



The effectiveness of restorative justice for narcotics abusers and victims

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Abstract

Narcotics Criminal Act specifically for Drug Abuse and Drug Addicts in Indonesia are still a serious problem. For this reason, an effective way is needed to prevent Narcotics crimes; one of the ways is with a legal breakthrough with the implementation of Restorative Justice, which has the essence of returning to its original state or more pressure on rehabilitative law enforcement. The purpose of this study was to conduct a study on the effectiveness of the implementation of Restorative Justice on abusers and victims of narcotics attacks through rehabilitative law enforcement. The research uses a normative juridical method through a case and law approach. This research reveals that Restorative Justice law enforcement answers the special legal needs of abusers and victims of narcotics attacks who need rehabilitation, not punishment.

Keywords: Restorative justice, narcotics abuse, addicts, narcotic criminal act

Introduction

Narcotics crime is still a serious problem that cannot be resolved properly as time goes by. Narcotics are still a serious problem that damages the next generation of a nation and becomes a disaster for a nation. Addiction to drugs and the impact it has on health is certainly a common problem for a nation to find the best solution to get out of the influence of narcotics, even to be free from narcotics. Narcotics crime in Indonesia from year to year shows an alarming figure; based on the results of a survey conducted by the National Narcotics Agency in 2021, there was an increase in the prevalence of drug abuse by 0.15 per cent in the previous year-use category of 1.80% or 3,149.188 in 2019, now it was 1.95% or 3,662,646 in 2021, and in the ever-used category it has increased from 2.40% or 4,534,744 to 2.57% or 4,827,616, explained Petrus (VOA Indonesia). Based on these data, the State, supported by the community, in this case, has the duty and responsibility to find solutions to eradicate narcotics in Indonesia; one solution that needs to be considered is the effective enforcement of narcotics laws in Indonesia.

It is a fundamental question of how to find effective ways to eradicate narcotics crimes, in this case, effective law enforcement to eradicate narcotics crimes, especially for addicts and victims of narcotics abuse. Law enforcement for addicts and victims of narcotics abuse is still not implemented properly. Law enforcement for addicts and victims of narcotics abuse has not fully implemented rehabilitative law. Law enforcement is not working well, as evidenced by the massive number of narcotics cases involving addicts and victims of narcotics abuse. The application of repressive laws for addicts and victims of narcotics abuse has always been problematic regarding their effectiveness compared to the application of rehabilitative laws. The application of repressive laws cannot provide a deterrent effect and break the chain of dependency on addicts and victims of narcotics abuse.

Since the enactment of the National Police Chief's Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice, it has presented a new legal breakthrough specifically for addicts and victims of narcotics abuse while at the same time

strengthening the legal basis for rehabilitative law enforcement for addicts and victims of narcotics abuse at the level of carrying out the criminal investigation, investigation or inquiry function. Based on the National Police Chief's regulations, at the investigation and investigation level, addicts and victims of narcotics abuse can be rehabilitated if they fulfil the material and formal requirements as stated in the Perkap. In fact, from a medical perspective, rehabilitation efforts are needed to reduce the dependence of addicts and victims of narcotics abuse. The implementation of rehabilitation is in line with the objectives of Law Number 35 of 2009 concerning Narcotics as stated in Article 4 letter d, which reads: guaranteeing the arrangement of medical and social rehabilitation efforts for narcotics abusers and addicts.

Medical rehabilitation is one of the objectives of enacting the Law on Narcotics. With rehabilitation, it is hoped that addicts and victims of narcotics crimes can be free from addiction and return to society in normal circumstances. Before the ratification of Perkap no. 8 of 2021 concerning the Handling of Criminal Offenses Based on Restorative Justice, the implementation of rehabilitative law has become an order of Law Number 35 of 2009 concerning Narcotics as stated in Article 54 which reads: Narcotics addicts and victims of narcotics abuse are required to undergo medical rehabilitation and social rehabilitation. However, the problem is that law enforcement, specifically for Narcotics Addicts and Victims of Narcotics Abuse at the inquiry/investigation level, has not been running optimally, so victims and narcotics abusers are often sentenced to prison. According to Anang Iskandar, based on empirical facts, law enforcement, specifically against drug abusers, shows that there are still many cases of abuse in the application of narcotics law enforcement. Investigators and Public Prosecutors, in examining suspects who abuse narcotics, do not fully refer to and comply with the legal provisions in the Narcotics Law currently in force, namely Law no. 7/1997 concerning Ratification of the UN Convention on the Eradication of Illicit Trafficking in Narcotics and Psychotropic Substances 1998, and Law no. 35/2009 concerning Narcotics (Iskandar, 2019) [4].

Since promulgating the National Police Chief's regulation Number 8 of 2021 concerning Handling Crimes Based on Restorative Justice, it has become a breakthrough in rehabilitative law implemented through restorative law enforcement. As stated in the National Police Chief's Regulation, the rehabilitation of addicts and victims of narcotics abuse is expected to be a guide for law enforcement officials at the inquiry/investigation level as well as releasing addicts and abuse victims from legal bondage and releasing narcotics dependence through rehabilitative efforts to reduce the effects of opium and reduce the demand for narcotics in circulation illegal narcotics. Thus, it is hoped that the decreasing level of demand will gradually turn off the illicit circulation of narcotics. The concept of restorative law, which emphasizes returning to the original state, is expected to be a solution to suppress narcotics cases specifically for addicts and victims of narcotics abuse as well as emphasize the application of rehabilitative law to addicts and victims of narcotics abuse at the inquiry/investigation level and rule out the implementation of repressive laws that are no longer relevant to be replaced, with a legal breakthrough that places more emphasis on the original situation in a more humane but effective way, namely rehabilitation.

With the implementation of the National Police Chief's regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice, it is hoped that this will be a more effective legal breakthrough in line with the transition of law enforcement in Indonesia to restorative law enforcement. In particular, in the handling of Narcotics Crime cases against Drug Addicts and Victims of Narcotics Abusers based on restorative justice, the aim of the author in writing this article is to analyze the extent of the effectiveness of law enforcement based on restorative justice as per National Police Chief Regulation Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice, it can eradicate narcotics crimes for addicts and victims of narcotics abuse.

Discussion

1. Arrangements for Sentencing Victims and Victims of Narcotics Abuse

The policy of dealing with the dangers and abuse of drugs in Indonesia has started since the Drug Ordinance's enactment (Verdoovende Middelen Ordonnantie, Stbl. 1927 No. 278 jo. No. 536). This ordinance was later replaced by Law no. 9/1976 concerning Narcotics, which was declared effective on 26 July 1976. In the latest development, Law no. 9/1976 was replaced with Law no. 22/1997 (Nawawi, 2006). Regulations regarding Narcotics Abusers and Narcotics Abuse Victims are specifically regulated in the provisions of Law Number 35 of 2009 concerning Narcotics replacing Law Number 22 of 1997 concerning Narcotics, which is no longer in accordance with the development of the situation and conditions that are developing to overcome and eradicate criminal acts.

Narcotics Abusers, as stipulated in Article 1 paragraph (15) of Law Number 35 of 2009 concerning Narcotics reads: Narcotics Abusers are people who use Narcotics without rights or against the law, then Victims of Narcotics Abuse as provided in the explanation of Article 54 of Law Number 35 2009 concerning Narcotics reads: What is meant by "victim of narcotics abuse" is someone who accidentally uses narcotics because they are persuaded, deceived, deceived,

forced, and/or threatened to use narcotics. As stated in the article, there is a clear distinction between drug abusers and victims of narcotics abuse. If we look at it comprehensively, there are differences between Narcotics Abusers and Victims, namely. Narcotics Abusers have the freedom of will to use or not use Narcotics, so there is an element of intentionality in the act of using Narcotics. At the same time, Narcotics Abuse victims, under certain circumstances or because external factors influence them to use drugs, do not. There is an element of intent among victims of narcotics abuse. In criminal law theory, intent is an important point that needs to be proven whether there is an element of intent. According to Sudarto, what is meant by deliberate? Our Criminal Code does not provide a definition. Instructions for understanding the meaning of intentionality can be taken from M.v.T. (Memorie van Toelichting), which defines "intentional" (opzet) as "willing and knowing" (Sudarto, 2009) ^[8]. In the context of victims of narcotics abuse, the victim does not know and desire the act of using narcotics; this is different from the abuser, who desires and knows the act of using narcotics. In some cases, there is no intentional element in victims of narcotics abuse due to the influence of external factors, so they are referred to as "victims" of narcotics abuse.

The provisions of Law Number 35 of 2009 concerning Narcotics apply as special criminal regulations in enforcing Narcotics law. Bijzonder strafrecht, or special criminal law, is a criminal law that deviates from the general provisions of criminal law both in material and formal terms. This means that these provisions deviate from the general provisions contained in the Criminal Code or deviate from the general provisions contained in the Criminal Procedure Code (KUHAP) (Hiariej, 2021) ^[10]. Special provisions for Narcotics Addicts and victims of Narcotics Abuse are contained in Article 54 of Law Number 35 of 2009 concerning Narcotics which reads: Narcotics Addicts and victims of Narcotics Abuse are required to undergo medical rehabilitation and social rehabilitation, furthermore in Article 127 paragraph (3) it reads: In the event Abusers as referred to in paragraph (1) can be proven or proven to be victims of Narcotics abuse, Abusers are required to undergo medical rehabilitation and social rehabilitation. As these provisions emphasize, if a narcotics crime is found to be an addict and victim of narcotics abuse, medical rehabilitation and social rehabilitation are mandatory under the law. Furthermore, article 127, paragraph (3) emphasizes the obligation to carry out rehabilitation; if it can be proven or proved that you are a Narcotics Abuser, then legally, you must be rehabilitated. Rehabilitation is an effort to restore and restore the condition of former NAZA abusers/dependents back to health in the sense of physical, psychological, social and spiritual/religious (faith) health. With this healthy condition, it is hoped that they will be able to function normally again in their daily lives at home, at school/campus, at work and in their social environment (Laksana, 2015).

2. Rehabilitation Arrangements for Addicts and Victims of Narcotics Abuse

Narcotics crimes, especially crimes against addicts and victims of narcotics abuse, cannot be separated from rehabilitation efforts. Based on the provisions of Law Number 35 of 2009 concerning Narcotics, rehabilitation is divided into two types, namely medical rehabilitation and

social rehabilitation, as stated in Article 1 paragraph (16), which reads: Medical Rehabilitation is a process of integrated treatment activities to free addicts from narcotics dependence. Then Article 1 paragraph (17) reads: Social Rehabilitation is a process of integrated recovery activities, both physical, mental and social so that former narcotics addicts can return to carrying out social functions in community life. Rehabilitation for Narcotics crimes, especially for Addicts and Victims of Abuse, is an obligation that Addicts and Victims of Abuse must carry out; this obligation is based on the provisions of Article 4 letter d of Law Number 35 of 2009 concerning Narcotics, which reads: The Narcotics Law aims to guarantee regulation of medical and social rehabilitation efforts for Narcotics Abusers and Addicts. Furthermore, the provisions of Article 54 read: Narcotics Addicts and Narcotics Abuse Victims are required to undergo medical rehabilitation and social rehabilitation.

Rehabilitation obligations are also regulated in the provisions of Article 13 paragraph (2) of Government Regulation Number 25 of 2011 concerning the Implementation of Mandatory Reporting of Narcotics Addicts, which reads: The obligation to undergo medical rehabilitation and/or social rehabilitation as referred to in paragraph (1) also applies to Narcotics Addicts ordered based on: a. court decision if the Narcotics Addict is proven guilty of committing a Narcotics crime; b. court determination if the Narcotics Addict is not proven guilty of committing a Narcotics crime. Based on this legal basis, in the author's opinion, it can be concluded that rehabilitation efforts can be carried out through a judge's determination or a judge's decision first, as reinforced by the provisions of Article 103 paragraph (1) of Law Number 35 of 2009 concerning Narcotics which reads: Judges who examine cases of addicts Narcotics can:

- a. Decide to order the person concerned to undergo treatment and/or care through rehabilitation if the Narcotics Addict is proven guilty of committing a Narcotics crime; or
- b. Determine to order the person concerned to undergo treatment and/or treatment through rehabilitation if the Narcotics Addict is not proven guilty of committing a Narcotics crime.

Based on the legal basis above, it can be concluded that to determine whether an addict or victim of narcotics abuse is in rehabilitation or not is only based on the judge's decision or decision, in this case, when referring to Law Number 35 of 2009 concerning Narcotics there is no room for investigators to determine whether addicts or victims of narcotics abuse will be rehabilitated in the event that addicts or victims of narcotics abuse apply for rehabilitation or if addicts at the investigation stage and victims of narcotics abuse are caught in a sting operation In line with the development of legal provisions in Indonesia, especially law enforcement for narcotics crimes, it has developed since the enactment of National Police Chief Regulation Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice. As stipulated in Article 9 paragraph (1), letter b, which reads: Special requirements for drug crimes as intended in Article 7 letter b, include: drug addicts and victims of narcotics abuse who apply for rehabilitation. Based on these provisions, at the inquiry and inquiry level, space is given to implement rehabilitation efforts as

mandated by the Narcotics Law if addicts and victims of narcotics abuse apply for rehabilitation, meaning that there is an effort to stop the case with a note that rehabilitation is submitted. Termination of cases based on restorative justice is an effort to return losses to their original state. This concept is then implemented into Narcotics crimes by emphasizing rehabilitative efforts with certain conditions. The conditions for Restorative Justice to be implemented must meet the general and specific requirements as stated in Article 3 of the National Police Chief's Regulation Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice which reads:

1. Handling of criminal acts based on restorative justice as intended in Article 2 must meet the requirements:
 - a. general; and/or
 - b. special.
2. The general requirements, as referred to in paragraph (1) letter a, apply to the handling of criminal acts based on restorative justice in activities carrying out criminal investigation functions, investigations or investigations.
3. The special requirements, as referred to in paragraph (1) letter b, only apply to the handling of criminal acts based on Restorative Justice in Investigation or Investigation activities.

Based on these legal provisions, it emphasizes that in order for restorative efforts to be carried out, it is mandatory to fulfil general and special provisions. Furthermore, Article 4 regulates general provisions, which read: General requirements as intended in Article 3 paragraph (1) letter a, include: Material; and Formal. The provisions of Article 5 explain the material requirements, which read: The material requirements as intended in Article 4 letter a, include:

- a. Does not cause unrest and/or rejection from the community;
- b. Does not impact social conflict;
- c. It has no potential to divide the nation;
- d. Not radicalism and separatism;
- e. Not a repeat perpetrator of a criminal act based on a court decision; And
- f. Not criminal acts of terrorism, criminal acts against state security, criminal acts of corruption and criminal acts against people's lives.

Based on the material requirements above, if it is related to narcotics crimes, it is necessary to review further whether cases of addicts and victims of narcotics abuse meet the material requirements or not. If the material requirements are met, then it is necessary to continue to see whether the narcotics crime meets the formal requirements or not; specifically, for narcotics crimes, the formal requirements are excluded as stipulated in Article 6 paragraph (1), which reads: The formal requirements as intended in Article 4 letter b, include:

- a. Peace from both parties, except for drug crimes; And
- b. Fulfilling the rights of victims and the responsibilities of perpetrators, except for drug crimes.

If a narcotics crime meets the formal and material requirements as stipulated in the general requirements, then it is necessary to see whether the narcotics crime meets the special requirements or not. Provisions regarding special

requirements for narcotics crimes are contained in the provisions of Article 9 paragraph (1), which reads: Special requirements for Narcotics Crimes as intended in 7 letter b, include:

- a. Narcotics addicts and victims of drug abuse who apply for rehabilitation;
- b. When caught in the act:
 1. Found evidence of drug use for 1 (one) day with the classification of narcotics and psychotropics in accordance with statutory provisions; And
 2. No evidence of a drug crime was found, but the urine test results showed positive for drugs;
- c. Not involved in drug crime networks, distributors and/or dealers
- d. An assessment has been carried out by an integrated assessment team; and
- e. The perpetrator is willing to cooperate with National Police investigators to carry out further investigations.

In terms of determining whether restorative justice can be applied to addicts and victims of drug abuse in order to receive rehabilitation, they need to fulfil the special conditions mentioned above, namely that addicts or victims of drug abuse are required to apply for rehabilitation if they are caught red-handed, evidence of drug use is found for 1 (one) day with classification In accordance with the provisions of statutory regulations and no evidence of drugs was found but the urine test results showed positive for drugs, not involved in a drug network, dealer and/or dealer, has carried out an integrated assessment and the perpetrator is willing to cooperate with investigators to carry out further investigations. As per these provisions, it can be concluded that restorative justice cannot be applied to all narcotics crimes; narcotics crimes that can be resolved with restorative justice are limited to narcotics crimes by addicts and victims of narcotics abuse who meet general and specific requirements. The application of restorative justice in narcotics criminal cases requires caution by investigators because with Perkap number 8 of 2021 investigators and investigators are given the authority to stop narcotics crimes by implementing rehabilitation.

3. Narcotics Law Enforcement Based on Restorative Justice

Criminal law enforcement can be conceptualized simply as the work process of law enforcement (criminal) officials in examining someone suspected of committing a crime to determine whether that person is legally guilty or not (Teodorus, 2016). As the quote states, law enforcement is the work process of law enforcement officers (criminals); of course, the quality of good law enforcement is also supported by good law enforcement officers who work together in a systemized synergy in the criminal justice system. Many factors influence and determine the quality of law enforcement. These factors can be individual quality (HR), quality of institutional/legal structures (including work procedures and management mechanisms), quality of facilities/infrastructure, quality of legislation (legal substance), and quality of environmental conditions (social, economic, political systems, etc.). culture, including the legal culture of society) (Nawawi, 2006).

Narcotics law enforcement is always an interesting thing to discuss because it has its characteristics; apart from the

multi-dimensional nature of this crime, narcotics crimes have a very broad impact on health, society and the international world. The spirit of eradicating narcotics in Indonesia, in line with the enactment of Law Number 35 of 2009 concerning Narcotics, must be supported by a good law enforcement system. Good law enforcement requires accuracy and caution by law enforcement officials so that law enforcement does not misdirect itself and deviate from the essence of good law enforcement. Law enforcement aims to ensure that people obey the law. People's obedience to the law is caused by three things, namely: (1) fear of sin; (2) fear because the power of the authorities is related to the imperative nature of law; (3) fear because they are embarrassed to do evil. Law enforcement using non-penal means has targets and objectives for internalization purposes (Lestari, Wahyuningsih, Endah, 2017) ^[11].

Restorative Justice is an alternative or other method of criminal Justice by prioritizing an integrated approach between perpetrators on the one hand and victims/society on the other hand as one unit to find solutions and return to patterns of good relations in society (Prayitno, 2012) ^[12]. The implementation of restorative justice in Indonesia at the investigation stage emerged when the National Police Chief's Regulation Number 8 of 2021 was passed regarding the handling of criminal acts based on restorative justice. The definition of restorative justice as stated in Article 1 paragraph (3) of the National Police Chief's Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice reads: Restorative Justice is the resolution of criminal acts involving the perpetrator, victim, perpetrator's family, victim's family, community leaders, religious leaders, prominent figures customs or stakeholders to jointly seek a just solution through peace by emphasizing restoration to its original state. At the prosecution stage, implementation related to restorative justice is implemented through Prosecutor's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice as stated in Article 1 paragraph (1), which reads: Restorative Justice is the resolution of criminal cases involving the perpetrator, victim, perpetrator's family/ Victims and other related parties must work together to seek a fair solution by emphasizing restoration to the original situation, and not retaliation. Based on these definitions of restorative justice, it can be concluded that restorative justice is an effort to resolve crimes with an emphasis on restoring the original situation.

Law enforcement based on restorative justice for narcotics crimes, especially for narcotics abusers and victims of narcotics abuse, is an effort to implement restorative justice which emphasizes rehabilitation, not special imprisonment for drug abusers and victims of narcotics abuse, which has been a problem and hurts the sense of justice in narcotics law enforcement. This breakthrough in restorative justice is actually in line with the notion of Criminal Law as the ultimum remedium or final remedy. According to Sudarto, this is why criminal law must be considered as the ultimum remidium, namely "the last remedy" if sanctions or efforts in other branches of law do not work or are deemed ineffective (Sudarto, 2009) ^[8]. The concept of rehabilitation for narcotics crimes means that rehabilitation efforts can return the condition of narcotics abusers or victims of narcotics abuse to their original condition so that they can return to society and live a normal life again.

4. Effectiveness of Law Enforcement Based on Restorative Justice

Regulations regarding law enforcement based on restorative justice, especially law enforcement based on restorative justice against drug abusers and victims of narcotics abuse in Indonesia, are something new at the investigative level, as stated in the National Police Chief's regulation Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice, for breakthroughs. Of course, this law is a question of how its effectiveness is related to criminal law policy. According to Barda Nawawi, criminal law policy (penal policy) is essentially also a criminal law enforcement policy (penal law enforcement policy). Criminal law enforcement policy is a series of processes consisting of three policy stages. First, the formulation policy stage or legislative policy stage, namely, the stage of drafting/formulating criminal law. The second stage of judicial/applicative policy is the stage of implementing criminal law. Third, the executive/administrative policy stage, namely the implementation/execution stage of criminal law (Arief, 2012) [2].

Criminal law policy is linked to law enforcement based on restorative justice. Hence, the stages of formulating National Police Chief Regulation no. 8 of 2021 is a good legal breakthrough that regulates the resolution of criminal acts that focuses on the original condition or emphasizes the rehabilitation of narcotics abusers and victims of narcotics abuse, thus ruling out imprisonment. The second stage is the applicative/law implementation stage, which in this case involves law enforcers at the investigation level, namely the Police. A. source from Antara East Java said that the Directorate of Narcotics Research (Ditresnarkoba) Polda Metro Jaya emphasized that narcotics users who report themselves to the authorities will not be jailed. but was given help and rehabilitated (Antara Jatim). B. Based on this source shows the seriousness of the Police to implement the spirit of restorative justice in narcotics crimes. The third stage is execution; considering that law enforcement based on restorative justice is something new, the execution stage, in this case, is the determination to stop the case of criminal narcotics abusers and victims of narcotics abuse for rehabilitation. Based on sources from Kompas.com, it was stated that the narcotics case involving artist Ardhito Pramono was stopped; according to West Jakarta Metro Police Chief Commissioner Ady Wibowo, the case was stopped on the basis that Ardhito Pramono was a user in line with the principles of restorative justice as stated in Perpol Number 8 of 2021 concerning Handling Restorative Justice Crimes (Antara Jatim, 2023) (Kompas.com).

The effectiveness of law enforcement based on restorative justice in terms of utility is clearly more beneficial than imprisonment. The application of prison sentences in the hope of providing a deterrent effect on perpetrators of drug users and victims of narcotics abuse is certainly less relevant because, as explained in the previous description, narcotics are a medical problem which, of course, requires medical treatment as well, so that the implementation of narcotics crimes, in particular, will be more effective. For victims of narcotics abuse and misuse, this is done by applying restorative justice by means of rehabilitation as long as it meets the elements as stated in National Police Chief Regulation No. 8 of 2021. In the end, a good legal substance must be supported by a good legal structure, meaning that whether law enforcement based on restorative justice is

effective or not will depend on the law enforcement officers, in this case, the police as the implementer of the Perpol. According to Binsar Gultom, it ultimately returns to individuals, as said by a Dutchman named Bernardus Maria Taverne (1874-1944): "Give me good judges, prosecutors, police and advocates, I will definitely eradicate crime even without laws" (Gultom, 2017) [3]. The meaning contained in this quote is that as long as the legal structure, in this case, law enforcement officers can carry out their obligations well, the good rules will certainly be implemented well.

Conclusions

The problem of law enforcement for narcotics crimes, especially for victims of narcotics abuse and narcotics abusers, seems to be harming the sense of justice for narcotics abusers and victims of narcotics abuse with the implementation of prison sentences and rehabilitation issues that have not gone well based on Law Number 35 of 2009 concerning Narcotics is now transforming with the issuance of the National Police Chief's Regulation Number 8 of 2021 concerning Handling of Criminal Offenses Based on Restorative Justice, which after the ratification of this Perpol increasingly confirms the legal breakthrough that narcotics crimes can be implemented with the concept of restorative justice, namely by focusing on healing narcotics abusers and victims of narcotics abuse with rehabilitation that can be carried out at the investigation level. This change certainly addresses the application of criminal penalties to drug abusers and victims of narcotics abuse, which previously was less effective, hurts the sense of justice in society and reaffirms that, basically, criminal sanctions are only limited to the last drug (ultium remedium) which can be applied if there is no other way other than criminal punishment. itself.

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