and Crime (UNODC). *World Drug Report 2023*. (Vienna: United Nations, 2023).

²⁰ See World Health Organization (WHO), and United Nations Office on Drugs and Crime (UNODC). *International Standards for the Treatment of Drug Use Disorders*. (Geneva: WHO, 2020); United Nations. *Outcome Document of the 2016 United Nations General Assembly Special Session on the*

To strengthen the implementation of rehabilitation, the Indonesian government has introduced several implementing regulations. One of the most significant reforms was the 2014 Joint Regulation signed by the Supreme Court, the Ministry of Law and Human Rights, the Ministry of Health, the Ministry of Social Affairs, the Attorney General's Office, the Indonesian National Police, and the National Narcotics Agency (BNN). This regulation established an integrated assessment mechanism to determine whether individuals apprehended for narcotics offences should be classified as addicts or victims of abuse and therefore be eligible for medical and social rehabilitation. The objective of the integrated assessment process is to reduce unnecessary imprisonment while ensuring that individuals suffering from drug dependence receive appropriate treatment.

A further milestone in Indonesia's criminal justice reform was the enactment of Indonesian National Police Regulation (Perpol) No. 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice. The regulation authorizes police investigators to prioritize restorative justice where appropriate, emphasizing the restoration of social harmony and proportional responses rather than automatic criminal prosecution. Although the regulation applies generally to criminal offences, it provides an important institutional basis for implementing rehabilitation-oriented justice in narcotics cases, particularly for offenders who are users or addicts rather than traffickers. Consequently, police investigators occupy a strategic position because their discretionary decisions at the investigation stage largely determine whether suspects enter rehabilitation programmes or proceed through the conventional criminal justice process.

Despite these progressive legal reforms, empirical evidence suggests that the implementation of rehabilitation-based justice remains inconsistent. Indonesian correctional institutions continue to experience chronic overcrowding, with narcotics offenders accounting for a substantial proportion of the prison population. Numerous reports indicate that many individuals arrested solely for personal drug use continue to receive custodial sentences despite statutory provisions prioritizing rehabilitation. This discrepancy illustrates a persistent gap between the normative objectives of the Narcotics Law and its practical implementation within the criminal justice system.

The inconsistency partly arises from the dual construction of narcotics users within the Narcotics Law itself. On the one hand, Article 1(13) defines narcotics addicts as individuals experiencing physical and psychological dependence who require treatment and recovery. On the other hand, Article 1(15) characterizes unlawful narcotics users as offenders acting against the law. These overlapping legal identities create interpretative ambiguity for investigators, prosecutors, and judges when determining whether an individual should be treated as a patient requiring rehabilitation or as a criminal deserving punishment. Consequently, similar factual circumstances may produce substantially different legal outcomes depending upon the interpretation adopted by criminal justice actors.

Previous studies examining Indonesia's narcotics policy have largely concentrated on the normative dimensions of rehabilitation. Lindsey and

World Drug Problem: Our Joint Commitment to Effectively Addressing and Countering the World Drug Problem. (New York: United Nations, 2016).

Nicholson²¹ argue that Indonesia's narcotics legislation formally incorporates elements of therapeutic jurisprudence by recognizing addiction as a condition requiring treatment rather than solely punishment. Nevertheless, they also observe that implementation frequently remains dominated by conventional law enforcement practices that prioritize criminal sanctions. Likewise, Butt²² notes that overlapping statutory provisions concerning rehabilitation and criminal liability create legal uncertainty that contributes to inconsistent judicial decisions.

Empirical research has similarly identified institutional barriers to rehabilitation. Lasco²³ argues that Indonesian drug policy continues to be heavily influenced by a "war on drugs" narrative, encouraging aggressive enforcement strategies that often overshadow public health objectives. This enforcement-oriented institutional culture affects discretionary decision-making throughout the criminal justice process, particularly during investigation and prosecution. In addition, studies examining correctional institutions have demonstrated that imprisonment rarely addresses the underlying causes of addiction and may instead reinforce cycles of drug dependence through overcrowding, limited treatment availability, and inadequate post-release support.²⁴

Other comparative studies highlight the importance of police discretion in determining the effectiveness of rehabilitation policies. Hayle²⁵ found that even where legal frameworks support diversion into treatment, investigators frequently rely upon traditional criminal justice practices due to administrative complexity, limited institutional coordination, and uncertainty regarding legal authority. Similar observations have been made in Southeast Asian jurisdictions, where legislative reforms promoting rehabilitation have often progressed more rapidly than institutional transformation within law enforcement agencies.²⁶ These findings suggest that the success of restorative justice depends not only upon legislative reform but also upon organizational culture, institutional capacity, and operational procedures.

Although the existing literature has generated valuable insights, several important research gaps remain. First, international studies predominantly evaluate decriminalization and restorative justice at the national policy level. Comparatively little attention has been devoted to examining how restorative justice principles are translated into operational decision-making during criminal investigations, where police investigators exercise substantial discretionary authority over case processing. Second, Indonesian scholarship has largely emphasized doctrinal interpretation of the Narcotics Law, judicial decisions, sentencing policies, or

²¹ See Tim Lindsey, and Pip Nicholson. *Drugs Law and Legal Practice in Southeast Asia: Indonesia, Singapore and Vietnam*. (London: Bloomsbury Publishing, 2016).

²² Simon Butt, "The Constitutional Court and Democracy in Indonesia." *Asian Journal of Comparative Law* 13, no. 2 (2018): 203–224. <https://doi.org/10.1017/asjcl.2018.12>.

²³ Gideon Lasco, "Drugs and Drug Wars as Populist Tropes in Asia: Illustrative Examples and Implications for Drug Policy." *International Journal of Drug Policy* 77 (2020): 102668. <https://doi.org/10.1016/j.drugpo.2020.102668>

²⁴ See United Nations Office on Drugs and Crime (UNODC). *World Drug Report 2023*. (Vienna: United Nations, 2023).

²⁵ Steven Hayle, "Decriminalization as an Alternative to Drug Prohibition". In *International Drug Policy*. (Cham: Palgrave Macmillan, 2025), pp. 267-300. https://doi.org/10.1007/978-3-031-75570-5_10

²⁶ See Tim Lindsey, and Pip Nicholson. *Drugs Law and Legal Practice in Southeast Asia: Indonesia, Singapore and Vietnam*. (London: Bloomsbury Publishing, 2016).

constitutional debates regarding rehabilitation. Relatively few studies have empirically investigated how investigators implement restorative justice under Police Regulation No. 8 of 2021, despite the regulation representing one of Indonesia's most significant criminal justice reforms in recent years. Third, previous research generally analyzes legal, institutional, or social factors separately. Consequently, limited understanding exists regarding how these dimensions interact simultaneously to influence rehabilitation decisions within everyday policing practices. The absence of socio-legal studies examining frontline law enforcement institutions leaves an important gap in understanding why rehabilitation-oriented legislation often fails to produce rehabilitation-oriented outcomes.

The present study seeks to address these limitations by examining the implementation of restorative justice in narcotics rehabilitation within the jurisdiction of the Rokan Hilir Resort Police, Riau Province. Unlike previous studies that primarily focus on legislative analysis or judicial interpretation, this research adopts a socio-legal (juridical-sociological) approach combining doctrinal legal analysis with empirical investigation of narcotics cases handled during 2021–2022. This approach enables a more comprehensive assessment of how investigators exercise discretionary authority, how integrated assessment mechanisms operate in practice, and what institutional, procedural, and socio-cultural obstacles impede the effective implementation of rehabilitation.²⁷

The novelty of this study lies in three respects. First, it shifts the analytical focus from statutory interpretation to the operational practices of frontline police investigators, who function as the principal gatekeepers in determining access to rehabilitation. Second, it provides one of the first empirical assessments of the implementation of Police Regulation No. 8 of 2021 in narcotics case handling, a regulation that has received limited scholarly attention despite its significance for restorative justice reform. Third, by integrating legal analysis with empirical evidence from police practice, this study develops a more comprehensive understanding of why the gap between Indonesia's rehabilitation-oriented legal framework and punitive enforcement practices continues to persist.

Accordingly, this study addresses two research questions: (1) How is restorative justice implemented in narcotics rehabilitation within the jurisdiction of the Rokan Hilir Resort Police? and (2) What legal, institutional, and socio-cultural factors hinder the effective implementation of rehabilitation-oriented justice for narcotics addicts? By answering these questions, the study contributes to contemporary debates on restorative justice, therapeutic jurisprudence, and drug policy reform while offering evidence-based recommendations for strengthening rehabilitation-centered law enforcement in Indonesia.

II. IMPLEMENTATION OF REHABILITATION FOR NARCOTICS ABUSERS THROUGH A RESTORATIVE

²⁷ See also Fanwar Syahrifan Simanjuntak, "Factors of Drug Abuse Among Teenagers and Their Solutions Study at Rokan Hilir Police Station." *Enrichment: Journal of Multidisciplinary Research and Development* 2, no. 5 (2024); N. P. M. Alexander, "The Effectiveness of the National Narcotics Agency (BNN) in Preventing and Controlling Drug Trafficking in Rokan Hilir Regency." *International Journal of Educational Research & Social Sciences* 5, no. 1 (2024): 127-131.

JUSTICE APPROACH IN THE JURISDICTION OF THE ROKAN HILIR RESORT POLICE

The implementation of narcotics rehabilitation through a restorative justice approach represents a significant transformation in Indonesia's criminal justice policy, shifting the response toward narcotics abuse from a predominantly punitive orientation to a recovery-based model. This transformation reflects a broader international movement that recognizes drug dependence as a public health issue requiring treatment, rehabilitation, and social reintegration rather than solely criminal sanctions.²⁸ The contemporary understanding of drug-related offences distinguishes between individuals involved in illicit drug trafficking and individuals whose involvement is primarily associated with substance dependence. While traffickers require strong criminal enforcement measures, narcotics users and addicts require interventions addressing the medical, psychological, and social dimensions of addiction.²⁹

Under Indonesian Law No. 35 of 2009 concerning Narcotics, narcotics addicts and victims of narcotics abuse occupy a legally complex position. On the one hand, Article 54 explicitly requires narcotics addicts and victims of abuse to undergo medical and social rehabilitation. On the other hand, Article 127 establishes criminal liability for individuals who unlawfully use narcotics. This dual construction produces ambiguity regarding whether narcotics users should be positioned primarily as offenders or as individuals requiring treatment. Similar tensions have been identified in other jurisdictions where drug policies attempt to reconcile criminal justice objectives with public health approaches.³⁰

The conceptual ambiguity within Indonesian narcotics law contributes to what scholars describe as the gap between law in books and law in action. Although the legislative framework formally adopts rehabilitation as a response to addiction, practical enforcement frequently continues to prioritize criminal prosecution and imprisonment. Previous studies indicate that legal reforms supporting rehabilitation do not automatically transform institutional practices because criminal justice actors often retain punitive perspectives shaped by traditional law enforcement cultures.³¹ Consequently, the effectiveness of restorative justice depends not only on legal provisions but also on how police investigators, prosecutors, and judges interpret and implement those provisions.

The empirical findings from the jurisdiction of the Rokan Hilir Resort Police demonstrate this implementation challenge. Narcotics cases handled by the police

²⁸ See Csete, et al. "Public Health and International Drug Policy." See also World Health Organization (WHO), and United Nations Office on Drugs and Crime (UNODC). *International Standards for the Treatment of Drug Use Disorders*. (Geneva: WHO, 2020).

²⁹ United Nations Office on Drugs and Crime (UNODC). *World Drug Report 2023*. (Vienna: United Nations, 2023).

³⁰ Alex Stevens, "Drug Policy, Harm and Human Rights: A Rationalist Approach." *International Journal of Drug Policy* 22, no. 3 (2011): 233-238. <https://doi.org/10.1016/j.drugpo.2011.02.003>; Caitlin Elizabeth Hughes, and Alex Stevens. "What Can We Learn from the Portuguese Decriminalization of Illicit Drugs?" *British Journal of Criminology* 50, no. 6 (2010): 999-1022. <https://doi.org/10.1093/bjc/azq038>.

³¹ See Tim Lindsey, and Pip Nicholson. *Drugs Law and Legal Practice in Southeast Asia: Indonesia, Singapore and Vietnam*. (London: Bloomsbury Publishing, 2016); Steven Hayle, "Decriminalization as an Alternative to Drug Prohibition". In *International Drug Policy*. (Cham: Palgrave Macmillan, 2025), pp. 267-300. https://doi.org/10.1007/978-3-031-75570-5_10

increased from 176 cases in 2021 to 187 cases in 2022, indicating that narcotics abuse remains a significant law enforcement concern at the local level. This increasing trend reflects broader patterns in Indonesia, where narcotics-related offences continue to constitute one of the largest categories of criminal cases handled by law enforcement institutions and correctional systems.³² However, the increasing number of narcotics cases also raises an important question: whether criminal justice resources should continue to focus primarily on imprisonment or whether greater emphasis should be placed on rehabilitation mechanisms for individuals whose primary problem is dependency.

From the perspective of restorative justice, imprisonment is often considered an inadequate response for individuals whose criminal behaviour originates from addiction. Restorative justice theory emphasizes restoring social functioning, addressing underlying causes of offending, and reintegrating individuals into society rather than merely imposing punishment.³³ In the context of narcotics abuse, rehabilitation serves not only as a legal measure but also as a mechanism for reducing relapse, improving public health outcomes, and preventing repeated involvement with criminal networks.³⁴

The Rokan Hilir Resort Police has attempted to implement this restorative approach through cooperation with the National Narcotics Agency (BNN), particularly by submitting requests for integrated assessments of suspected narcotics users. Based on interviews with the Head of the Narcotics Investigation Unit of the Rokan Hilir Police, rehabilitation applications are submitted to the Dumai City BNN assessment team to determine whether suspects meet the criteria for rehabilitation. This mechanism reflects the institutional design established under the Joint Regulation of the Supreme Court, Ministry of Law and Human Rights, Ministry of Health, Ministry of Social Affairs, Attorney General's Office, Indonesian National Police, and National Narcotics Agency in 2014.

The integrated assessment mechanism represents an important procedural safeguard because rehabilitation is not automatically granted to every person arrested for narcotics-related offences. The assessment process evaluates factors including the level of dependency, medical condition, psychological aspects, and involvement in narcotics distribution networks. Such assessment-based diversion is consistent with international approaches that emphasize individualized responses rather than automatic criminalization of drug users.³⁵ However, the requirement for assessment also creates practical challenges because delays, limited institutional capacity, and coordination problems between law enforcement agencies may reduce the effectiveness of rehabilitation implementation.

The findings indicate that the police's authority to recommend rehabilitation exists within a broader tension between enforcement objectives and restorative

³² See United Nations Office on Drugs and Crime (UNODC). *World Drug Report 2023*. (Vienna: United Nations, 2023).

³³ Howard Zehr, *The Little Book of Restorative Justice*. (New York: Good Books, 2015); Christian Gade, "Promoting Restorative Justice as De Jure Punishment: A Vision for a Different Future." *The International Journal of Restorative Justice* 5, no. 1 (2022): 37-54. <https://doi.org/10.5553/IJRJ.000093>

³⁴ See World Health Organization (WHO), and United Nations Office on Drugs and Crime (UNODC). *International Standards for the Treatment of Drug Use Disorders*. (Geneva: WHO, 2020).

³⁵ See United Nations Office on Drugs and Crime (UNODC). *World Drug Report 2023*. (Vienna: United Nations, 2023).

justice principles. From a criminal justice perspective, narcotics enforcement aims to suppress illegal circulation and reduce supply. However, applying criminal sanctions against individuals whose primary problem is addiction does not necessarily address drug dependency. Research on drug policy demonstrates that imprisonment has limited effectiveness in reducing relapse and may even increase social vulnerability by separating individuals from family, employment, and community support systems.³⁶

This tension is also reflected in the application of Article 127 of Law No. 35 of 2009. In practice, narcotics users may face prosecution under other provisions, particularly Articles 111, 112, or 114, which regulate possession, control, or distribution of narcotics. Such overlapping provisions create a situation where individuals who possess narcotics solely for personal consumption may be charged using provisions originally designed to target illicit trafficking. Butt and Lindsey³⁷ argue that this overlapping legal structure contributes to inconsistent interpretation and weakens the distinction between drug users and drug dealers within Indonesia's criminal justice system.

The implementation of restorative justice in narcotics cases therefore requires not only regulatory commitment but also a fundamental change in the paradigm of law enforcement institutions. Law enforcement officials must recognize that narcotics addicts represent a category of offenders requiring therapeutic intervention rather than conventional punishment. This approach corresponds with the concept of therapeutic jurisprudence, which views legal processes as having potential consequences for individual well-being and encourages legal institutions to consider rehabilitative outcomes.³⁸

However, the findings from Rokan Hilir demonstrate that normative recognition of rehabilitation does not always translate into effective practice. The continued reliance on criminal prosecution indicates the persistence of institutional barriers, including procedural complexity, limited rehabilitation infrastructure, and differences in interpretation among law enforcement actors. These challenges reflect findings from comparative studies showing that diversion policies often fail when frontline officials lack sufficient resources, clear guidelines, and institutional incentives to implement rehabilitation-oriented approaches.³⁹

From the perspective of legal effectiveness, the implementation gap can also be analyzed through Radbruch's concept of the three fundamental values of law: justice, legal certainty, and utility. Radbruch argues that legal systems must maintain a balance between these values because excessive emphasis on one dimension may undermine the others.⁴⁰ In narcotics cases, excessive reliance on punishment may provide formal legal certainty but fail to achieve substantive justice and social utility when applied to individuals suffering from addiction. Conversely, rehabilitation-oriented approaches seek to achieve a balance by

³⁶ See Csete, et al. "Public Health and International Drug Policy."

³⁷ Simon Butt, and Tim Lindsey. *Indonesian Law*. (Oxford: Oxford University Press, 2018).

³⁸ David B. Wexler, and Bruce J. Winick. *Law in a Therapeutic Key: Developments in Therapeutic Jurisprudence*. (Durham: Carolina Academic Press, 1996).

³⁹ Steven Hayle, "Decriminalization as an Alternative to Drug Prohibition". In *International Drug Policy*. (Cham: Palgrave Macmillan, 2025), pp. 267-300. https://doi.org/10.1007/978-3-031-75570-5_10

⁴⁰ See Gustav Radbruch, "Statutory Lawlessness and Supra-Statutory Law (1946)." *Oxford Journal of Legal Studies* 26, no. 1 (2006): 1–11. <https://doi.org/10.1093/ojls/gqi041>

protecting society while providing opportunities for recovery and reintegration.

Similarly, Soekanto explains that effective law enforcement requires harmony between legal norms, institutional structures, and social realities.⁴¹ The existence of rehabilitation provisions within Law No. 35 of 2009 demonstrates normative commitment; however, their effectiveness depends on whether law enforcement institutions consistently apply these provisions in practice. When legal norms are not reflected in institutional behaviour, a gap emerges between regulatory objectives and actual implementation.

Therefore, the experience of the Rokan Hilir Resort Police illustrates a broader challenge in Indonesia's narcotics policy: the transition from a punitive criminal justice model toward a restorative and rehabilitative framework remains incomplete. Although legal instruments provide opportunities for rehabilitation, implementation continues to be influenced by institutional capacity, procedural requirements, and persistent punitive orientations. Strengthening restorative justice in narcotics cases requires not only regulatory reform but also improvements in assessment mechanisms, inter-agency coordination, rehabilitation facilities, and the professional culture of law enforcement agencies.

III. OBSTACLES AND CHALLENGES IN THE IMPLEMENTATION OF NARCOTICS REHABILITATION THROUGH A RESTORATIVE JUSTICE APPROACH IN THE JURISDICTION OF THE ROKAN HILIR RESORT POLICE

The implementation of rehabilitation for narcotics abusers through a restorative justice approach in Indonesia faces significant structural, institutional, and socio-cultural challenges. Although Law No. 35 of 2009 concerning Narcotics establishes rehabilitation as a legal response for narcotics addicts and victims of abuse, empirical practices demonstrate that the transition from a punitive criminal justice model toward a recovery-oriented approach remains incomplete. The findings from the jurisdiction of the Rokan Hilir Resort Police indicate that the effectiveness of rehabilitation is influenced not only by the availability of legal instruments but also by institutional capacity, inter-agency coordination, law enforcement discretion, and public perceptions regarding narcotics addiction.

From the perspective of restorative justice, narcotics addicts should not be treated merely as offenders requiring punishment but as individuals experiencing dependency who require recovery interventions. Restorative justice emphasizes repairing harm, restoring social relationships, and reintegrating individuals into society rather than relying exclusively on imprisonment.⁴² In the context of narcotics abuse, this approach is particularly relevant because imprisonment does not necessarily address the underlying causes of addiction and may increase the

⁴¹ Soerjono Soekanto, *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*. (Jakarta: RajaGrafindo Persada, 2008).

⁴² Howard Zehr, *The Little Book of Restorative Justice*. (New York: Good Books, 2015); Christian Gade, "Promoting Restorative Justice as De Jure Punishment: A Vision for a Different Future." *The International Journal of Restorative Justice* 5, no. 1 (2022): 37-54. <https://doi.org/10.5553/TIJRJ.000093>

risk of relapse and social exclusion.⁴³

However, the implementation of this paradigm in Rokan Hilir remains constrained by several practical obstacles. The first major challenge concerns the limited availability of rehabilitation infrastructure. Although the legal framework guarantees medical and social rehabilitation for narcotics addicts and victims of abuse, Rokan Hilir Regency does not currently have adequate rehabilitation facilities capable of accommodating narcotics users. Consequently, rehabilitation processes must be conducted outside the jurisdiction, including through facilities coordinated with the National Narcotics Agency (BNN) in Dumai City.

The absence of local rehabilitation facilities creates significant implications for the effectiveness of restorative justice implementation. Accessibility is a fundamental component of successful rehabilitation programmes because treatment continuity, family involvement, and post-rehabilitation monitoring strongly influence recovery outcomes. Previous studies have demonstrated that diversion policies are unlikely to achieve optimal results when rehabilitation services are geographically inaccessible or institutionally inadequate.⁴⁴ Therefore, the limited rehabilitation infrastructure in Rokan Hilir represents not merely an administrative limitation but a structural barrier that reduces the practical effectiveness of rehabilitation-oriented criminal justice policies.

A second challenge relates to the assessment mechanism as a prerequisite for rehabilitation eligibility. Under Government Regulation No. 25 of 2011 and the Joint Regulation of 2014 concerning the Handling of Narcotics Addicts and Victims of Narcotics Abuse, rehabilitation placement requires an integrated assessment conducted by a multidisciplinary team consisting of legal and medical professionals. The assessment determines whether a person arrested for narcotics offences qualifies as an addict or victim of abuse rather than a participant in illegal trafficking.

In practice, investigators of the Rokan Hilir Resort Police initiate rehabilitation requests by submitting assessment applications to BNN Dumai City because Rokan Hilir Regency does not yet have its own BNN office. The assessment process involves investigators, BNN personnel, doctors, and psychologists to evaluate the suspect's level of dependency, medical condition, and involvement in narcotics distribution. This mechanism reflects the principle of individualized justice, where legal responses should correspond to the personal circumstances of offenders rather than applying uniform criminal sanctions.⁴⁵

Nevertheless, the assessment requirement also creates procedural challenges. The effectiveness of rehabilitation depends heavily on coordination among investigators, BNN, prosecutors, courts, and rehabilitation institutions. Weak coordination may delay decisions and reduce opportunities for timely intervention. Similar findings have been identified internationally, where diversion programmes frequently encounter implementation problems due to fragmented institutional

⁴³ See World Health Organization (WHO), and United Nations Office on Drugs and Crime (UNODC). *International Standards for the Treatment of Drug Use Disorders*. (Geneva: WHO, 2020). See also Csete, et al. "Public Health and International Drug Policy."

⁴⁴ Steven Hayle, "Decriminalization as an Alternative to Drug Prohibition". In *International Drug Policy*. (Cham: Palgrave Macmillan, 2025), pp. 267-300. https://doi.org/10.1007/978-3-031-75570-5_10

⁴⁵ Lawrence W. Sherman, and Heather Strang. *Restorative Justice: The Evidence*. (London: The Smith Institute, 2007).

responsibilities and unclear operational procedures.⁴⁶

A third challenge concerns the persistent punitive orientation among law enforcement actors. Although Indonesian narcotics legislation has adopted a rehabilitation-oriented framework, criminal justice practices remain influenced by a traditional enforcement paradigm that views narcotics cases primarily through the perspective of crime control. This condition creates tension between the objectives of narcotics suppression and the objectives of addiction recovery.

The findings indicate that some investigators continue to perceive imprisonment as the primary mechanism for addressing narcotics offences, particularly because rehabilitation facilities remain limited and criminal sanctions are viewed as providing stronger deterrence. This phenomenon reflects what scholars describe as an implementation gap, where progressive legal reforms fail to transform institutional practices due to organizational culture and professional norms within law enforcement agencies.⁴⁷

This challenge is particularly significant because police investigators function as the first gatekeepers in the criminal justice process. Their discretion determines whether an individual suspected of narcotics use enters rehabilitation or proceeds toward prosecution. Research on policing demonstrates that discretionary decision-making is unavoidable in criminal justice systems, but its exercise is strongly influenced by institutional culture, resources, and perceptions of legitimacy.⁴⁸ Therefore, strengthening restorative justice requires not only regulatory reform but also a transformation of police perspectives regarding addiction and rehabilitation.

Another significant obstacle identified in this study is the potential misuse of authority during the rehabilitation application process. The findings indicate that there have been allegations that certain law enforcement actors may exploit rehabilitation procedures by requesting financial compensation from suspects or families seeking access to rehabilitation. Such practices undermine the legitimacy of restorative justice because they transform a recovery-oriented mechanism into a transactional process.

From an institutional perspective, corruption risks within rehabilitation diversion systems represent a serious challenge because restorative justice depends fundamentally on trust, fairness, and procedural legitimacy. Tyler⁴⁹ argues that public acceptance of legal institutions is strongly influenced by perceptions of fairness and integrity. Therefore, misuse of rehabilitation mechanisms not only harms individual victims but also weakens public confidence in broader criminal justice reforms.

Beyond institutional barriers, rehabilitation implementation is also affected by family and social factors. The findings demonstrate that some narcotics users and their families remain reluctant to voluntarily report addiction due to stigma, fear of criminal consequences, and social shame. This situation limits the

⁴⁶ Philip Bean, *Legalizing Drugs: Debates and Dilemmas*. (Bristol: Policy Press, 2014); Steven Hayle, "Decriminalization as an Alternative to Drug Prohibition". In *International Drug Policy*. (Cham: Palgrave Macmillan, 2025), pp. 267-300. https://doi.org/10.1007/978-3-031-75570-5_10

⁴⁷ Steven Hayle, "Decriminalization as an Alternative to Drug Prohibition". In *International Drug Policy*. (Cham: Palgrave Macmillan, 2025), pp. 267-300. https://doi.org/10.1007/978-3-031-75570-5_10

⁴⁸ Michael Lipsky, *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*. 30th Anniversary Expanded Edition. (New York: Russell Sage Foundation, 2010).

⁴⁹ Tom R. Tyler, *Why People Obey the Law*. (Princeton: Princeton University Press, 2006).

effectiveness of mandatory reporting mechanisms established under Government Regulation No. 25 of 2011.

International evidence indicates that stigma remains one of the most significant barriers preventing individuals with substance use disorders from seeking treatment.⁵⁰ Addiction is often perceived as a moral failure or criminal behaviour rather than a health condition requiring professional intervention. Consequently, individuals and families may delay treatment until addiction becomes severe. This finding confirms previous research emphasizing that successful drug rehabilitation requires not only legal reform but also social acceptance of addiction as a treatable condition.⁵¹

The implementation challenges in Rokan Hilir also demonstrate the importance of strengthening post-rehabilitation mechanisms. Rehabilitation should not be understood merely as temporary medical treatment but as a continuous process involving recovery, social reintegration, and relapse prevention. Without adequate aftercare programmes, individuals completing rehabilitation remain vulnerable to returning to drug use or becoming involved again in illegal drug networks.⁵²

From the perspective of legal effectiveness, these findings illustrate the difference between normative validity and practical effectiveness. Radbruch's theory of legal values emphasizes that law must achieve a balance between justice, certainty, and social utility.⁵³ In narcotics policy, imprisonment may satisfy formal legal certainty, but rehabilitation often better fulfills substantive justice and social utility because it addresses the underlying causes of addiction and supports social recovery. Similarly, Soekanto⁵⁴ argues that effective law enforcement depends on five interrelated factors: legal substance, law enforcement institutions, supporting facilities, society, and legal culture. Applying this framework to Rokan Hilir reveals that although the legal foundation for rehabilitation is relatively strong, implementation remains constrained by insufficient facilities, institutional coordination problems, and persistent punitive attitudes.

TABLE 1. Obstacles in the Implementation of Narcotics Rehabilitation through Restorative Justice in the Jurisdiction of the Rokan Hilir Resort Police

No.	Identified Obstacles	Empirical Findings in Rokan Hilir	Impact on Restorative Justice Implementation
1	Limited rehabilitation infrastructure	Rokan Hilir Regency does not yet have adequate rehabilitation facilities for narcotics addicts and victims of abuse. Rehabilitation placement must be conducted outside the jurisdiction, including through BNN Dumai City facilities.	Limits accessibility, delays rehabilitation processes, reduces family involvement, and weakens continuity of treatment.

⁵⁰ See World Health Organization (WHO), and United Nations Office on Drugs and Crime (UNODC). *International Standards for the Treatment of Drug Use Disorders*. (Geneva: WHO, 2020).

⁵¹ See Csete, et al. "Public Health and International Drug Policy."

⁵² See United Nations Office on Drugs and Crime (UNODC). *World Drug Report 2023*. (Vienna: United Nations, 2023).

⁵³ See Gustav Radbruch, "Statutory Lawlessness and Supra-Statutory Law (1946)." *Oxford Journal of Legal Studies* 26, no. 1 (2006): 1–11. <https://doi.org/10.1093/ojls/gqi041>

⁵⁴ Soerjono Soekanto, *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*. (Jakarta: RajaGrafindo Persada, 2008).

No.	Identified Obstacles	Empirical Findings in Rokan Hilir	Impact on Restorative Justice Implementation
2	Complexity of integrated assessment procedures	Rehabilitation requires assessment by a multidisciplinary team consisting of investigators, BNN personnel, doctors, and psychologists before placement in rehabilitation institutions.	Procedural requirements may delay diversion decisions and create uncertainty regarding eligibility for rehabilitation.
3	Persistence of punitive law enforcement orientation	Some law enforcement actors continue to perceive imprisonment as the dominant response to narcotics offences despite rehabilitation provisions under Law No. 35 of 2009.	Creates a gap between legal norms and enforcement practices and reduces the effectiveness of restorative justice.
4	Limited institutional coordination	Rehabilitation implementation requires cooperation between police investigators, BNN, prosecutors, courts, and rehabilitation providers.	Fragmented coordination may affect the speed and consistency of rehabilitation decisions.
5	Potential misuse of rehabilitation procedures	There are indications that rehabilitation requests may be vulnerable to abuse of authority by certain officials seeking personal benefits.	Damages public trust, reduces procedural legitimacy, and weakens confidence in restorative justice mechanisms.
6	Social stigma and limited family participation	Some families remain reluctant to report addiction cases due to shame, fear of legal consequences, and negative social perceptions.	Reduces voluntary reporting and prevents early intervention before addiction becomes severe.
7	Weak post-rehabilitation support	Recovery requires continuous monitoring, aftercare, and social reintegration programmes after treatment completion.	Increases the risk of relapse and repeated involvement in narcotics-related offences.

Source: Various sources, edited by Authors

The findings presented in Table 1 demonstrate that the obstacles to implementing narcotics rehabilitation in Rokan Hilir are multidimensional and cannot be explained solely by the absence of legal regulation. Although Indonesia has established a relatively comprehensive normative framework through Law No. 35 of 2009, Government Regulation No. 25 of 2011, the 2014 Joint Regulation, and Police Regulation No. 8 of 2021, the effectiveness of restorative justice depends heavily on institutional readiness and operational capacity. This finding supports previous studies indicating that legal reform alone is insufficient to transform criminal justice practices when supporting infrastructure and organizational commitment remain limited.⁵⁵

The most significant structural barrier identified in this study is the limited availability of rehabilitation facilities within Rokan Hilir Regency. The absence of local rehabilitation institutions creates dependency on external facilities and may reduce the accessibility of treatment for individuals and their families. From the perspective of public health-oriented drug policy, rehabilitation requires continuity, proximity, and social support because recovery is not merely a medical

⁵⁵ Michael Lipsky, *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*. 30th Anniversary Expanded Edition. (New York: Russell Sage Foundation, 2010).

process but also a social reintegration process.⁵⁶ Therefore, the development of local rehabilitation facilities should be viewed as an essential component of criminal justice reform rather than merely an administrative requirement.

Furthermore, the findings reveal that restorative justice implementation is strongly influenced by the discretion and institutional culture of law enforcement officers. Police investigators act as the first gatekeepers who determine whether narcotics users are diverted toward rehabilitation or processed through criminal prosecution. This confirms Lipsky's concept of street-level bureaucracy⁵⁷, which explains that frontline officials often determine how public policies operate in practice through discretionary decisions. Consequently, strengthening restorative justice requires not only regulatory improvement but also professional transformation among law enforcement actors, including enhanced understanding of addiction as a health condition and stronger accountability mechanisms to prevent misuse of authority.

Therefore, the obstacles faced by the Rokan Hilir Resort Police demonstrate that the challenge of restorative justice implementation is not primarily the absence of legal regulation but the difficulty of translating legal norms into institutional practice. Strengthening rehabilitation-based justice requires a comprehensive strategy involving the establishment of local rehabilitation facilities, improvement of integrated assessment procedures, capacity building for investigators, stronger supervision mechanisms, and greater public awareness regarding addiction recovery.

IV. CONCLUSION

This study demonstrates that the implementation of narcotics rehabilitation through a restorative justice approach in the jurisdiction of the Rokan Hilir Resort Police represents a significant shift from a punitive criminal justice orientation toward a recovery-based model. Although Indonesian narcotics legislation, particularly Law No. 35 of 2009, provides a normative foundation for treating narcotics addicts and victims of abuse through medical and social rehabilitation, the empirical findings reveal a persistent gap between legal norms and institutional practices. The implementation of rehabilitation in Rokan Hilir remains constrained by several interrelated factors, including limited rehabilitation infrastructure, complex assessment procedures, weak inter-agency coordination, the persistence of punitive perspectives among law enforcement actors, potential misuse of authority, social stigma, and inadequate post-rehabilitation support. These findings confirm that restorative justice in narcotics cases cannot be achieved solely through regulatory reform but requires institutional capacity, professional transformation, and sustained commitment from criminal justice actors.

The study highlights that strengthening restorative justice for narcotics abusers requires a comprehensive policy approach that integrates legal reform, public health intervention, and institutional accountability. The establishment of accessible rehabilitation facilities, improvement of integrated assessment

⁵⁶ See World Health Organization (WHO), and United Nations Office on Drugs and Crime (UNODC). *International Standards for the Treatment of Drug Use Disorders*. (Geneva: WHO, 2020).

⁵⁷ See Michael Lipsky, *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*. 30th Anniversary Expanded Edition. (New York: Russell Sage Foundation, 2010).

mechanisms, enhancement of law enforcement capacity, and development of community-based recovery programmes are essential to bridge the gap between *law in books* and *law in action*. The experience of the Rokan Hilir Resort Police illustrates a broader challenge within Indonesia's narcotics policy: achieving a balance between public protection, legal certainty, and the recovery rights of individuals affected by addiction. Therefore, future narcotics governance should move beyond a predominantly punitive framework and reinforce rehabilitation as a central component of criminal justice policy, ensuring that narcotics addicts are treated not only as subjects of law enforcement but also as individuals entitled to recovery and social reintegration.

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