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Reformulating Narcotics Control Policy for Self-Users: Humanist Approach in Indonesian Law, Netherlands, and Portugal

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Abstract

This study seeks to develop more equitable regulations for the treatment of personal drug misuse situations in Indonesia, with an emphasis on a humanist perspective and restorative justice. The study methodology employs a statutory normative legal approach, concentrating on a critical assessment of Articles 111–127 of Law Number 35 of 2009 concerning narcotics. Another aspect of this study is a comparison of drug policies in nations that have effectively decriminalized and mandated rehabilitation, such as the Netherlands and Portugal. Compared to Indonesia's repressive approach, which is often ineffective and worsens the social conditions of addicted individuals, a more compassionate approach that prioritizes rehabilitation has demonstrated greater effectiveness in reducing the negative impacts of drug abuse. To lessen the load on the criminal justice system and to build a more equitable and inclusive society, this study proposes legislation change that is more focused on social rehabilitation and reintegration.

Keywords: Restorative Justice, Narcotics, Rehabilitation, Criminal Law, Indonesia, Netherlands, Portugal

Introduction

Drug trafficking is "a worldwide illicit trade involving the cultivation, manufacture, distribution, and sale of substances subject to drug prohibition laws," according to the UNODC (Raineri and Strazzari 2023). The United Nations Single Convention on Narcotic Drugs (1961), the United Nations Convention on Psychotropic Drugs (1971), and the United Nations Convention on Illicit Traffic in Narcotic Drugs and Substances are the three most important international drug regimes. In 1988, psychedelics (Andreas and Greenhill 2011). Problems arise when trying to pin down exactly which substances are subject to which control and restriction regimes, as well as which actions constitute drug trafficking and are therefore forbidden, due to the wide variety of conventions and the variations in their provisions.

Misuse or noncompliance with conventional therapy, particularly when coupled with the criminal trafficking of illegal drugs, has devastating effects on individuals, society, and particularly youth, despite the fact that drugs are essential for treatment and health services. The reality is that half of all convicts in jails have a drug case; therefore, this is really

concerning. Narcotics are a common theme in crime reports published in print and broadcast media (Novitasari and Rochaeti 2021).

Indonesia has a long history of criminalizing narcotics. Acquiring economic advantages has become both a habit and a commercial transaction to match the times (Maskun 2017). One of the most pressing issues facing Indonesian law enforcement right now is the drug trade. Law 35 of 2009 on Narcotics and Law 5 of 1997 on Psychotropics have both established legal frameworks to govern the distribution and use of various types of narcotics.

Nevertheless, current policies continue to encounter significant obstacles when it comes to dealing with instances of drug abuse, particularly when it comes to cases of self-abuse, despite the fact that laws pertaining to psychotropics and narcotics have been regulated in Law Number 5 of 1997 and Law Number 35 of 2009, respectively. This law's articles, like the Drugs Law's Articles 111–127, ban drugs in all their forms, including possession, control, storage, and usage. The problem is that oppressive police enforcement seldom distinguishes between dealers, users, and those who abuse themselves.

This situation poses a challenge when it comes to managing drug misuse in Indonesia. To counteract the negative effects on society, the state must take a tough line against drug trafficking. On the other hand, a punitive approach that neglects to offer treatment or rehabilitation to drug abusers may lead to injustice. Rather than severe criminal punishment, these abusers often need medical and psychological assistance (Qc et al. 2018).

A harsh strategy that does not distinguish between those who sell drugs and those who misuse themselves brings up a number of important issues (Clark MURADI et al. 2020). Consequently, we believe that several potential measures are necessary, including: First, make sure that addicts who require assistance to overcome their dependency face the prospect of severe criminal consequences (Gukguk and Jaya 2019). In addition to having an effect on their individual lives, this penalty heightens the societal stigma they already face, which further complicates their rehabilitation and reintegration efforts. To make sure the legal approach is more fair and focused on recovering the abuser, it is necessary to examine items like items 111 to 127 of the Narcotics Law.

Secondly, the criminal justice system and penal facilities sometimes wind up overwhelmed by an overly strict stance on self-harm (Rachmawati et al. 2021). According to statistics, drug misuse accounts for the majority of inmates in correctional facilities, which account for more than half of all inmates. While straining prison capacity, this situation shows that current drug enforcement is failing to solve the problem. Rather than deterring future criminal behavior, incarceration sentences often result in recidivism after the offender's release.

Third, a public health and compassionate perspective should underpin the rethinking of drug control laws for those who consume drugs themselves (Netherland and Hansen 2017). If we want abusers to have a chance to heal and rejoin society, we need to think about a system that puts an emphasis on rehabilitation rather than criminal punishment. As an alternative to sentencing people to jail, some nations have decriminalized self-administered drug usage and replaced it with mandated recovery programs. This method has more successfully reduced drug misuse and its societal effects.

The fourth point is that Indonesia's system for dealing with drug problems may need some more support from health and rehabilitation facilities. As a result, the health care and judicial systems will work together more closely to treat drug addicts (Putri, Utami, and

Lesmana 2022). We need to amend the current provisions of the Narcotics and Psychotropic Substances Law to redirect offenders to comprehensive rehabilitation programs in the community. On the other side, it's crucial to step up public awareness campaigns and educational initiatives aimed at preventing drug misuse from a young age.

In the course of this study, frequent references are made to the narcotics control policies of the Netherlands and Portugal. These countries have been at the forefront of adopting innovative and humanist approaches to handling narcotics-related offenses, particularly for self-users. The Netherlands, known for its tolerance policy, decriminalized the use of certain drugs under strict regulation, emphasizing public health over punitive measures. Similarly, Portugal's decriminalization of all drugs in 2001, coupled with a focus on rehabilitation and social reintegration for self-users, has often been regarded as a success in reducing harm and crime rates related to drug use. These models contrast with Indonesia's current stringent criminal law approach, which heavily penalizes drug users. Given their relevance to the reformulation of Indonesia's narcotics policy, a dedicated section in this study will introduce and analyze the regulatory frameworks and practical outcomes in both the Netherlands and Portugal. This comparative analysis will help identify key elements that may be adapted to Indonesia's context, with the aim of promoting a more humanist and rehabilitative legal framework for narcotics self-users.

The overarching goal of this study is to help Indonesian policymakers come up with a fairer approach to dealing with individual instances of drug usage. This study aims to examine the prospect of reformulating policies that are both successful in decreasing drug addiction and improving the lives of individuals who abuse them. We can ensure adequate enforcement of the laws by adopting a humanist and public health-oriented perspective. Existing punitive measures often fail to distinguish between dealers and abusers, resulting in a lack of effective, long-term remedies for those caught in the vicious cycle of dependence.

The foundation for this study's argument will be an examination of pertinent articles in the Drugs Law and Psychotropics Law, specifically those that govern the possession, management, and preservation of drugs. In this study, we will look at how well current legal measures address the issue of drug addicts who use drugs for personal purposes. After that, this study will look at how other nations have dealt with mandated decriminalization and rehabilitation programs, and see whether any of those techniques work in Indonesia's unique legal and cultural setting.

This study will employ restorative justice as its theoretical framework. Restorative justice is an approach to criminal punishment that focuses on social repair and reintegration rather than punishment. Hopefully, this method can offer a more comprehensive understanding of how to revise Indonesian drug policy to achieve long-term goals like reducing drug consumption and protecting people's rights. The ultimate goal of this study is to help policymakers create more equitable and effective policies to combat drug use. These regulations should prioritize measures that restore and safeguard society rather than just punishing offenders. In this manner, Indonesia can maintain public safety and order while addressing the drug problem in a more compassionate and long-term manner.

This article's issue formulation is based on the description above. It asks, (1) How can we construct restorative justice in Indonesia by regulating the ownership, storage, and control of drugs for self-abusers? (2) In comparison to the present punitive strategy, how would a humanist approach to criminal law affect the rehabilitation of drug abusers?

Research methods

This study used a normative legal research strategy based on a legislative framework (Qamar et al. 2017). This method focuses on studying statutes and relevant legal concepts pertaining to the control, storage, and possession of drugs for self-users. This research's primary method is a statutory approach, which involves critically examining relevant regulations such as Law Number 35 of 2009 concerning narcotics. The goal is to determine how effective these provisions are in establishing restorative justice and offering a more compassionate approach to dealing with cases of drug abuse.

This study will utilize primary, secondary, and tertiary legal literature to support its analysis and debate. The main body of legal literature is made up of laws, rules, and regulations pertaining to drug misuse, as well as relevant sections of other statutes, executive orders, and court judgments. The primary goal is to examine Law Number 35 of 2009's drug prohibition laws, specifically Articles 111–127, which govern the control, storage, and possession of narcotics. We will also consult secondary sources such as books, academic papers, and journals that address topics such as drug policy, restorative justice, and humanist perspectives on criminal law. This study will examine the relevance and feasibility of implementing obligatory decriminalization and rehabilitation programs in Indonesia's legal and cultural framework of Indonesia by comparing the experiences of other countries that have done so. We will use tertiary legal resources such as dictionaries, encyclopedias, and indexes to enhance the analysis, providing a more comprehensive understanding of the issues discussed and appropriate references.

This study employs a prescriptive approach for qualitative analysis. The purpose of this study is to understand the substance of current legal provisions and provide suggestions for reformulating policies by interpreting and assessing these regulations. Before diving into the specifics of each law provision, we'll take a look at how they apply in real-world scenarios, particularly when it comes to situations where individuals abuse drugs for personal use. The next step in our research is to compare our policy model to others around the world. We should shed light on other, more equitable policy options.

This research methodology aims to address research issues by thoroughly examining current laws and regulations. The aim is to pinpoint any shortcomings or inadequacies in the current handling of drug addiction cases. This study aims to assess the feasibility of incorporating a humanist perspective into criminal law, particularly in relation to the rehabilitation of drug addicts, by comparing the legal frameworks used in Indonesia and other nations. We believe this research will illuminate potential revisions to Indonesian legal policy, emphasizing social rehabilitation and reintegration, in the context of restorative justice concepts. As a result, policymakers may use the research method's practical solutions to create more equitable and effective rules in the future, in addition to gaining a thorough grasp of current legal restrictions.

Discussion

Ideal Legal Formulation in Regulating the Possession, Storage and Control of Narcotics for Self-Users to Create Restorative Justice in Indonesia

A new era in the evolution of Indonesia's criminal law system is dawning (Muhtar et al. 2023). As a kind of criminal law reform in Indonesia, restorative justice seeks to regulate criminal law with an eye toward improving or restoring conditions following incidents and

criminal justice processes, as opposed to retributive justice, which places an emphasis on punishment, or restitutive justice, which places an emphasis on compensation (Bustomi 2021). The "Doer-Victims" Relationship method has emerged and grown out of this field's contributions to criminal law and contemporary punishment theory. An alternative method that has supplanted the "daad-dader straftecht" (action/perpetrator approach) (Moser and Clark 2001).

A concept known exclusively in Indonesia since the 1960s, restorative justice (or simply restorative justice in English) is very young (Wenzel et al. 2008). Not only has restorative justice gained traction in the academic spheres of criminal law and criminology in many industrialized nations, but it has also found its way into the traditional criminal justice system at several points (Latimer, Dowden, and Muise 2005). The whole criminal justice process, from investigation to prosecution to adjudication and finally execution, is based on this idea in nations like the United States, Australia, and a number of European countries (Hoondert and Martínez 2020). The fundamental objective of restorative justice is to repair connections among criminals, victims, and society as a whole, making it a more comprehensive strategy for dealing with crime.

Restorative justice is a response to illegal activity that seeks to balance the demands of society, victims, and perpetrators, according to the United Nations. Rather than merely punishing the offender, the goal of restorative justice in this instance is to bring society back into harmony and balance (Sukardi and Purnama 2022). This strategy aims to help victims and communities recover from criminal activities while giving offenders a chance to make amends and make a constructive impact on society.

According to restorative justice specialist Miriam Liebman, this method has gained traction in the criminal justice system as a means of resolving offenses by focusing on victim and community rehabilitation rather than merely penalizing offenders. His view is that, rather than concentrating on punishment alone, restorative justice should work to restore victims' and their environment's pre-crime states through communication and connection building.

An Indonesian legal expert named Eva Achjani Zulfa echoed this sentiment, defining restorative justice as an approach to crime prevention and victim advocacy that seeks to address the system's evolution by re-engaging underrepresented groups. He argues that restorative justice, being more inclusive and participatory, allows all parties harmed by criminal activities to have a say in the resolution of the situation (Arief, Muhtar, and Saragih 2023).

Justice systems around the world, including Indonesia's, are starting to pay more and more attention to the idea of restorative justice. The focus of conventional criminal law has been on punishment, but this idea presents an alternative. On the other hand, restorative justice seeks to reconcile society, including victims and offenders, in an attempt to repair damage that has been done as a result of criminal activities. An alternative to a punitive strategy that only seeks to impose punishment might be a restorative justice approach when dealing with drug situations, particularly those involving self-abuse.

There is an immediate need for legislative reformulation in Indonesia that may establish restorative justice due to the huge number of drug addiction cases and the fact that many of the abusers are themselves addicts. Law 35 of 2009, which deals with drugs, has more authoritarian language in its sections that govern possession, storage, and control of narcotics.

Confronted with the prospect of severe criminal sanctions, abusers who really need rehabilitation aid and support to heal find themselves in a difficult position. Beyond the obvious personal effects, this penalty exacerbates the social situations of the convicted persons, making it much more difficult for them to reintegrate into society after their term has ended.

To address this issue, an ideal legislative framework that incorporates restorative justice ideas is necessary. This formulation must meet the abuser's own needs, prioritizing rehabilitation and recovery over punishment alone. We are working to establish legislative frameworks that facilitate offenders' access to all-encompassing rehabilitation programs, with the goal of including victims and the community in the larger process of healing. All parties involved, including society at large, should stand to benefit from a judicial system that is more welcoming and centered on rehabilitation.

Portugal and the Netherlands are among the many nations that have progressed towards drug policy reform by shifting their focus to a more humane and recovery-oriented strategy. In contrast to authoritarian methods that focus solely on punishment, these two countries have demonstrated that rehabilitation and social integration, rather than punishment alone, may effectively combat drug dependence.

For instance, Portugal has decriminalized the personal use of opioids since 2001. This strategy shifts the focus of drug use cases from the criminal justice system to the administrative one; it does not imply that drugs are legal in Portugal (Félix and Portugal 2017). There has been a shift away from criminal prosecution of drug users and toward the establishment of "Dissuasion Commissions," comprised of social and health specialists, whose job it is to assess the needs of users, advise them, and, if required, send them to recovery programs. In Portugal, Law No. 30/2000 decriminalized small quantities of drugs for personal use. This statute establishes an administrative strategy instead of a criminal one. Individuals found in possession of drugs in a quantity deemed sufficient for personal use, specifically up to ten days' use, are no longer subject to criminal processing. Psychologist, physician, and social worker members made up the "Comissões para a Dissuasão da Toxicoddependência" (Commission for the Diversion of Narcotic Dependence), to whom they were instead directed (Martins 2013).

The purpose of this commission is not punishment, but rather to evaluate the user's health and decide whether they need any kind of care. Administrative penalties may enforce fines and community service, but the primary focus is always on rehabilitation. Portugal has seen a huge drop in drug-related crime, a decrease in the number of people infected with HIV due to needle sharing, and a marked decrease in the number of people who become dependent on drugs after using them. Law No. 30/2000, which establishes the legislative framework for a more compassionate and health-focused approach and lays out processes for transferring users to dissuasion commissions, has this provision in Articles 2–12.

The Netherlands approaches drug policy with a more permissive yet restricted mindset. The "gedoogbeleid," or tolerance policy, differentiates between hard drugs and mild narcotics, like marijuana. Stringent regulations govern the sale of marijuana at coffee shops, decriminalizing its use despite its partial legality. The Dutch policy is to minimize the negative effects of drugs, curb addiction, and safeguard public health. Instead of immediately punishing individuals found using narcotics, the Dutch policy refers them to resources for health and rehabilitation (Van Schipstal et al. 2016).

Introduced in 1919 and revised in 1976, the Opiumwet, sometimes known as the Opium Law, provides the legal basis for drug regulation. "Soft" and "hard" drugs are defined differently under this statute (van der Vorm 2019). Coffee shops may sell weed and other "soft" drugs under certain conditions, as they are no longer illegal. Marijuana vendors are subject to a number of regulations, including those that prohibit advertising, selling to minors, and selling in bulk. Hard drug usage, on the other hand, is still punishable by harsh criminal laws (Grund and Brecksema, n.d.).

Individuals found in possession of modest quantities of opioids for personal use are often not prosecuted but sent to health professionals for assistance, rather than facing criminal consequences. The process may be shifted from the criminal justice system to health care according to Article 13 of the Opiumwet, which governs this method. Instead of wanting to do rid of drugs altogether, the Dutch are pushing for a "harm reduction" strategy that lessens their negative impacts (Hawk et al. 2017). This strategy has been successful in maintaining a consistent and low rate of drug use among the population by improving public health protections.

Law No. 35 of 2009, Regulating Narcotics, establishes the legal framework for narcotics in Indonesia. This legislation imposes very stringent regulations on the ownership, management, and use of drugs. There are severe criminal penalties for several illegal acts outlined in Articles 111–127. This includes drug possession, control, manufacturing, distribution, and use. An individual may face a fine of up to eight billion rupiah and a jail sentence of four to twelve years under Article 111, which governs penalties for those who illegally cultivate, possess, store, control, or supply class I narcotics.

There is a tendency for this legal approach to conflate drug sellers with those who misuse themselves. Individuals engaged in drug trafficking face the same criminal risks as abusers apprehended with large amounts of drugs for personal use (Tatara 2023). For instance, under Article 127 of the Drugs Law, any individual found in possession of class I, II, or III drugs is subject to a maximum 4-year jail term. While this rule does allow offenders to get rehabilitation instead of jail time, it is not often put into effect to its full potential. A large number of abusers serve out their sentences without ever having the chance to participate in rehabilitation programs tailored to their specific needs.

When compared to the policies of the Netherlands and Portugal, Indonesia remains firmly committed to repression, with a main focus on punishment instead of rehabilitation. The Portuguese approach minor drug users with a focus on treatment and health care rather than punishment, while the Dutch take a more tolerable approach, carefully monitoring those who use mild drugs like marijuana rather than charging them. Both nations have shown that public health and rehabilitation-based approaches are more compassionate and successful in reducing drug abuse's detrimental effects.

People who consume drugs in Indonesia typically find their social situations worse due to the strict provisions of the Narcotics Law, which impose lengthy jail terms and considerable social shame upon release. Reforming drug policies to place a greater emphasis on restorative justice and rehabilitation has proven to be more effective in other nations, benefiting both addicts and society at large.

Careful and focused change is necessary to build a legal framework in Indonesia that incorporates a restorative justice approach while preserving national legal features. This legal design may begin with a more humanist approach, akin to the Netherlands and Portugal, but

with some modifications to account for the unique legal and socio-cultural circumstances in Indonesia.

To begin, the very restrictive provisions of Law No. 35 of 2009 pertaining to narcotics, namely Articles 111–127, need immediate revision. This amendment might consider the Portuguese model, which no longer criminalizes personal use of small quantities of drugs but instead handles them administratively. We can appoint a commission or agency, similar to Portugal's "Dissuasion Commissions," comprising medical experts, psychologists, and social workers, to handle drug users whose possession surpasses a specific threshold. This facility is responsible for assessing the user's situation and deciding on appropriate measures, including counseling or rehabilitation, outside of the criminal justice system.

Furthermore, similar to the Dutch approach, Indonesia may establish regulations that differentiate between various categories of drugs, allowing for a higher level of tolerance for mild narcotics while carefully regulating their sale and usage. One obvious and transparent way to implement this strategy is by allowing the use of mild drugs for medicinal or therapeutic purposes under close supervision, while trafficking and misuse of strong narcotics continue to face severe penalties. Community leaders, traditional institutions, and religious leaders may all play an important role in helping rehabilitate and reintegrate former drug users into society, which will help preserve the distinctiveness of Indonesia's legal system.

The Indonesian judicial system must prioritize individuals and communities impacted by drug misuse to demonstrate its dedication to restorative justice. Rehabilitation programs that take a more holistic approach may help with this by providing not only medical therapy but also social recovery services, including skill training, emotional support, and reintegration into society. In such a situation, the government, in partnership with NGOs and commercial companies, may provide sufficient facilities and rehabilitation programs.

The incorporation of the restorative justice model from the Netherlands and Portugal into Indonesian law is believed to alleviate the burden on the criminal justice system and prisons, thereby providing offenders with better opportunities to heal and reintegrate into society. In the long run, this kind of legal reasoning may help produce a more equitable and peaceful society by striking a balance between stringent law enforcement and the preservation of human rights.

The Impact of Implementing a Humanist Approach in Criminal Law on the Rehabilitation of Narcotics Abusers Compared with the Punitive Approach Currently in Force

Indonesia is one of several nations where the criminal justice system is grappling with the pressing problem of how to deal with drug misuse. Recent decades have witnessed a dramatic shift in the approach to drug issues, shifting from a punitive model to one that prioritizes compassion and recovery (Fauzi et al. 2023). For a long time, the criminal justice system has relied on the punitive approach, which is based on punishing lawbreakers. But there's mounting evidence that this strategy doesn't necessarily work to lower drug misuse rates and, in fact, makes addicts' social issues worse (Terry-McElrath and McBride 2004).

As an alternative, a humanist view of criminal law emphasizes rehabilitation and reintegration into society (Weinberg 2013). This method acknowledges that drug abusers are often victims of specific socioeconomic or psychological issues that need assistance beyond

punishment in order to lessen the detrimental effects of drugs on both people and society. This perspective perceives drug abusers not as criminals deserving of punishment, but rather as individuals who could potentially benefit from rehabilitation programs.

Numerous viewpoints, reflecting the multifaceted nature of the problem, have piqued the interest of domestic and international experts in the humanist approach to dealing with drug misuse. One well-known figure overseas is Dr. João Goulão, who was instrumental in formulating Portugal's program to decriminalize drugs. In Goulão's view, drug addicts are human beings who want help, not retribution. According to him, repressing people does nothing but make the dependence issue worse and further isolate those already at a disadvantage (Tomás et al. 2016). Policies centered on recovery may be beneficial with the help of a thorough and coordinated system, as shown by Portugal's achievements in decreasing drug misuse and HIV infections via rehabilitation.

Dirk J. Korf, a Dutch legal expert, echoes these sentiments in his writings on the subject of drug policy relaxation in Europe (Fountain and Korf 2007). Korf stressed that the Dutch and other countries that have instituted laws to distinguish between "soft" and "hard" drugs might alleviate pressure on the criminal justice system and save society from more severe consequences. He argued that the fight against drug abuse should prioritize "harm reduction" strategies along with reducing hazards for users and society at large (United Nations Office on Drugs and Crime. 2017).

Dr. Eva Achjani Zulfa, an advocate for humanist views in Indonesia, has long pointed out the limitations of authoritarian methods of combating the drug issue. He claims that many people who consume drugs are really suffering from a variety of social and economic issues that need comprehensive solutions rather than only punitive measures. To help abusers rehabilitate free from shame and heavy criminal penalties, Zulfa stresses the need for community-supported rehabilitation programs and legislation (Meliala 2015).

Law enforcement and other conservative professionals, however, have a different take on things. Basrief Arief, the former Attorney General of the Republic of Indonesia, believes that stringent legal enforcement measures are the primary foundation in the battle against drug trafficking. In his view, the humanist approach has the potential to be abused, undermining attempts to curb the widespread distribution of drugs. He fears that drug use will rise, and public faith in the justice system will dwindle if there is no discernible impact on the number of people abusing drugs (Siregar 2020).

Jeffrey Miron, a Harvard University economist, took a different route in the United States. According to him, economic improvements that facilitate access to rehabilitation programs should be accompanied by decriminalization laws. According to Miron, decriminalization initiatives run the risk of failing or making social issues worse if sufficient resources are not allocated to them. Furthermore, he stressed the need to place drug policy in a larger framework, one that takes into account the effects on both the regional and national economies (Anderson and Rees 2014).

When thinking about humanism and restorative justice principles in Indonesian law, the most pressing issue is how to incorporate these humanitarian principles into a system that is often rather oppressive right now. Law Number 35 of 2009 concerning drugs, with its multiple severe provisions that impose high fines and enforce harsh regulations, demonstrates a legislative strategy to prevent and regulate drug misuse. Nevertheless, this method often

overlooks the fundamental issue at hand, which is reliance and the societal and economic factors that incline people to engage in drug misuse.

The application of restorative and humanist justice practices may achieve a shift away from punishment and toward rehabilitation and reintegration into society. In order to be effective, legislative reform in Indonesia must prioritize rehabilitation programs for addicts rather than incarceration. We need new laws, but we also need new policing methods and public policies that support them. As an example, we might follow Portugal's lead and send drug addicts found with modest quantities of drugs to state-supported rehabilitation programs rather than throwing them in jail.

In order to deal with the fallout from this change, Indonesia must improve its rehabilitation facilities and make sure its criminal justice system is flexible enough to tailor treatment to the specific requirements of abusers. Some possible steps in this direction include establishing a body or commission, such as Portugal's "Dissuasion Commissions," to begin addressing drug cases from a social and health perspective rather than a strictly criminal one.

Society and law enforcement must also quickly shift their perspectives on drug addiction. Not only are they criminals, but they need rehabilitation before reintegrating into society. In the long run, this calls for a sea change in how the criminal justice system views rehabilitation—from seeing it as a sign of weakness to seeing it as an investment in the public good and safety. Therefore, for Indonesia to implement a legal system that is both punitive and rehabilitative, it is imperative that all relevant parties, including the government, law enforcement, society, and health institutions, make a firm commitment to working together. In addition to improving drug offenders' access to justice, these reforms will help build a more equitable society in which everyone has a fair shot at making a positive impact.

Conclusion

The findings of this study suggest that a restorative justice framework would be the most effective way to govern the ownership, storage, and management of drugs for individuals who engage in self-abuse in Indonesia. Unlike the current punitive strategy, which often fails to address the root causes of drug addiction, the restorative justice framework is more compassionate and effective. In order to create a more equitable and inclusive legal system and lessen the negative effects of drug abuse, Indonesia can follow the lead of countries like the Netherlands and Portugal, decriminalize small amounts of drugs, and redirect cases to rehabilitation. In order to improve rehabilitation facilities and change public opinion about drug addicts from criminals to people in need of assistance, this reform must have the backing of all relevant parties.

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