The Juridical Considerations of Investigators in Determining the Status of Narcotics Users in the Implementation of Restorative Justice at the Narcotics Investigation Unit of the Padangsidimpuan Police Resort Satresnarkoba Polres Padangsidimpuan

Irfanuddin Sitompul, T. Riza Zarzani, Fitri Rafianti

Abstract

The implementation of *restorative justice* for narcotics users has become an integral part of criminal law policy that prioritizes rehabilitation and social recovery rather than solely adopting a punitive approach toward narcotics abusers. This study aims to analyze the legal basis for the implementation of *restorative justice* for narcotics users, the juridical considerations of investigators in determining the status of narcotics users, as well as the juridical implications and challenges faced by investigators in implementing *restorative justice* at the Narcotics Investigation Unit of the Padangsidimpuan Resort Police (Satresnarkoba Polres Padangsidimpuan). This research employed a mixed-method approach combining normative juridical and empirical juridical methods through the analysis of statutory regulations, observations, interviews, and documentation of investigative practices conducted during the 2024–2026 period. The findings indicate that the implementation of *restorative justice* for narcotics users is supported by a strong legal framework, including Law Number 35 of 2009 concerning Narcotics, the Supreme Court Circular Letter Number 4 of 2010, the 2014 Joint Regulation, and the Chief of Police Regulation Number 8 of 2021. In practice, the determination of an individual's status as a narcotics user is based on an integrated assessment, laboratory test results, the quantity of seized evidence, the level of dependency, and indications of involvement in narcotics trafficking, which serve as the basis for determining eligibility for rehabilitation through a *restorative justice* approach. Nevertheless, its implementation continues to encounter several challenges, including the absence of standardized parameters for classifying narcotics users, limitations in the assessment process, the predominance of investigators' discretionary authority, and differing interpretations among relevant institutions. Therefore, strengthening the standardization of assessment procedures and enhancing inter-agency coordination are necessary to ensure that the implementation of *restorative justice* for narcotics users is carried out objectively, proportionally, and in a manner that provides legal certainty.

Keywords: *Restorative Justice, Narcotics Users, Juridical Considerations, Investigators, Rehabilitation.*

Irfanuddin Sitompul[1]
[1]Law, Universitas Pembangunan Panca Budi, Indonesia
e-mail: irfansitompul76@gmail.com[1]

T. Riza Zarzani[2], Fitri Rafianti[3]
[2,3]Law, Universitas Pembangunan Panca Budi, Indonesia
e-mail: rizazarzani@dosen.pancabudi.ac.id[2], fitrirafianti@dosen.pancabudi.ac.id[3]
2nd International Conference on Islamic Community Studies (ICICS)
Theme: History of Malay Civilisation and Islamic Human Capacity and Halal Hub in the Globalization Era
https://proceeding.pancabudi.ac.id/index.php/ICIE/index

Introduction

The problem of narcotics abuse in Indonesia remains one of the strategic issues within the criminal justice system, as it is not only related to the threat posed by illicit narcotics trafficking but also concerns the protection of individuals suffering from narcotics dependency as a matter of public health, social welfare, and legal policy. In law enforcement practice, narcotics users are often placed in an ambiguous position, being regarded both as perpetrators of criminal offenses and as victims of substance abuse. This ambiguity has created a dilemma in narcotics law enforcement policy between a retributive, punishment-oriented approach and a rehabilitative approach that emphasizes social recovery. Consequently, the development of modern criminal law has increasingly recognized the *restorative justice* approach as an important instrument for achieving a balance between the interests of law enforcement, the protection of society, and the rehabilitation needs of narcotics users.[1]

The development of national policy demonstrates a paradigm shift in the handling of narcotics cases, particularly those involving narcotics abusers and victims of narcotics abuse. The 2025 evaluation of the national law enforcement policy revealed that more than one thousand narcotics users and victims of narcotics abuse were processed through rehabilitation based on the *restorative justice* approach. In addition, the National Narcotics Board recorded tens of thousands of medical and social rehabilitation services as part of the national demand reduction strategy for combating narcotics abuse. These developments indicate that the rehabilitative approach is no longer regarded as an exceptional policy but has gradually evolved into an integral component of the national criminal law policy on narcotics. This policy places narcotics users in a more proportionate legal position, recognizing them not only as subjects of law but also as victims of drug dependency who require rehabilitation and recovery.[2]

Within the normative legal framework, the rehabilitative approach toward narcotics users derives its legitimacy from Law Number 35 of 2009 concerning Narcotics, which recognizes the provision of both medical and social rehabilitation for narcotics addicts and victims of narcotics abuse. This legal framework is further reinforced by the Supreme Court Circular Letter Number 4 of 2010 concerning the placement of narcotics abusers and addicts in rehabilitation institutions, as well as the 2014 Joint Regulation, which integrates the roles of the Supreme Court, the Indonesian National Police, the Attorney General's Office, the National Narcotics Board (BNN), and relevant ministries in implementing rehabilitation mechanisms for narcotics addicts. Furthermore, the Regulation of the Indonesian National Police Number 8 of 2021 concerning the Handling of Criminal Offenses Based on Restorative Justice provides investigators with the authority to exercise legal discretion in certain criminal cases, emphasizing social recovery and the realization of legal expediency through the application of the *restorative justice* approach.[3]

Although the legal basis for the implementation of *restorative justice* for narcotics users has been normatively established, its application at the investigation stage continues to face significant challenges, particularly with regard to determining the legal status of narcotics users. In practice, investigators must determine whether an individual should be classified as a narcotics user, an addict, a victim of narcotics abuse, a courier, or even a participant in an illicit narcotics trafficking network. This determination is crucial because it has direct implications for the direction of case handling, including the possibility of rehabilitation or the application of a punitive criminal justice process. In certain circumstances, narcotics users may exhibit ambiguous characteristics—for example, by possessing a certain quantity of narcotics, acting as an intermediary in narcotics transactions, or maintaining interactions with other drug users—thereby requiring investigators to exercise legal interpretation that is often neither straightforward nor uncomplicated.[4]

This phenomenon is also evident in the investigative practices of the Narcotics Investigation Unit of the Padangsidimpuan Resort Police (Satresnarkoba Polres Padangsidimpuan). Empirical data indicate that during the 2024–2026 period, there was an increase in the number of narcotics users whose cases were handled through a

rehabilitationoriented *restorative justice* approach. These cases generally involved relatively small quantities of seized narcotics and indications of personal use. Nevertheless, the increased application of this rehabilitative approach has also highlighted the need for more objective legal parameters in determining the legal status of narcotics users. Such parameters are essential to ensure that investigators avoid two opposing extremes: the excessive criminalization of victims of narcotics abuse on the one hand, and the weakening of efforts to combat illicit narcotics trafficking on the other.[5]

The principal issue that arises is that the determination of a person's status as a narcotics user during the investigation process is not based solely on the existence of physical evidence. Rather, it is also influenced by laboratory test results, medical and social assessments, the level of dependency, patterns of drug use, the frequency of consumption, and the possibility of the individual's involvement in narcotics distribution activities. Consequently, investigators exercise considerable discretionary authority in deciding whether an individual is eligible for a rehabilitation-oriented *restorative justice* approach. On the one hand, the exercise of such discretion is necessary to preserve legal flexibility and to protect narcotics users who are victims of drug dependency. On the other hand, discretionary decision-making without clear and objective parameters has the potential to create disparities in the legal treatment of cases with similar factual characteristics.[6]

From the perspective of the theory of administrative discretion and Gustav Radbruch's theory of the purposes of law, this situation demonstrates the need to maintain a balance among legal certainty, justice, and social utility in the investigation of narcotics cases. Legal certainty requires the establishment of objective standards for the classification of narcotics users, justice demands that individuals who are eligible for rehabilitation should not be subjected to excessive criminalization, while social utility calls for legal policies capable of providing social protection and reducing the adverse effects of narcotics dependency on both individuals and society. Accordingly, investigators are not merely positioned as formal law enforcement officers but also serve as strategic actors in determining the direction of the social rehabilitation of narcotics users at the initial stage of the criminal justice system.[7] Furthermore, *restorative justice* conceptualizes the resolution of criminal cases as a mechanism that balances legal protection, social recovery, and the proportional accountability of offenders. This concept is particularly relevant in narcotics cases because narcotics users cannot always be appropriately regarded as ordinary criminal offenders; rather, they should also be recognized as individuals requiring rehabilitative intervention. In this context, the *restorative justice* approach is not intended to eliminate the legal responsibility of narcotics users but instead serves as a corrective mechanism to ensure that law enforcement policies do not result in substantive injustice toward victims of narcotics abuse.[8]

Based on the foregoing circumstances, this study is important to examine the legal framework governing the implementation of *restorative justice* for narcotics users and to analyze the juridical considerations employed by investigators in determining the legal status of narcotics users at the Narcotics Investigation Unit of the Padangsidimpuan Resort Police Satresnarkoba Polres Padangsidimpuan. Furthermore, this study seeks to analyze the juridical implications and the challenges encountered by investigators in determining the legal status of narcotics users within the implementation of *restorative justice*. It is expected that the findings will contribute to the formulation of a more objective, professional, and consistent legal policy that promotes an appropriate balance among legal certainty, justice, and social utility.

Research Methodology

This study employed a mixed-method legal research design using both normative juridical and empirical juridical approaches.[9] This study was conducted to analyze the legal framework governing the implementation of *restorative justice* for narcotics users, as well as the juridical implications and the considerations employed by investigators in determining the legal status of narcotics users at the Narcotics Investigation Unit of the Padangsidimpuan Resort Police

Satresnarkoba Polres Padangsidimpuan. The normative juridical approach was employed to examine legal norms, legal principles, legal theories, and criminal law policies relating to the rehabilitation of narcotics users and the implementation of *restorative justice*. This analysis was carried out through a review of Law Number 35 of 2009 concerning Narcotics, the Indonesian Code of Criminal Procedure, the Supreme Court Circular Letter Number 4 of 2010 concerning the Placement of Narcotics Abusers, Victims of Narcotics Abuse, and Narcotics Addicts in Medical and Social Rehabilitation Institutions, the 2014 Joint Regulation on the Handling of Narcotics Addicts and Victims of Narcotics Abuse, and the Regulation of the Indonesian National Police Number 8 of 2021 concerning the Handling of Criminal Offenses Based on Restorative Justice.

Meanwhile, the empirical juridical approach was conducted through field research at the Narcotics Investigation Unit of the Padangsidimpuan Resort Police Satresnarkoba Polres Padangsidimpuan to obtain a factual understanding of the implementation of *restorative justice* for narcotics users and the mechanism by which investigators determine the legal status of narcotics users. Empirical data were collected through interviews, observations, and document analysis of investigative practices, rehabilitation assessment procedures, the number of *restorative justice* cases during the 2024–2026 period, and the classification of narcotics users based on the quantity of seized evidence, urine test results, integrated assessment findings, and indications of involvement in narcotics trafficking networks. This empirical approach was employed to examine the gap between the law in books and the law in action, thereby providing a comprehensive understanding of the juridical implications and the challenges encountered by investigators in implementing the *restorative justice* approach for narcotics users.[10]

The sources of data in this study consisted of primary legal materials, secondary legal materials, and empirical field data. The primary legal materials comprised all statutory regulations relevant to the subject matter of the research, while the secondary legal materials were obtained through a literature review, including books, scholarly journals, academic articles, and other relevant research publications.[11]

Results

The Legal Framework for the Implementation of *Restorative Justice* for Narcotics Users at the Narcotics Investigation Unit of the Padangsidimpuan Resort Police Satresnarkoba Polres Padangsidimpuan

The development of narcotics law enforcement policies at the national level during the 2025–2026 period demonstrates a growing emphasis on strengthening the rehabilitative approach through the implementation of *restorative justice* for narcotics users. The national law enforcement evaluation revealed that, as of October 2025, approximately 1,072 narcotics users and victims of narcotics abuse had been handled through rehabilitation-based *restorative justice* as part of the social recovery strategy in narcotics cases. During the same period, the National Narcotics Board (BNN) reported that 14,527 narcotics users had received medical and social rehabilitation services throughout 2025 as part of the national demand reduction strategy and efforts to strengthen the recovery of victims of narcotics abuse. These data indicate that Indonesia's criminal law policy on narcotics has gradually shifted from a predominantly punitive approach toward a more balanced model that integrates law enforcement with the social rehabilitation of narcotics users.[12]

Meanwhile, the implementation of *restorative justice* for narcotics users at the Narcotics Investigation Unit of the Padangsidimpuan Resort Police Satresnarkoba Polres Padangsidimpuan demonstrates a relatively consistent increase in the application of the rehabilitative approach throughout the 2024–2026 period. Empirical data indicate that in 2024, a total of eight cases involving nine suspects were resolved through rehabilitation-based mechanisms. This number increased to ten cases involving eleven suspects in 2025, while during the period from January to May 2026, eight cases involving ten suspects had already been processed through the rehabilitative approach. This pattern suggests that investigators no

longer rely exclusively on punitive measures in handling all narcotics users but have begun to adopt a differentiated approach based on the nature of the individual's involvement, the level of drug dependency, and the prospects for social rehabilitation. The increasing use of rehabilitation-based mechanisms also reflects the institutionalization of the principles of *restorative justice* at the investigation stage as part of a more adaptive criminal law policy that recognizes narcotics abusers, under certain circumstances, as victims of drug dependency who require rehabilitation and social recovery.[13]

An analysis based on the characteristics of the seized evidence indicates that data from the Narcotics Investigation Unit of the Padangsidimpuan Resort Police Satresnarkoba Polres Padangsidimpuan show that *restorative justice* has predominantly been applied to narcotics users found in possession of relatively small quantities of narcotics intended primarily for personal consumption, such as limited amounts of methamphetamine and cannabis. In 2024, for example, the total quantity of seized evidence amounted to approximately 1.92 grams of cannabis and 1.28 grams of methamphetamine. In 2025, the quantities increased to approximately 2.17 grams of cannabis and 3.94 grams of methamphetamine, while during the January–May 2026 period, the quantities of seized narcotics remained within the category generally associated with limited personal use. From a juridical perspective, this pattern is significant because rehabilitation assessments in narcotics cases generally take into account the quantity of seized evidence, laboratory test results, the level of drug dependency, and indications of involvement in narcotics distribution when distinguishing between personal users and individuals involved in drug trafficking. Accordingly, the application of *restorative justice* in cases involving limited quantities of narcotics demonstrates a tendency among investigators to adopt a proportionate approach based on the specific characteristics of each case and the offender's level of social risk.[14]

From the perspective of positive law, the implementation of a rehabilitative approach toward narcotics users derives its normative legitimacy from Law Number 35 of 2009 concerning Narcotics, particularly the provisions governing medical and social rehabilitation for narcotics addicts and victims of narcotics abuse. These legal provisions are further reinforced by the Supreme Court Circular Letter Number 4 of 2010 concerning the Placement of Narcotics Abusers, Victims of Narcotics Abuse, and Narcotics Addicts in Medical and Social Rehabilitation Institutions, as well as the 2014 Joint Regulation involving the Supreme Court, the Attorney General's Office, the Indonesian National Police, the National Narcotics Board BNN, the Ministry of Law and Human Rights, the Ministry of Health, and the Ministry of Social Affairs regarding the rehabilitation mechanism for narcotics addicts. These legal instruments demonstrate that rehabilitation is not intended as a means of exempting offenders from criminal liability; rather, it functions as a corrective legal mechanism that enables narcotics users to receive recovery-oriented interventions based on healthcare needs and social reintegration, while preserving the effectiveness of law enforcement efforts against illicit narcotics trafficking networks.[15]

Furthermore, at the operational level of policing, the Regulation of the Indonesian National Police Number 8 of 2021 concerning the Handling of Criminal Offenses Based on Restorative Justice grants investigators the authority to exercise discretion based on the principles of legal utility, proportionality, and social recovery in the handling of certain criminal cases. Although not all narcotics-related offenses are eligible for resolution through the *restorative justice* approach, investigators are afforded juridical discretion to determine whether an individual should be classified as a narcotics user requiring rehabilitation or as an offender involved in narcotics distribution. In practice, the Narcotics Investigation Unit of the Padangsidimpuan Resort Police Satresnarkoba Polres Padangsidimpuan makes this determination by evaluating urine test results, integrated assessment findings, the quantity of seized narcotics, the intensity of drug use, the individual's psychological condition, and the nature of the individual's relationship with narcotics trafficking networks. These findings demonstrate that the implementation of *restorative justice* is not automatic but rather constitutes

the outcome of a legal classification process grounded in sound legal reasoning and the principle of objectivity in criminal investigations.[16]

From the perspective of modern criminal policy, these national statistical developments indicate that the application of *restorative justice* to narcotics users is no longer regarded merely as an exceptional policy but has gradually evolved into a corrective instrument within Indonesia's narcotics criminal justice system. This approach seeks to place narcotics users in a more proportionate legal position by recognizing them both as subjects of law and as victims of drug dependency. Although the number of narcotics users receiving rehabilitation-based interventions remains relatively limited compared with the overall number of narcotics cases nationwide, the trends observed during the 2025–2026 period demonstrate a strengthening of integrated assessment mechanisms, medical and social rehabilitation programs, and the exercise of law enforcement discretion based on the need for social recovery. These developments are particularly relevant for understanding investigative practices at the regional level, including those of the Narcotics Investigation Unit of the Padangsidimpuan Resort Police Satresnarkoba Polres Padangsidimpuan, where investigators are required to strike a balance between the repressive enforcement of narcotics laws and the rehabilitative treatment of narcotics users.[17]

The problem of narcotics abuse in Indonesia constitutes a form of criminal offense with complex characteristics, as it lies at the intersection of a punitive criminal law approach and a health-oriented rehabilitative approach. On the one hand, the State has a legitimate interest in combating illicit narcotics trafficking as a means of protecting society. On the other hand, there is a corresponding need to provide legal protection for narcotics abusers who, under certain circumstances, are regarded as victims of drug dependency (*self-victimization*). This complexity has made the implementation of *restorative justice* for narcotics users an important issue in modern criminal law policy, particularly at the investigation stage, where investigators determine an individual's legal status as a narcotics user, addict, victim of narcotics abuse, or participant in an illicit narcotics trafficking network.[18]

From a normative perspective, the legal framework governing the implementation of *restorative justice* for narcotics users derives its initial legitimacy from Law Number 35 of 2009 concerning Narcotics, which explicitly recognizes a rehabilitative approach for narcotics addicts and narcotics abusers through medical and social rehabilitation. The statutory provisions on rehabilitation demonstrate that Indonesia's narcotics policy is not solely oriented toward punitive sanctions but also provides an opportunity for the recovery of individuals suffering from narcotics dependency. Accordingly, for certain narcotics users who are not involved in illicit trafficking networks, rehabilitation-based recovery may be understood as a manifestation of the principles of *restorative justice* within Indonesia's national narcotics criminal justice system.[19]

The legal framework governing the implementation of *restorative justice* was further strengthened through the Supreme Court Circular Letter Number 4 of 2010 concerning the Placement of Narcotics Abusers, Victims of Narcotics Abuse, and Narcotics Addicts in Medical and Social Rehabilitation Institutions, which provides guidance that narcotics abusers meeting certain criteria should be placed in rehabilitation programs rather than subjected to imprisonment. This policy was subsequently reinforced by the 2014 Joint Regulation issued by the Supreme Court, the Attorney General's Office, the Indonesian National Police, the National Narcotics Board BNN, the Ministry of Law and Human Rights, the Ministry of Health, and the Ministry of Social Affairs concerning the placement of narcotics addicts and victims of narcotics abuse in rehabilitation institutions. These regulatory frameworks demonstrate that Indonesia's legal system has increasingly integrated the principle of recovery into narcotics law enforcement policy through an inter-agency approach.[20]

Furthermore, the Regulation of the Indonesian National Police Number 8 of 2021 concerning the Handling of Criminal Offenses Based on *Restorative Justice* also serves as an important legal basis for investigators in exercising discretionary authority in certain criminal cases, including narcotics cases that satisfy the criteria for social recovery. Although not all

narcotics offenses are eligible for resolution through the *restorative justice* approach, the regulation provides a normative framework that enables investigators to adopt a rehabilitative orientation toward narcotics users who, in substantive terms, are more appropriately regarded as victims of narcotics abuse rather than as perpetrators of illicit drug trafficking. Accordingly, the application of *restorative justice* to narcotics users should not be understood as a means of exempting individuals from criminal liability but rather as an effort to place them within a more proportionate recovery-oriented mechanism.[21]

In the practice of the Narcotics Investigation Unit of the Padangsidimpuan Resort Police Satresnarkoba Polres Padangsidimpuan, the implementation of the legal framework governing *restorative justice* cannot be separated from the investigators' authority to determine the legal status of narcotics users through an investigation process based on evidentiary findings and juridical assessment. At the preliminary stage of the investigation, investigators evaluate urine test results, the quantity of seized narcotics, the individual's psychological condition, assessment findings, patterns of drug use, frequency of consumption, and any indications of involvement in narcotics distribution. These considerations are crucial because an individual's legal classification as either a narcotics user or a participant in an illicit trafficking network directly determines the course of the criminal proceedings, including the possibility of rehabilitation through a *restorative justice* approach.

Juridical Implications and Challenges Faced by Investigators in Determining the Legal Status of Narcotics Users in the Implementation of *Restorative Justice* at the Narcotics Investigation Unit of the Padangsidimpuan Resort Police Satresnarkoba Polres Padangsidimpuan

The implementation of *restorative justice* for narcotics users at the investigation stage carries significant juridical implications because it is directly related to the determination of an individual's legal status, the direction of case handling, and the form of criminal liability to be imposed. Within Indonesia's narcotics criminal justice system, the classification of an individual as a narcotics user, addict, victim of narcotics abuse, courier, or participant in an illicit narcotics trafficking network entails distinct legal consequences, particularly with regard to eligibility for medical and social rehabilitation as opposed to punitive criminal prosecution. Therefore, an investigator's decision in determining the legal status of a narcotics user is not merely an administrative aspect of the investigation process but constitutes a legal determination that decides whether an individual will be afforded a recovery-oriented mechanism through *restorative justice* or instead be processed under the ordinary criminal justice system.

Furthermore, *restorative justice* fundamentally conceptualizes the resolution of criminal cases as a mechanism for balancing the interests of justice, social protection, and individual recovery without eliminating the offender's accountability for the legal consequences of the offense. This perspective is particularly relevant to narcotics users because the primary objective of modern narcotics criminal law policy is no longer limited to punishment but also emphasizes rehabilitation, social reintegration, and the restoration of an individual's psychological well-being. Accordingly, the application of the *restorative justice* approach to narcotics users at the investigation stage should be understood as a form of humanitarian legal protection that simultaneously preserves the proper and proportionate function of criminal law enforcement.[26]

The first juridical implication concerns the protection of the legal rights of narcotics users as individuals who are normatively recognized under Law Number 35 of 2009 concerning Narcotics as being, under certain circumstances, entitled to receive medical and social rehabilitation. When investigators classify an individual as a narcotics user or a victim of narcotics abuse based on the results of an integrated assessment and the available legal evidence, that individual may be granted access to rehabilitative measures aimed at restoring health and facilitating social reintegration. Conversely, an erroneous classification of an individual's legal status may result in excessive criminalization (*overcriminalization*) of a person who should

more appropriately be regarded as a victim of drug dependency rather than as a participant in illicit narcotics trafficking. In this context, the juridical implications of an investigator's determination are closely related to the protection of human rights, the principle of proportionality, and the principle of substantive justice within the criminal justice system.[27]

The next juridical implication concerns the consequences for the direction of evidentiary assessment and the construction of criminal liability. An investigator's determination of an individual's status as a narcotics user will influence whether the case is directed toward rehabilitation through an integrated assessment mechanism or proceeds through the ordinary punitive criminal justice process to trial. This distinction is significant because rehabilitation for narcotics users does not eliminate the unlawful nature of the offense but rather transforms the approach to criminal liability into one that is more corrective and rehabilitative. Accordingly, investigators must be able to formulate objective legal reasoning concerning the relationship between the quantity of seized narcotics, urine test results, the intensity of drug use, and indications of involvement in narcotics trafficking networks before determining whether an individual qualifies for the *restorative justice* approach.[28]

From the perspective of criminal law policy, the implementation of *restorative justice* for narcotics users also has significant implications for the effectiveness of the correctional system and the reduction of prison overcrowding. Narcotics users who are referred to rehabilitation through the investigative process are no longer automatically subjected to imprisonment, which, in practice, often exacerbates their psychological and social conditions. Accordingly, the legal implications of the *restorative justice* approach extend beyond the individual interests of narcotics users to encompass the efficiency of the criminal justice system and the broader objectives of national criminal policy, which increasingly emphasize recovery and rehabilitation rather than short-term punitive sanctions for narcotics abuse offenders.[29]

Nevertheless, the implementation of the process of determining the legal status of narcotics users by investigators at the Narcotics Investigation Unit of the Padangsidimpuan Resort Police Satresnarkoba Polres Padangsidimpuan is not without juridical and practical challenges. One of the principal challenges lies in the difficulty of distinguishing between a genuine narcotics user and a user with limited involvement in narcotics distribution, such as acting as an intermediary in drug purchases, jointly possessing narcotics with others, or assisting in small-scale distribution. This situation places investigators in a difficult position, as an overly punitive decision may deprive eligible narcotics users of their right to rehabilitation, whereas an excessively lenient decision may be perceived as undermining efforts to combat illicit narcotics trafficking.[30]

Another challenge concerns the lack of fully standardized assessment parameters and the varying interpretations of the quantity of seized narcotics as an indicator for classifying an individual as a narcotics user. In practice, a particular quantity of seized narcotics does not necessarily indicate an intent to distribute, nor can it automatically be regarded as evidence of personal consumption. Accordingly, investigators must rely on a combination of indicators, including laboratory test results, the suspect's statements, medical assessment findings, psychological condition, history of drug use, communication records, and transaction patterns, in order to establish a more objective legal assessment. The absence of rigid and uniformly applicable technical standards means that investigators' discretionary authority remains a dominant factor in determining the legal status of narcotics users.

In addition to normative factors, institutional constraints also constitute a significant challenge in the implementation of *restorative justice* at the investigation stage. Investigators frequently encounter limited inter-agency coordination, lengthy integrated assessment procedures, inadequate rehabilitation facilities, and differing interpretations among law enforcement authorities regarding the eligibility of narcotics users for rehabilitation. In certain circumstances, assessment results indicating that an individual qualifies for rehabilitation do not always correspond with the prevailing punitive approach that continues to dominate narcotics law enforcement policy. Consequently, the effective implementation of *restorative justice* for

narcotics users remains highly dependent on the quality of institutional coordination and the professional capacity of investigators to accurately assess the characteristics of each case.

From the perspective of the theory of administrative discretion, the challenges encountered by investigators in determining the legal status of narcotics users demonstrate that legal authority cannot always be exercised mechanically based solely on the text of legal provisions. Discretion serves as an essential instrument that enables investigators to address areas of legal uncertainty by making decisions grounded in rationality, objectivity, and social utility. Nevertheless, the exercise of discretion without clearly defined parameters has the potential to produce disparities in legal treatment among cases with similar characteristics. Therefore, the implementation of *restorative justice* for narcotics users requires an appropriate balance between discretionary flexibility and legal certainty in order to prevent substantive injustice.[31]

From the perspective of Gustav Radbruch's theory of the purposes of law, the juridical implications and the challenges faced by investigators in determining the legal status of narcotics users fundamentally reflect the tension among legal certainty, justice, and social utility. Legal certainty requires the establishment of clear parameters for the classification of narcotics users, justice demands that individuals who are eligible for rehabilitation should not be subjected to excessive criminalization, while social utility calls for the effective implementation of policies aimed at social recovery and the protection of society from the threats posed by narcotics. Therefore, the process of determining the legal status of narcotics users should be understood as a process of legal balancing that is based not only on formal evidentiary requirements but also on the need to promote the social rehabilitation and recovery of narcotics users.[32]

Based on the foregoing discussion, the juridical implications of determining the legal status of narcotics users within the implementation of *restorative justice* demonstrate that investigators occupy a strategic position as the principal actors in shaping criminal law policy at the initial stage of the narcotics criminal justice system. The authors contend that the effectiveness of the *restorative justice* approach largely depends on investigators' ability to objectively assess the relationship between the legal facts of the case, the individual's level of involvement, the findings of the integrated assessment, and the need for rehabilitation. In this context, the determination of an individual's legal status as a narcotics user should not be made mechanically on the basis of the quantity of seized narcotics alone. Rather, it should be understood as a multidimensional juridical assessment that comprehensively takes into account legal, medical, and social considerations, as well as the individual's risk of involvement in criminal activities.

Furthermore, to minimize disparities in law enforcement, it is necessary to standardize the parameters for classifying narcotics users, harmonize the integrated assessment mechanism, and strengthen investigators' capacity to implement the *restorative justice* approach. In the absence of more comprehensive and measurable implementation guidelines, the exercise of discretionary authority may result in legal uncertainty and inconsistent treatment of cases with similar characteristics. Therefore, strengthening technical regulations and enhancing interagency coordination are essential to ensure that the implementation of *restorative justice* for narcotics users at the Narcotics Investigation Unit of the Padangsidimpuan Resort Police Satresnarkoba Polres Padangsidimpuan is carried out in a more objective, professional, and consistent manner while maintaining an appropriate balance among legal certainty, justice, and social utility.

Conclusion

The *restorative justice* policy for narcotics users possesses a strong normative foundation within Indonesia's legal system through Law Number 35 of 2009 concerning Narcotics, the Supreme Court Circular Letter Number 4 of 2010, the 2014 Joint Regulation, and the Regulation of the Indonesian National Police Number 8 of 2021 concerning the Handling of Criminal

Offenses Based on *Restorative Justice*. In practice, the implementation of the rehabilitative approach for narcotics users reflects a paradigm shift from a predominantly punitive orientation toward a more proportionate model of social recovery, recognizing narcotics abusers, under certain circumstances, as victims of drug dependency. Empirical data from the Narcotics Investigation Unit of the Padangsidimpuan Resort Police (Satresnarkoba Polres Padangsidimpuan) during the 2024–2026 period demonstrate an increasing application of *restorative justice* for narcotics users, based on the evaluation of integrated assessment findings, the quantity of seized narcotics, the intensity of drug use, the individual's psychological condition, and indications of involvement in illicit narcotics trafficking networks. Accordingly, the determination of an individual's legal status as a narcotics user by investigators should not be carried out mechanically but must instead be based on multidimensional legal reasoning that balances legal certainty, justice, and social utility in order to prevent the excessive criminalization of victims of narcotics abuse.

The juridical implications and the challenges encountered by investigators in determining the legal status of narcotics users demonstrate that investigators occupy a strategic position as the principal actors at the initial stage of the narcotics criminal justice system in deciding whether an individual is eligible for rehabilitation through the *restorative justice* approach or should be processed under the ordinary punitive criminal justice mechanism. In practice, investigators face several challenges, including the absence of standardized parameters for classifying narcotics users, the ambiguity between personal users and individuals with limited involvement in narcotics distribution, limitations in the integrated assessment process, differing interpretations among law enforcement agencies, and the broad exercise of discretionary authority due to the lack of comprehensive technical guidelines. Therefore, the effective implementation of *restorative justice* for narcotics users requires the standardization of integrated assessment mechanisms, strengthened inter-agency coordination, enhanced professional capacity of investigators, and the development of risk-based classification parameters to ensure that the exercise of discretion remains within the framework of legal objectivity. Accordingly, the implementation of *restorative justice* for narcotics users at the Narcotics Investigation Unit of the Padangsidimpuan Resort Police Satresnarkoba Polres Padangsidimpuan can be carried out in a more professional, proportionate, and consistent manner while promoting legal protection, social recovery, and the effective suppression of narcotics-related crimes in a balanced way.

References

[1] Undang-Undang Republik Indonesia Nomor 35 Tahun 2009 tentang Narkotika.

[2] Data kebijakan rehabilitasi pengguna narkotika nasional tahun 2025–2026 dan laporan Badan Narkotika Nasional mengenai layanan rehabilitasi penyalah guna narkotika.

[3] Surat Edaran Mahkamah Agung Nomor 4 Tahun 2010; Peraturan Bersama Tahun 2014; Peraturan Kepolisian Negara Republik Indonesia Nomor 8 Tahun 2021.

[4] Kitab Undang-Undang Hukum Acara Pidana; praktik asesmen penyalah guna narkotika dalam penyidikan perkara narkotika.

[5] Data Kasus *Restorative Justice* Satresnarkoba Polres Padangsidimpuan Tahun 2024–2026.

[6] Peraturan Kepolisian Negara Republik Indonesia Nomor 8 Tahun 2021 tentang Penanganan Tindak Pidana Berdasarkan Keadilan Restoratif.

[7] G. Radbruch, *Legal Philosophy*. Oxford: Oxford University Press, 2018; P. Hadjon, *Pengantar Hukum Administrasi Indonesia*. Yogyakarta: Gadjah Mada University Press, 2019.

[8] T. Riza Zarzani, *Restorative Justice Alternative Penyelesaian Pidana Anak*. Deli Serdang: Format Publishing, 2023.

[9] F. Rafianti and M. H. A. P. Sinaga, "Nusyuz as the cause of domestic violence: A comparative study of Islamic law and criminal law," International Journal of Law, Environment, and Natural Resources, vol. 3, no. 1, pp. 11–20, 2023.

[10] Undang-Undang Republik Indonesia Nomor 35 Tahun 2009 tentang Narkotika; Kitab Undang-Undang Hukum Acara Pidana; Surat Edaran Mahkamah Agung Nomor 4 Tahun 2010; Peraturan Bersama Tahun 2014; Peraturan Kepolisian Negara Republik Indonesia Nomor 8 Tahun 2021.

[11] H. Aspan, *Sistem Penelitian Hukum dan Metodologi Pendekatan Yuridis*. Medan: UNPAB Press, 2022, pp. 67–73.

[12] Data nasional penanganan rehabilitasi pengguna narkotika dan penerapan *restorative justice* tahun 2025, laporan PPATK dan Badan Narkotika Nasional (BNN), 2025–2026.

[13] Data Kasus *Restorative Justice* Tahun 2024–2026 Pada Satresnarkoba Polres Padangsidimpuan.

[14] Surat Edaran Mahkamah Agung Nomor 4 Tahun 2010; mekanisme asesmen pengguna narkotika dalam praktik rehabilitasi pecandu narkotika.

[15] Undang-Undang Republik Indonesia Nomor 35 Tahun 2009 tentang Narkotika; Peraturan Bersama Tahun 2014 tentang Penanganan Pecandu dan Korban Penyalahgunaan Narkotika ke Lembaga Rehabilitasi.

[16] Peraturan Kepolisian Negara Republik Indonesia Nomor 8 Tahun 2021 tentang Penanganan Tindak Pidana Berdasarkan Keadilan Restoratif; praktik observasi Satresnarkoba Polres Padangsidimpuan Tahun 2026.

[17] I. Fatmawati, R. A. Fikri, M. A. Siregar, and S. Mawarni, "The restorative method for development urgency of customary," Jurnal Ekonomi, vol. 12, no. 02, pp. 1385–1391, 2023.

[18] R. Yanti, "Putusan pidana terhadap penyalahguna narkotika Putusan No. 2854/Pid. Sus/2018/Pn Mdn (tinjauan berdasarkan hukum pidana positif dan hukum pidana Islam)," Al-Qanun: Jurnal Kajian Sosial dan Hukum Islam, vol. 1, no. 3, pp. 324–346, 2020.

[19] Undang-Undang Republik Indonesia Nomor 35 Tahun 2009 tentang Narkotika, khususnya rehabilitasi medis dan sosial.

[20] Surat Edaran Mahkamah Agung Nomor 4 Tahun 2010; Peraturan Bersama Tahun 2014 tentang Penanganan Pecandu dan Korban Penyalahgunaan Narkotika ke Lembaga Rehabilitasi.

[21] Peraturan Kepolisian Negara Republik Indonesia Nomor 8 Tahun 2021 tentang Penanganan Tindak Pidana Berdasarkan Keadilan Restoratif.

[22] T. Riza Zarzani, *Restorative Justice Alternative Penyelesaian Pidana Anak*. Deli Serdang: Format Publishing, 2023.

[23] Undang-Undang Republik Indonesia Nomor 39 Tahun 1999 tentang Hak Asasi Manusia; Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika.

[24] Surat Edaran Mahkamah Agung Nomor 4 Tahun 2010 tentang Penempatan Penyalah Guna, Korban Penyalahgunaan, dan Pecandu Narkotika ke Lembaga Rehabilitasi Medis dan Sosial.

---

[25] Undang-Undang Republik Indonesia Nomor 22 Tahun 2022 tentang Pemasyarakatan; kebijakan rehabilitasi narkotika nasional.

[26] Peraturan Bersama Tahun 2014 tentang Penanganan Pecandu dan Korban Penyalahgunaan Narkotika ke Lembaga Rehabilitasi.

[27] P. Hadjon, *Pengantar Hukum Administrasi Indonesia*. Yogyakarta: Gadjah Mada University Press, 2019, pp. 122–137.

[28] G. Radbruch, *Legal Philosophy*. Oxford: Oxford University Press, 2018, pp. 133–147.