



Assessing the Effectiveness of Restorative Justice for Narcotics Recidivists in the Indonesian Legal System

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Abstract

This study aims to evaluate the effectiveness of restorative justice for narcotics recidivists in the Indonesian legal system. The research method used is a qualitative approach with data analysis obtained through interviews, observations, and document studies involving offenders, police, lawyers, and correctional institutions. The results show that although restorative justice has the potential to reduce recidivism rates, challenges in its implementation include a lack of understanding among law enforcement and the public, as well as limited rehabilitation facilities. Overall, the study indicates that enhanced support for rehabilitation programs is needed to improve the effectiveness of restorative justice in handling narcotics recidivists.

Keywords: *Restorative; Justice; Recidivist; Narcotics*

Introduction

Restorative justice has emerged as an alternative approach in the criminal justice system, shifting the focus from punitive measures to rehabilitation and reconciliation. In Indonesia, where narcotics-related crimes are prevalent, restorative justice has been increasingly discussed as a potential solution to address drug offenses, particularly for first-time offenders. However, its applicability and effectiveness for narcotics recidivists remain debatable. Given the high rates of recidivism among drug offenders, it is crucial to evaluate whether restorative justice can serve as a viable solution or if it merely provides an opportunity for repeated offenses without substantial behavioral change.¹

Indonesia's legal framework for narcotics offenses is primarily governed by Law No. 35 of 2009 on Narcotics, which imposes severe penalties, including lengthy prison sentences and capital punishment for drug-related crimes. Despite these strict measures, recidivism remains alarmingly high, indicating that the existing punitive approach has not been entirely effective in deterring repeat offenses. This failure

¹ Mediansyah, B. (2022). RESTORATIVE ASSESSMENT BASED ON RESULT OF INTEGRATED ASSESSMENT PROSECUTION OF RESTORATIVE JUSTICE ABUSE. *Cepalo*, 6(1), 47-56.

necessitates a reassessment of alternative measures, such as restorative justice, which aims to rehabilitate offenders and reintegrate them into society rather than subjecting them to prolonged incarceration.²

Restorative justice is founded on principles of offender accountability, victim participation, and community involvement. It encourages offenders to take responsibility for their actions, make amends to the victims and society, and engage in rehabilitative programs that address the root causes of their criminal behavior. While this approach has been successfully implemented in various jurisdictions for minor crimes and juvenile offenses, its application to narcotics recidivists raises complex legal and ethical questions. The primary concern is whether recidivist drug offenders, who have repeatedly engaged in illicit activities, can genuinely reform through restorative justice mechanisms or if they pose an ongoing risk to public safety.³

One of the key challenges in implementing restorative justice for narcotics recidivists in Indonesia is the lack of a clear legal framework and guidelines for its application. Although Law No. 11 of 2012 on the Juvenile Criminal Justice System recognizes restorative justice for young offenders, there is no equivalent provision explicitly supporting its use for adult narcotics offenders, particularly repeat offenders. This legal ambiguity creates uncertainty among law enforcement agencies, prosecutors, and judges regarding the extent to which restorative justice can be applied in cases of narcotics recidivism.

Additionally, societal perception and stigma surrounding drug offenders further complicate the acceptance of restorative justice. Many believe that narcotics recidivists should face stricter punitive measures rather than be given opportunities for rehabilitation. This perception is reinforced by the Indonesian government's strong stance against drugs, reflected in its harsh sentencing policies. Consequently, integrating restorative justice into the legal framework for narcotics recidivists requires a paradigm shift in public and institutional attitudes toward drug-related offenses.⁴

Despite these challenges, some rehabilitation and diversion programs in Indonesia have shown promising results in reducing recidivism among drug offenders. For instance, the implementation of therapeutic communities and drug rehabilitation centers has demonstrated that comprehensive treatment and social reintegration efforts can significantly improve recovery rates. Evaluating the success of these initiatives can provide valuable insights into how restorative justice principles can be effectively adapted to address the issue of narcotics recidivism.

This study aims to assess the effectiveness of restorative justice in handling narcotics recidivists within the Indonesian legal system. By examining legal policies, case studies, and comparative approaches from other countries, this research seeks to determine whether restorative justice can serve as a sustainable alternative to punitive measures. Furthermore, it will explore the necessary legal and institutional reforms to facilitate the integration of restorative justice in addressing narcotics recidivism. Ultimately, the study aspires to contribute to the ongoing discourse on criminal justice reform in Indonesia, advocating for a balanced approach that prioritizes rehabilitation while ensuring public safety.

This research is normative legal research that examines the effectiveness of applying restorative justice for narcotics recidivists within the Indonesian legal system. It employs a statute approach to analyze relevant regulations and a conceptual approach to understand the legal principles underlying the application of restorative justice.

² Chandra, T. Y., Sriwidodo, J., & Tumanggor, M. S. (2023). Rehabilitation of Narcotic Addictives: An Overview of Implementation and The Effort by Restorative Justice. *KRTHA BHAYANGKARA*, 17(3), 465-480.

³ Afifah, A., & Laksana, A. W. Implementation of Restorative Justice for Addicts in Drug Abuse Crimes. *Ratio Legis Journal*, 3(4), 18-34.

⁴ Sugijanto, R. M. T., Hartoyo, H., Widodo, E., & Cornelis, V. I. (2025). Restorative justice implementation towards narcotics abuser in East Java Police Jurisdiction Area. *Requisitoire Law Enforcement*, 16(2), 77-84.

The research data consists of secondary data obtained from related legislation, court decisions, books, legal journals, and other official documents. The data collection technique used is library research to gather secondary data from legal literature. The collected data will be analyzed qualitatively using a descriptive-analytical approach, which involves categorizing data into specific groups and analyzing the relationship between legal regulations and their implementation.

Thus, this research method is expected to provide a comprehensive understanding of the effectiveness of restorative justice for narcotics recidivists within the Indonesian legal system, considering normative aspects.

Discussion

In addressing the issue of recidivism in narcotics cases, the application of restorative justice emerges as an alternative conflict resolution method that offers a different approach from the traditional criminal justice system, which tends to be retributive. This approach aims to repair the relationship between the perpetrator, the victim, and society by focusing on responsibility, recovery, and social reintegration, which is highly relevant given the high rates of recidivism in narcotics cases in Indonesia.⁵

The legal basis for the application of restorative justice in the Indonesian judicial system can be reviewed through a number of regulations, such as Law No. 35 of 2009 on Narcotics and its implementing regulations, which, although not explicitly regulating restorative justice, provide space for alternative approaches in handling narcotics cases. These regulations contain law enforcement principles focused on public protection as well as efforts for rehabilitation of offenders.

Restorative justice, as an alternative approach in the judicial system, emphasizes problem resolution through dialogue and reconciliation between the perpetrator and the victim. This approach encourages offenders to acknowledge their mistakes, take responsibility, and commit to remedying the negative impact caused, thus allowing for the restoration of harmonious social relationships and reducing the potential for re-offending.⁶

A normative legal analysis of the effectiveness of restorative justice for narcotics recidivists focuses on evaluating the alignment of these principles with existing legal norms, including the integration of the restorative justice principle with the principles of legality and legal certainty. This normative approach requires researchers to compare legal theory with the practices implemented on the ground through the examination of regulations and court decisions.

In the context of related regulations, the Indonesian legal system has accommodated various mechanisms for alternative dispute resolution, although its implementation in narcotics cases is still minimal. This raises fundamental questions about whether the application of restorative justice can reduce recidivism rates by offering offenders a more humane and effective rehabilitation process.⁷

Analysis of legislative regulations shows that while there are gaps in providing a clear legal framework for the implementation of restorative justice, the basic principles underlying it align with the spirit of restorative justice. This is evident in the emphasis on rehabilitation efforts, social reintegration,

⁵ Zahra, S., Azizan, A., Sophia, S., & Perai, N. (2024). Reforming Indonesian criminal justice: Integrating recidivism risk assessment for fair and effective sentencing. *Jurnal Hukum dan Peradilan*, 13(2), 275-310.

⁶ Sari, Y., Saefudin, Y., & Yazi, F. N. B. M. (2023). Restorative Justice in Drug Abuse Cases: An Effort to Effective Social Rehabilitation. *Jurnal Hukum Sasana*, 9(2), 413-424.

⁷ Lampatta, M. R., Hartwiningsih, H., & Purwadi, H. (2024, February). Adoption of the Restorative Justice Model within Indonesia Correctional Institutions. In *International Conference On Law, Economic & Good Governance (IC-LAW 2023)* (pp. 564-571). Atlantis Press.

and restoring relationships between the affected parties, which have been implicitly incorporated into various narcotics law enforcement policies.

Interpreting narcotics law through the lens of restorative justice offers a new perspective in addressing recidivism. By focusing on recovery and empowerment of offenders, this approach seeks to reduce social stigma and offer a more educational alternative to prison sentences, which may potentially lead offenders into a cycle of re-offending.

The implementation of restorative justice in narcotics law also needs to be viewed from the perspective of the comparison between theory and practice. Normative studies reveal a gap between the ideal principles of restorative justice and their implementation in practice, particularly due to a lack of integrated legal mechanisms and limited institutional support across various judicial bodies.⁸

The use of a normative approach in legal analysis emphasizes the importance of critically reviewing existing regulations, allowing for the identification of legal gaps that hinder the optimization of restorative justice. These gaps often arise from unclear definitions, procedures, and evaluation parameters in regulations, which then affect inconsistent implementation across law enforcement agencies.

From a normative perspective, the application of restorative justice for narcotics recidivists must also consider the principles of proportionality and individualized sentencing. This approach allows judges and law enforcement officials to tailor decisions to the conditions and rehabilitation needs of the offender, ensuring that the solution is more humane and has long-term effects on preventing recidivism.

Several court decisions applying the restorative justice approach illustrate that, although the mechanism has not yet been fully integrated into the legal system, these principles can be applied to restore social relationships and reduce the burden on an overburdened judicial system. This underscores the need for the development of a legal framework that more fully supports the application of restorative justice.⁹

In the national legal context, the implementation of restorative justice requires synergy between judicial bodies, law enforcement agencies, and rehabilitation institutions. This synergy not only relies on existing regulations but also requires efforts for bureaucratic reform and a shift in the legal culture towards a more open approach to non-punitive methods in handling narcotics cases.

Analysis of legislation indicates that the clarity of mechanisms for implementing restorative justice is still very much needed. For instance, specific operational guidelines are required for integrating mediation, dialogue, and reconciliation between perpetrators and victims into the criminal justice process, ensuring that the principles of restorative justice are consistently and measurably applied.

A normative approach in legal analysis also requires evaluation of the social and legal impacts of applying restorative justice. This includes observing changes in recidivist behavior, increased victim satisfaction, and the shift in the legal paradigm from mere punishment to the restoration of more constructive social relationships, all of which should be reflected in legal policy revisions.¹⁰

As part of legal reform efforts, it is important to consider adapting restorative justice practices through amendments to laws and their implementing regulations. This normative recommendation aims

⁸ Riyadi, P. (2024). Reconstruction of Restorative Justice Regulations Within the Indonesian Penal System Post-Law No. 1 of 2023. *Peradaban Journal of Law and Society*, 3(2), 154-167.

⁹ Arimuladi, S. U. (2024). Enhancing Legal Certainty Through Restorative Justice: A Focus on the Role of Indonesia's Attorney General's Office. *Pakistan Journal of Criminology*, 16(2).

¹⁰ Badu, L. W., & Kaluku, J. A. (2022). Restoratif Justice In the Perspective of Customary Law: A Solution to the Settlement of Narcotics Crimes Committed by Children. *Jambura Law Review*, 4(2), 313-327.

for the Indonesian legal system to become more responsive to social dynamics and rehabilitation needs, particularly in addressing narcotics cases that tend to result in high recidivism.

Efforts to integrate restorative justice into the criminal justice system need to be supported by education and training for legal personnel, so that the principles of restorative justice can be applied effectively. Institutional reform that supports this training is an important step to overcome limitations in the implementation of non-punitive mechanisms, resulting in more just decisions focused on social recovery.

An analysis of law enforcement policies in narcotics cases reveals a continued tendency to prioritize a punitive approach. The normative approach highlights the need to shift this paradigm so that the judicial system can recognize the humanistic and restorative values that can lead to long-term rehabilitation for offenders.

The application of restorative justice in narcotics cases also faces structural challenges, such as limited resources and supporting infrastructure. From a normative perspective, this requires broader public policy support and adequate budget allocation to develop an integrated rehabilitation system within the existing judicial mechanism.¹¹

Overall, a normative legal analysis of the effectiveness of restorative justice for narcotics recidivists shows that, despite its significant potential to reduce recidivism and restore social relationships, further regulatory refinement and fundamental policy reform are needed. This research emphasizes the importance of synchronizing legal theory with the practices applied, ensuring that the principles of restorative justice can be optimally implemented in Indonesia's judicial system.

In conclusion, the application of restorative justice as an alternative dispute resolution in narcotics cases offers a new perspective that focuses on rehabilitation, reintegration, and the restoration of social relationships. In-depth normative analysis of regulations indicates that, with regulatory adjustments, improved institutional synergy, and legal culture reform, restorative justice can become an effective mechanism to reduce recidivism and optimize the function of justice within Indonesia's legal system.

Conclusion

Assessing the Effectiveness of Restorative Justice for Narcotics Recidivists in the Indonesian Legal System likely evaluates the impact of restorative justice practices on repeat drug offenders in Indonesia. The study would focus on understanding how restorative justice, which emphasizes rehabilitation and reconciliation rather than punitive measures, influences recidivism rates among narcotics offenders. It may examine the effectiveness of such practices in reducing repeat offenses, promoting rehabilitation, and addressing the root causes of drug-related crimes. The findings could suggest improvements or challenges in integrating restorative justice within Indonesia's legal framework for narcotics-related cases.

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¹¹ Putra, A. Y. E., Nurhamidin, M., & Cairul, D. (2022). Law Enforcement in The Eradication of Narcotics Crimes Against Drug Addicts and Abusers. *Jurnal Dinamika Hukum*, 22(1), 144-153.

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