

Reformulating Indonesia's Narcotics Law on Personal Drug Misuse: A Humanist Approach

*Journal of Asian
Social Science Research*
2024, Vol. 6, No. 2: 209-232
<https://cassr.net/jassr/>
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Hartato Pakpahan*

Brawijaya University, Indonesia

I Nyoman Nurjaya

Brawijaya University, Indonesia

Setiawan Nurdayasakti

Brawijaya University, Indonesia

Nurini Aprilianda

Brawijaya University, Indonesia

Abstract

This study explores the development of more equitable and humane regulations for addressing personal drug misuse in Indonesia, emphasizing a humanist perspective and the principles of restorative justice. Employing a normative legal research methodology, the study critically examines Articles 111–127 of Law Number 35 of 2009 on Narcotics. It also incorporates a comparative analysis of drug policies in countries that have successfully implemented decriminalization and mandatory rehabilitation, such as the Netherlands and Portugal. The findings highlight the limitations of Indonesia's repressive approach, which often exacerbates social marginalization and fails to address the root causes of addiction. In contrast, the rehabilitative models adopted by the Netherlands and Portugal have proven more effective in reducing the negative impacts of drug abuse and fostering reintegration into society. To alleviate the burden on the criminal justice system and promote a more inclusive society, this study recommends legislative reforms that prioritize social rehabilitation and reintegration over

* Corresponding author:

Hartato Pakpahan

Faculty of Law, Brawijaya University

Jalan M.T. Haryono No.169 Malang, Jawa Timur, Indonesia.

Email: hatartopakpahan@student.ub.ac.id

punitive measures. These changes aim to shift Indonesia's drug policy toward a more compassionate and effective framework, balancing public health, social equity, and justice.

Keywords

Restorative justice, drug policy reform, Indonesia narcotic law, rehabilitation, humanist approach

Introduction

Drug trafficking is defined by the UNODC as “a worldwide illicit trade involving the cultivation, manufacture, distribution, and sale of substances subject to drug prohibition laws” (Raineri and Strazzari 2023). Three key international drug control frameworks underpin global efforts to address this issue: the United Nations Single Convention on Narcotic Drugs (1961), the United Nations Convention on Psychotropic Substances (1971), and the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988) (Andreas and Greenhill 2011). However, challenges arise in delineating which substances fall under specific control regimes and determining which actions constitute drug trafficking, as the conventions vary in scope and provisions (Bright, Koskinen, and Malm 2019).

While drugs are indispensable for medical treatment and healthcare, their misuse, especially when linked to criminal trafficking, has severe repercussions for individuals, society, and particularly youth. This duality underscores the complexity of managing drug policies. The consequences are stark: nearly half of all prison inmates are incarcerated due to drug-related offenses, revealing the profound societal impact of narcotics (Novitasari and Rochaeti 2021).

Furthermore, narcotics frequently dominate crime reports in both print and broadcast media, reflecting their pervasive role in criminal activities and public discourse. The intersection of drug misuse and criminal trafficking demands a nuanced approach to drug

policy, balancing public health imperatives with effective measures to combat illegal activities.

Indonesia has a longstanding history of criminalizing narcotics, where the pursuit of economic benefits has intertwined with the evolving dynamics of drug-related commerce (Maskun 2017). The drug trade remains one of the most critical challenges confronting Indonesian law enforcement today (Efendi and Handoko 2022). To address this, Indonesia has implemented legal frameworks such as Law No. 35 of 2009 on Narcotics and Law No. 5 of 1997 on Psychotropics, which regulate the distribution and use of various narcotics and psychotropic substances.

Despite these regulations, significant challenges persist, particularly in addressing cases of drug misuse, including self-abuse. While laws such as Articles 111–127 of Law No. 35 of 2009 prohibit all forms of drug-related activities—including possession, control, storage, and use—current enforcement practices often fail to differentiate between drug dealers, users, and individuals struggling with self-abuse. This lack of distinction results in overly punitive measures that disproportionately affect users and those in need of rehabilitation rather than criminal prosecution.

This situation presents a significant challenge in managing drug misuse in Indonesia. On one hand, the state must adopt a firm stance against drug trafficking to mitigate its harmful societal impacts. On the other hand, a punitive approach that fails to provide treatment or rehabilitation for drug abusers risks perpetuating injustice. Rather than severe criminal punishment, individuals struggling with addiction often require medical and psychological support (Qc et al. 2018).

A harsh, indiscriminate approach that does not differentiate between drug dealers and self-abusers raises critical issues (Clark Muradi et al. 2020). Several measures are urgently needed to address this. First, the imposition of severe criminal penalties on addicts seeking help to overcome dependency not only affects their lives but also exacerbates societal stigma, hindering their rehabilitation

and reintegration (Gukguk and Jaya 2019). Articles 111 to 127 of the Narcotics Law must be critically reviewed to ensure a more equitable legal framework focused on recovery rather than punishment.

Second, the overemphasis on criminalizing self-abuse has overwhelmed the criminal justice system and penal facilities (Rachmawati et al. 2021). Statistics reveal that drug-related offenses account for the majority of inmates, contributing to overcrowded prisons and highlighting the ineffectiveness of current enforcement strategies. Instead of deterring future criminal behavior, incarceration often leads to recidivism.

Third, drug control laws for self-abusers should be rethought from a public health and compassionate perspective (Netherland and Hansen 2017). A system emphasizing rehabilitation over criminal punishment offers a path to recovery and reintegration into society. Some nations have successfully reduced drug misuse and its societal impact by decriminalizing self-administered drug use and implementing mandated recovery programs.

Fourth, Indonesia's efforts to address drug problems require enhanced support from health and rehabilitation facilities. Greater collaboration between the healthcare and judicial systems is essential to provide comprehensive treatment for drug addicts (Putri, Utami, and Lesmana 2022). Amending the Narcotics and Psychotropic Substances Law to redirect offenders toward community-based rehabilitation programs is vital. Simultaneously, public awareness campaigns and educational initiatives targeting youth can play a crucial role in prevention.

The overarching goal of this study is to assist Indonesian policymakers in developing a fairer approach to individual cases of drug use. This research explores the potential for reformulating policies that effectively reduce drug addiction while improving the lives of those affected. By adopting a humanist and public health-oriented perspective, laws can better distinguish between dealers and users, ensuring long-term solutions for individuals trapped in dependency cycles.

This study's foundation lies in analyzing relevant articles from the Narcotics and Psychotropics Laws, particularly those regulating possession, storage, and control. It assesses the effectiveness of current legal measures in addressing drug misuse for personal purposes. Additionally, it examines how other nations have implemented decriminalization and rehabilitation programs and evaluates their applicability to Indonesia's unique legal and cultural context.

The theoretical framework for this study is restorative justice, which focuses on social repair and reintegration rather than punishment. This approach provides a more comprehensive understanding of how to revise Indonesian drug policies to achieve long-term goals, such as reducing drug consumption and safeguarding individuals' rights. The ultimate aim is to support policymakers in crafting equitable and effective regulations that prioritize societal restoration and protection over punitive measures. By doing so, Indonesia can address its drug problem more compassionately and sustainably while maintaining public safety and order.

This article's problem formulation is based on the preceding discussion. It seeks to answer: How can restorative justice be constructed in Indonesia to regulate the ownership, storage, and control of drugs for self-abusers? and how would a humanist approach to criminal law, in contrast to the current punitive strategy, impact the rehabilitation of drug abusers?

This study makes a unique contributions to the existing body of research on drug policy and restorative justice by addressing a context-specific analysis, a gap that previous studies have not fully explored. While many studies (e.g., Anderson and Rees 2014; Bright et al. 2019; Felix and Portugal 2017; Fountain and Korf 2007; Netherland, Julie, and Helena Hansen. 2017; Raineri, Luca, and Francesco Strazzari. 2023; Van Schipstal, Inge, Swasti Mishra, Moritz Berning, and Hayley Murray. 2016; Weinberg, Darin. 2013) focus on international contexts, this research specifically examines Indonesia's unique legal, cultural, and societal challenges.

It contributes to understanding how global best practices, such as decriminalization and rehabilitation, can be adapted to Indonesia's legal framework and societal norms.

Research Method

This study employs a normative legal research strategy rooted in a legislative framework (Qamar et al. 2017). This approach centers on analyzing statutes and legal concepts related to the control, storage, and possession of drugs for self-users. A statutory approach is the primary methodology, critically examining regulations such as Law Number 35 of 2009 concerning narcotics. The aim is to evaluate the effectiveness of these provisions in fostering restorative justice and implementing a more compassionate response to cases of drug misuse.

The research draws on primary, secondary, and tertiary legal literature to support its analysis and discussion. Primary sources include laws, regulations, executive orders, and court judgments relevant to drug misuse, specifically Articles 111–127 of Law Number 35 of 2009, which govern narcotics control, storage, and possession. Secondary sources comprise books, scholarly articles, and journals that explore drug policy, restorative justice, and humanist approaches to criminal law. By examining the policies of countries that have implemented decriminalization and mandatory rehabilitation programs, this study evaluates their applicability to Indonesia's legal and cultural framework. Tertiary resources, such as legal dictionaries, encyclopedias, and indexes, are also utilized to enrich the analysis and provide a comprehensive understanding of the relevant issues and references.

A prescriptive approach is employed for qualitative analysis. This method involves interpreting and assessing the substance of current legal provisions to provide recommendations for policy reformulation. The study examines the real-world application of these regulations, particularly in cases of personal drug misuse.

Subsequently, it compares Indonesia's legal framework to those of other countries, highlighting more equitable and effective policy alternatives.

The research methodology is designed to address key issues by thoroughly analyzing current laws and regulations to identify shortcomings in handling drug addiction cases. By integrating a humanist perspective into criminal law, the study seeks to evaluate the feasibility of enhancing rehabilitation-focused approaches for drug addicts. Comparative analysis of Indonesian and international legal frameworks aims to illuminate potential revisions to Indonesian legal policy, emphasizing social rehabilitation and reintegration through restorative justice principles.

Ultimately, this methodology provides practical solutions for policymakers, offering a thorough understanding of existing legal limitations while presenting strategies for developing more equitable and effective regulations. The findings aim to guide reforms that balance justice with compassion, fostering a legal framework that prioritizes societal restoration and sustainable outcomes.

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

A new phase in the evolution of Indonesia's criminal law system is emerging (Muhtar et al. 2023). As a reformative approach, restorative justice aims to shift the focus of criminal law from punishment or compensation to restoring conditions disrupted by criminal incidents and justice processes. Unlike retributive justice, which emphasizes punishment, or restitutive justice, which centres on compensation, restorative justice seeks to repair harm and rebuild relationships. The "Doer-Victims" Relationship method exemplifies this approach, replacing the traditional "*daad-dader strafrecht*" (action/perpetrator approach) with a more nuanced understanding of crime and accountability (Moser and Clark 2001).

Restorative justice, though relatively new to Indonesia, has been recognized as a distinct concept since the 1960s (Wenzel et al. 2008). It has gained traction not only in academic discussions within criminal law and criminology but also in practical applications within the traditional criminal justice systems of various developed nations. Countries such as the United States, Australia, and several European nations have integrated restorative justice principles at multiple stages of the criminal justice process—from investigation to prosecution, adjudication, and execution (Latimer, Dowden, and Muise 2005).

The fundamental goal of restorative justice is to restore relationships among offenders, victims, and society at large. This holistic approach moves beyond addressing the immediate crime and its consequences, aiming instead to foster reintegration and community healing. By prioritizing the repair of harm over punitive measures, restorative justice offers a comprehensive strategy for addressing criminal behaviour, emphasizing accountability, rehabilitation, and the restoration of societal harmony (Hoondert and Martínez 2020).

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 (Barkow 2020). Her 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 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. She 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 attention to the idea of restorative justice. The focus of conventional criminal law has been on punishment, but this idea presents an alternative (Faisal, Abdullah, and Sudiro 2020). 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 the issue of drug abuse, an ideal legislative framework that incorporates restorative justice principles is necessary. This framework must prioritize the abuser's needs, focusing on

rehabilitation and recovery rather than punishment alone. The goal is to establish legislative frameworks that facilitate offenders' access to comprehensive rehabilitation programs while involving victims and the community in the broader healing process (Samsuria 2022). A judicial system focused on rehabilitation, rather than retribution, should benefit all parties, including society at large.

Countries like Portugal and the Netherlands have made significant strides in drug policy reform by shifting their focus toward more humane, recovery-oriented strategies. Unlike authoritarian approaches that prioritize punishment, these two nations have demonstrated that rehabilitation and social integration, rather than punishment alone, can be effective in addressing drug dependence.

For instance, Portugal decriminalized the personal use of opioids in 2001. This shift moves drug use cases from the criminal justice system to the administrative one. It does not mean that drugs are legal in Portugal, but rather that individuals caught with small amounts are no longer subjected to criminal prosecution (Félix and Portugal 2017). Instead, Portugal established "Dissuasion Commissions," composed of social and health experts, to assess users' needs, offer advice, and, if necessary, refer them to recovery programs. Under Law No. 30/2000, Portugal decriminalized the possession of small quantities of drugs for personal use. This law introduces an administrative approach rather than a criminal one. Individuals found with drugs in quantities deemed sufficient for personal use—up to ten days' worth—are no longer subject to criminal prosecution. Instead, they are directed to the "Comissões para a Dissuasão da Toxicodependência" (Commission for the Diversion of Narcotic Dependence), composed of psychologists, physicians, and social workers (Martins 2013).

The primary purpose of this commission is not punishment, but rather to evaluate the user's health and determine whether they require any form of care. While administrative penalties may include fines or community service, the central focus remains rehabilitation.

This approach has led to a significant reduction in drug-related crime, a decrease in the number of HIV infections due to needle sharing, and a marked drop in the number of individuals who develop drug dependence after initial use. Law No. 30/2000, which establishes the legislative framework for this compassionate, health-focused approach, outlines the processes for referring users to dissuasion commissions in Articles 2–12.

The Netherlands adopts a more permissive yet controlled approach to drug policy. The “gedoogbeleid,” or tolerance policy, distinguishes between “hard” drugs and “soft” drugs like marijuana. Stringent regulations govern the sale of marijuana at coffee shops, which are allowed to sell it despite its partial legality. The Dutch policy aims to minimize the negative effects of drug use, reduce addiction rates, and protect public health. Rather than immediately punishing individuals found using narcotics, the policy refers them to health and rehabilitation resources (Van Schipstal et al. 2016).

The legal foundation for drug regulation in the Netherlands is provided by the Opiumwet, introduced in 1919 and revised in 1976. This law differentiates between “soft” and “hard” drugs (van der Vorm 2019). Under this framework, coffee shops are allowed to sell marijuana and other “soft” drugs, subject to strict regulations such as prohibiting advertising, selling to minors, and selling in bulk. However, the use of “hard” drugs remains subject to harsh criminal penalties (Grund and Breeksema 2013). 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.

In Indonesia, Law No. 35 of 2009, Regulating Narcotics, establishes the legal framework for narcotics. 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.

The current legal approach tends to conflate drug traffickers with individuals who misuse drugs for personal use. This conflation results in abusers facing the same criminal risks as traffickers, particularly when apprehended with large quantities of drugs that may still be intended for personal use (Tatara 2023). For example, Article 127 of the Drugs Law stipulates that any individual found in possession of Class I, II, or III drugs may face a maximum prison term of four years. Although this provision allows offenders the option of rehabilitation instead of incarceration, its implementation often falls short of its intended potential (Tohari and Rokhim 2020). Consequently, many drug abusers serve prison sentences without ever receiving access to rehabilitation programs designed to address their specific needs.

When compared to the policies of the Netherlands and Portugal, Indonesia remains firmly committed to a repressive approach, focusing primarily on punishment rather than rehabilitation. In Portugal, minor drug users are addressed with an emphasis on treatment and healthcare instead of criminal penalties, while the Netherlands adopts a more tolerant approach, carefully regulating the use of mild drugs such as marijuana without criminalizing users. Both nations have demonstrated that public health and rehabilitation-focused policies are more compassionate and effective in mitigating the harmful consequences of drug abuse.

In Indonesia, individuals caught consuming drugs often face worsening social conditions due to the stringent provisions of the

Narcotics Law. Lengthy prison sentences and the considerable social stigma following incarceration exacerbate their challenges. Reforming drug policies to prioritize restorative justice and rehabilitation, as seen in other countries, could yield significant benefits for both individuals struggling with addiction and society at large.

A thoughtful and targeted transformation is essential to develop a legal framework in Indonesia that incorporates restorative justice principles while respecting the country's unique legal and socio-cultural context. This legal evolution could begin by adopting a more humanistic approach, inspired by the models of the Netherlands and Portugal, yet tailored to Indonesia's specific circumstances.

To start, the overly restrictive provisions in Law No. 35 of 2009 concerning narcotics, particularly Articles 111–127, require immediate reform. These revisions could take cues from the Portuguese model, where small-scale personal drug use is decriminalized and handled administratively. Indonesia could establish a commission or agency akin to Portugal's "Dissuasion Commissions," staffed by medical professionals, psychologists, and social workers. This body would assess cases involving drug possession exceeding certain limits and recommend appropriate measures such as counseling or rehabilitation, bypassing the criminal justice system.

Additionally, Indonesia could consider adopting a regulatory framework similar to the Dutch approach, differentiating between various categories of drugs. This framework could allow for a higher tolerance of mild narcotics, such as marijuana, under strict regulation while maintaining severe penalties for trafficking and misuse of stronger narcotics. For instance, the controlled use of mild drugs for medicinal or therapeutic purposes could be permitted under stringent oversight. Community leaders, traditional institutions, and religious figures could play crucial roles in rehabilitating and reintegrating former drug users into society, preserving Indonesia's legal and cultural identity.

The Indonesian judicial system must also prioritize the needs of individuals and communities affected by drug misuse to demonstrate a genuine commitment to restorative justice. Holistic rehabilitation programs could provide not only medical treatment but also social recovery services, such as skills training, emotional support, and reintegration initiatives. Collaboration between the government, NGOs, and private companies could ensure adequate facilities and programs are available to support this effort.

Incorporating restorative justice models from the Netherlands and Portugal into Indonesian law could significantly reduce the burden on the criminal justice system and overcrowded prisons. This approach would offer offenders better opportunities for recovery and reintegration into society. Over time, this balanced legal framework could contribute to a fairer and more harmonious society, striking an essential equilibrium between strict law enforcement and the protection 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 among the nations grappling with the challenge of addressing drug misuse within its criminal justice system. In recent decades, there has been a global shift from punitive approaches to models emphasizing compassion and recovery (Fauzi et al. 2023). Traditionally, Indonesia has adhered to a punitive framework that focuses on punishing offenders. However, evidence increasingly suggests that this strategy is ineffective in reducing drug misuse and may exacerbate the social issues faced by addicts (Terry-McElrath and McBride 2004).

A humanist approach to criminal law offers an alternative that prioritizes rehabilitation and societal reintegration (Weinberg 2013). This perspective recognizes that drug abusers are often victims of underlying socioeconomic or psychological conditions that require

supportive interventions rather than punishment. It reframes drug abusers not as criminals but as individuals who could benefit from tailored rehabilitation programs to address their specific needs.

The humanist approach has drawn the attention of experts worldwide, reflecting its multifaceted benefits. João Goulão, a key figure behind Portugal's drug decriminalization program, argues that addicts are individuals in need of help, not punishment. He emphasizes that punitive measures often exacerbate dependency issues and isolate vulnerable individuals further (Tomás et al. 2016). Portugal's success in reducing drug misuse and related health crises, such as HIV infections, underscores the effectiveness of a comprehensive, rehabilitation-centered system.

Similarly, Dirk J. Korf, a Dutch legal expert, highlights the benefits of distinguishing between "soft" and "hard" drugs. By regulating mild narcotics and focusing enforcement on serious offenses, countries like the Netherlands have reduced the burden on their criminal justice systems while minimizing societal harm. Korf advocates for harm reduction strategies that prioritize user safety and societal well-being (Fountain and Korf 2007; United Nations Office on Drugs and Crime 2017).

In Indonesia, Eva Achjani Zulfa has long criticized the limitations of authoritarian drug policies. She emphasizes that many drug users face significant social and economic challenges that punitive measures fail to address. Zulfa advocates for community-supported rehabilitation programs and legislation that enable abusers to recover without the stigma of criminal penalties (Meliala 2015).

Despite these benefits, some experts remain cautious about adopting a humanist approach. Basrief Arief, a former Attorney General of Indonesia, argues that stringent legal measures are essential in combating drug trafficking. He warns that leniency could undermine efforts to control drug distribution and erode public trust in the justice system (Siregar 2020). Jeffrey Miron, a Harvard economist, adds that decriminalization must be accompanied by

robust economic investments in rehabilitation programs to prevent worsening social problems. Miron stresses the importance of integrating drug policy into broader economic and social frameworks (Anderson and Rees 2014).

Incorporating humanism into Indonesia's legal system requires addressing its ontological, epistemological, and axiological foundations. Ontologically, the legal system must shift from viewing drug misuse solely as a criminal act to recognizing it as a complex issue rooted in socioeconomic and psychological factors. This shift would acknowledge the human dignity of individuals and focus on addressing the underlying causes of addiction.

Epistemologically, Indonesia's legal framework currently prioritizes retribution, assuming that harsh penalties deter drug misuse. However, global evidence, particularly from Portugal, demonstrates that health-focused interventions yield better outcomes. A transition to rehabilitation and social reintegration would necessitate a paradigm shift in the knowledge systems underpinning legal policies.

Axiologically, the values guiding Indonesia's criminal justice system must evolve to prioritize rehabilitation, societal well-being, and the common good over punitive measures. Restorative justice emphasizes compassion, recognizing society's moral responsibility to support individuals in overcoming addiction and reintegrating into their communities.

Legislative reform should focus on revising Law No. 35 of 2009 on narcotics, particularly its provisions imposing severe penalties. Drawing from Portugal's model, Indonesia could establish institutions similar to "Dissuasion Commissions," comprising medical, psychological, and social experts, to handle drug cases administratively. Mild narcotics could be regulated under a harm reduction framework, permitting controlled medicinal or therapeutic use while maintaining strict penalties for trafficking and misuse of hard drugs.

Community involvement is crucial for successful reintegration. Religious leaders, traditional institutions, and community organizations can play pivotal roles in supporting rehabilitation and reducing stigma. Collaboration between the government, NGOs, and private sectors is essential to provide adequate facilities and programs.

Adopting a humanist and restorative justice approach in Indonesian drug policy offers a pathway to reduce the criminal justice system's burden, address addiction holistically, and foster societal harmony. By reorienting its legal framework, Indonesia can balance strict law enforcement with compassion, creating a system that values human dignity and promotes public health. This transformation aligns with global trends and positions Indonesia as a leader in innovative and humane drug policy reform.

Conclusion

This article has indicated that adopting a restorative justice framework would be a more effective and humane approach to addressing drug ownership, storage, and management for individuals engaging in self-abuse in Indonesia. Unlike the current punitive strategy, which often fails to address the root causes of addiction, restorative justice emphasizes rehabilitation, societal reintegration, and harm reduction. By decriminalizing small amounts of drugs and redirecting cases to rehabilitation rather than incarceration, Indonesia can create a more equitable and inclusive legal system while mitigating the adverse effects of drug abuse. Examples from the Netherlands and Portugal demonstrate the potential of such reforms to balance public health and legal enforcement effectively.

However, this study is not without its limitations. Its analysis primarily draws from secondary data and comparative studies, which may not fully capture the cultural and legal complexities unique to Indonesia. Therefore, further empirical research, particularly involving interviews and surveys with key stakeholders—law enforcement,

healthcare professionals, policymakers, and individuals impacted by drug laws—would provide deeper insights. By addressing this, future research can provide a more nuanced understanding of how restorative justice can be tailored to Indonesia’s legal and cultural landscape, paving the way for transformative drug policy reform.

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