

## ANALYSIS OF THE SETTLEMENT OF THE NARCOTICS CRIMINAL CASE OF THE SUSPECT "JHT" THROUGH THE RESTORATIVE JUSTICE APPROACH BY THE SORONG PROSECUTOR'S OFFICE

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### Abstract

Penelitian ini membahas penyelesaian kasus kejahatan narkoba terhadap tersangka "JHT" melalui pendekatan keadilan restoratif oleh Kejaksaan Negeri Sorong. Isu narkoba cenderung dipahami sebagai kejahatan yang harus dijawab dengan hukuman, sedangkan pada kasus-kasus tertentu, terutama bagi penyalahguna atau korban penyalahgunaan narkoba, pendekatan rehabilitasi mungkin lebih tepat. Penelitian ini bertujuan untuk menganalisis dasar hukum, mekanisme, dan pertimbangan Kejaksaan dalam melaksanakan penyelesaian kasus narkoba melalui keadilan restoratif. Metode yang digunakan adalah penelitian hukum normatif dengan pendekatan statutori, konseptual, dan studi kasus. Materi hukum diperoleh dari peraturan perundang-undangan, pedoman Kejaksaan, jurnal hukum, buku, dan sumber resmi terkait kasus tersangka "JHT". Hasil penelitian menunjukkan bahwa pendekatan keadilan restoratif dalam kasus narkoba tidak dimaksudkan untuk membebaskan pelaku dari tanggung jawab hukum, melainkan menggeser penyelesaian dari orientasi hukuman ke pemulihan melalui rehabilitasi. Kejaksaan berperan penting melalui prinsip *dominus litis* karena memiliki kewenangan untuk mengendalikan penuntutan dan menilai kesesuaian perkara untuk penyelesaian restoratif. Namun, implementasinya harus tetap memperhatikan syarat-syarat ketat, seperti status tersangka, jumlah barang bukti, hasil penilaian terpadu, dan tidak terlibat dalam jaringan perdagangan narkoba.

**Kata kunci:** kejahatan narkoba; keadilan restoratif; rehabilitasi; Kantor Kejaksaan Distrik Sorong; *dominus litis*

### Abstract

*This study examines the settlement of a narcotics crime case involving the suspect "JHT" through a restorative justice approach by the Sorong District Prosecutor's Office. Narcotics cases are often viewed primarily as crimes that must be resolved through punishment. However, in certain situations, particularly when the suspect is categorized as a drug abuser or victim of drug abuse, a rehabilitative approach may be more appropriate. This research aims to analyze the legal basis, mechanism, and prosecutorial considerations in applying restorative justice to narcotics cases. The study uses normative legal research with statutory, conceptual, and case approaches. Legal materials are obtained from laws and regulations, prosecutorial guidelines, legal journals, books, and official sources related to the "JHT" case. The findings indicate that restorative justice in narcotics cases is not intended to eliminate legal responsibility, but to redirect the settlement process from a punitive orientation toward recovery through rehabilitation. The Prosecutor's Office plays a strategic role through the principle of *dominus litis*, as prosecutors have the authority to control prosecution and assess whether a case is eligible for restorative settlement. Nevertheless, its implementation must follow strict requirements, including the suspect's legal status, the amount of evidence, integrated assessment results, and the absence of involvement in illicit narcotics trafficking networks.*

**Keywords:** narcotics crime; restorative justice; rehabilitation; Sorong District Prosecutor's Office; *dominus litis* principle.

## 1. INTRODUCTION

The narcotics problem is a growing criminal law issue in Indonesia. Narcotics crimes are not only related to legal violations but also touch on health, social, economic, and national resilience issues. To date, drug cases have been largely handled within the criminal justice system, resulting in perpetrators found guilty of drug abuse often being sentenced to prison. However,

Not all drug cases are the same. Some cases are related to illicit trafficking and organized crime networks, while others are more accurately viewed as abuse or dependency issues requiring rehabilitation. This distinction is important because inappropriate legal resolution can have lasting consequences, such as overcrowding in correctional facilities, failure to recover from drug abuse, and recurrence of drug abuse after serving time.

Law Number 35 of 2009 concerning Narcotics essentially regulates not only the eradication of narcotics crimes but also includes space for treatment and rehabilitation for addicts and victims of narcotics abuse [1]. This shows that narcotics law in Indonesia has two sides that must be carefully distinguished: the repressive side against the illicit trafficking of narcotics and the rehabilitative side against abusers or victims of abuse. In practice, this distinction often presents a challenge because law enforcement officers must be able to assess a person's position in a case, whether they act as a dealer, intermediary, part of a network, or actually as a user who requires medical and social treatment. Therefore, a more proportional legal approach is needed so that law enforcement does not only pursue punishment but also achieves the goal of recovery.

In the development of modern criminal law, the restorative justice approach has become an alternative approach to resolving certain criminal cases. This approach emphasizes restoration of the situation, the perpetrator's responsibility, the involvement of related parties, and a resolution that is not solely oriented towards revenge. In the context of narcotics cases, restorative justice does not mean erasing guilt or allowing perpetrators to go free without legal responsibility. Rather, this approach is aimed at ensuring that drug abusers who meet certain requirements can undergo rehabilitation as a form of recovery. Thus, case resolution is not solely determined by the presence or absence of criminal penalties, but also by the legal system's ability to restore perpetrators to a better social situation and prevent recurrence.

The Prosecutor's Office holds a crucial position in implementing this approach because it holds the principle of *dominus litis*, the authority to control the prosecution of criminal cases. Through this authority, the Prosecutor not only acts as the party that transfers cases to the courts but also controls the direction of case resolution in accordance with the law and the public's sense of justice. This position is further strengthened by the Attorney General's Guidelines Number 18 of 2021 concerning the settlement of drug abuse criminal cases through rehabilitation using a restorative justice approach as an implementation of the Prosecutor's principle of *dominus litis* [2]. These guidelines serve as an important basis for Prosecutors to assess whether a drug case can be resolved through rehabilitation mechanisms or must continue to the regular criminal justice process.

The application of restorative justice in drug cases cannot be carried out freely and without limits. Several requirements must be met, such as the suspect's status, the amount of evidence, laboratory test results, the suspect's involvement in a drug trafficking network, and the results of an integrated assessment. These requirements are crucial to prevent abuse of the policy and ensure that the restorative approach is truly provided to those who qualify as drug abusers, addicts, or victims of drug abuse. In other words, this policy should be understood as a form of selective case handling, not as a concession to legal leniency in drug crimes.

One of the interesting cases to study is the settlement of the narcotics crime case against the suspect "JHT" through a restorative justice approach by the Sorong District Attorney. Based on official information from the West Papua High Prosecutor's Office, the case of the suspect "JHT" received approval for settlement through restorative justice by the Deputy Attorney General for General Crimes through Director B. This case is relevant to analyze because it shows the direct application of the Prosecutor's *dominus litis* principle in handling narcotics cases at the regional level [3]. In this context, the Sorong District Attorney's Office not only carries out formal prosecution functions but also applies an approach that considers aspects of rehabilitation and recovery.

A study of the case of suspect "JHT" is important because the application of restorative justice in drug cases still raises various academic and practical questions. On the one hand, this approach is seen as a progressive step because it can prevent drug abusers from facing imprisonment, which does not necessarily address the root of the problem. On the other hand, its implementation must be continuously monitored to avoid the impression that drug cases can be easily resolved without adequate legal process. Therefore, an analysis is needed that places

"JHT" cases within a clear legal framework, particularly by linking them to the Narcotics Law, Attorney General's Guidelines Number 18 of 2021, and the principles of restorative justice in the criminal justice system.

Furthermore, the urgency of this research is also related to the need to reform the paradigm of criminal law enforcement in Indonesia. A criminal justice system that focuses too much on imprisonment is often ineffective in resolving cases related to drug addiction. Drug abusers imprisoned without rehabilitation are at risk of returning to drug use after release. Moreover, overcrowding in correctional facilities can create new problems, including suboptimal inmate development. Therefore, rehabilitation through a restorative justice approach can be a more rational option as long as it is implemented carefully, transparently, and based on objective assessments.

Based on this description, this study aims to analyze the resolution of the narcotics crime case involving suspect "JHT" through a restorative justice approach by the Sorong District Attorney's Office. The main focus of this study is to examine the legal basis, mechanisms, and the suitability of the case resolution with the principles of rehabilitation and *dominus litis*. This study also seeks to determine whether the approach used is in line with the objectives of modern criminal law, namely not only providing legal certainty but also bringing justice and benefits to society.

The research questions are as follows. First, what is the legal basis for resolving narcotics crime cases through a restorative justice approach by the Prosecutor's Office? Second, what is the mechanism for resolving the case of suspect "JHT" through a restorative justice approach by the Sorong District Prosecutor's Office? Third, how does the resolution of this case align with the principles of rehabilitation, the principle of *dominus litis*, and the objectives of restorative justice? These research questions serve as the basis for constructing an analysis in the discussion section so that this research is not only descriptive but also able to provide a legal assessment of the case resolution practices carried out.

The purpose of this study is to determine and analyze the legal basis for resolving narcotics cases through a restorative justice approach, explain the mechanism for resolving the case of suspect "JHT" by the Sorong District Attorney's Office, and assess its compliance with the principles of rehabilitation and the principle of *dominus litis*. Theoretically, this study is expected to contribute to the development of criminal law studies, particularly regarding the application of restorative justice in narcotics cases. Practically, this study is expected to be a consideration for law enforcement officials, especially the Attorney General's Office, so that the application of restorative justice in narcotics cases is carried out objectively, selectively, and still supports the goal of recovery without ignoring legal certainty.

## **2. LITERATURE REVIEW**

### **2.1 Narcotics Crimes from a Criminal Law Perspective**

Narcotics crimes are part of special criminal law because their regulations are outside the Criminal Code. In Indonesian law, the main regulations regarding narcotics are contained in Law Number 35 of 2009 concerning Narcotics. This law not only regulates the prohibition and criminal threats against the illicit trafficking of narcotics, but also contains provisions regarding the prevention, eradication, treatment, and rehabilitation of parties who are dependent on or become victims of narcotics abuse [1]. Thus, narcotics crimes cannot be understood solely as a matter of punishment, because there are health and recovery dimensions that must also be considered.

In law enforcement practice, narcotics cases have diverse characteristics. Some perpetrators act as producers, dealers, couriers, distributors, intermediaries, and others simply act as abusers. This distinction is crucial because it determines the direction of case handling. For perpetrators involved in illicit drug trafficking networks, a firm criminal approach remains necessary because their actions threaten the wider community. However, for drug abusers or addicts not involved in illicit trafficking networks, a rehabilitative approach may be considered more appropriate because the primary issues relate to dependence and the need for recovery.

Criminalizing drug abusers often creates new problems if not accompanied by rehabilitation. Imprisonment can provide a formal deterrent, but it doesn't always address the root causes of addiction. If someone experiencing addiction is only punished without receiving medical or social rehabilitation, the opportunity for a return to drug abuse remains open. Therefore, in modern criminal law studies, the resolution of drug cases needs to be directed more proportionally, distinguishing between illicit traffickers and abusers who qualify for rehabilitation.

## **2.2 Drug Abusers, Addicts, and Victims of Drug Abuse**

In drug cases, the terms "abuser," "addict," and "victim" of drug abuse do not always have the same meaning. An abuser can be understood as someone who uses drugs without authorization or against the law. A drug addict refers to someone who is dependent on them, either physically or psychologically. Meanwhile, a victim of drug abuse can refer to someone who uses drugs because they were persuaded, tricked, deceived, forced, or under certain circumstances that led to their abuse. This distinction is important because it determines whether someone is more appropriately positioned as a criminal who must be punished or as a subject in need of rehabilitation.

The Narcotics Law provides rehabilitation for drug addicts and victims of drug abuse. This demonstrates the state's recognition of the recovery aspect of drug case management. [1] However, to determine whether someone is truly worthy of rehabilitation, an objective examination is required. This examination cannot be based solely on the suspect's confession; it must be supplemented with supporting data, such as laboratory test results, the amount of evidence, drug use history, and the results of an integrated assessment. In this way, the legal process can avoid two mistakes: punishing people who actually need rehabilitation or providing rehabilitation to people who should be prosecuted as part of an illicit trafficking network.

The position of drug abusers as those who can be directed to rehabilitation is also in line with the development of criminal law policies that no longer solely rely on imprisonment. The National Narcotics Agency report shows that drug abuse remains a serious problem that requires cross-sectoral handling, including aspects of prevention, prosecution, and rehabilitation [4]. Therefore, law enforcement against drug abusers needs to consider the balance between legal certainty and the need for recovery.

## **2.3 The Concept of Restorative Justice**

*Restorative justice* Restorative justice is an approach to resolving criminal cases that emphasizes restoring the situation resulting from the crime. This approach differs from the traditional punishment model, which places greater emphasis on retaliation against the perpetrator. In restorative justice, case resolution is directed at the perpetrator's accountability, the recovery of the victim or community, and the involvement of interested parties in seeking a fairer and more beneficial solution. Hafrida and Usman explain that restorative justice positions criminal cases not only as violations against the state, but also as events that cause harm and need to be restored through the involvement of the parties [5].

In the context of drug cases, the concept of restorative justice has a unique character. Drug cases do not always present direct victims as in crimes of assault or theft. Victims in drug cases can include the abuser themselves, their families, and the wider community. Therefore, the form of recovery in drug cases does not always involve reconciliation between the perpetrator and the victim, but rather focuses on medical and social rehabilitation. Rehabilitation is a more appropriate form of accountability for eligible drug abusers, as the goal is not to allow the perpetrator to walk free without consequences, but rather to restore their condition so they do not return to drug abuse.

The application of restorative justice in drug cases must be selective. Not all drug crimes can be resolved through this approach. Cases related to illicit trafficking, drug networks, or possession of large amounts of evidence are particularly problematic.

must still be processed firmly through the criminal justice system. Therefore, restorative justice cannot be understood as a form of weakening the law, but rather as a more targeted law enforcement strategy. This approach seeks to position drug abusers as those in need of rehabilitation, while illicit traffickers remain classified as serious criminals.

#### **2.4 Rehabilitation as a Form of Recovery in Narcotics Cases**

Rehabilitation is an important part of treating drug abuse. Generally, rehabilitation can be divided into medical rehabilitation and social rehabilitation. Medical rehabilitation focuses on recovering from physical and psychological issues resulting from drug addiction, while social rehabilitation aims to restore a person's ability to lead a normal social life. In drug cases, rehabilitation is a more recovery-oriented approach than imprisonment.

Attorney General's Guideline Number 18 of 2021 provides a basis for prosecutors to resolve drug abuse cases through rehabilitation using a restorative justice approach.[2] This guideline is important because it provides direction for public prosecutors in assessing drug cases that are worthy of rehabilitation. This assessment encompasses formal and material aspects, such as the completeness of case files, suspect status, evidence, laboratory results, and integrated assessment recommendations. With this guideline, rehabilitation is not implemented solely based on subjective considerations but must proceed through a clear legal mechanism.

Rehabilitation can also be seen as a more humane form of criminal law policy. Drug abusers who are dependent require rehabilitation intervention to break out of the cycle of drug use. If case resolution is solely directed at imprisonment, the legal system risks failing to achieve its goal of rehabilitating the offender. Therefore, rehabilitation in drug cases can be understood as a form of implementing the value of legal benefit, as it not only formally resolves the case but also helps prevent recurrence of drug abuse.

#### **2.5 The Principle of Dominus Litis in the Prosecutor's Authority**

The principle of dominus litis places the prosecutor in control of the case during the prosecution stage. In the criminal justice system, the prosecutor has the authority to assess whether a case should be transferred to the court or resolved through other mechanisms permitted by law. This position demonstrates that the prosecutor not only carries out administrative functions but also has a substantive responsibility to ensure that prosecutions are conducted in accordance with justice, legal certainty, and expediency. Law Number 11 of 2021 concerning the Prosecutor's Office strengthens the position of the Prosecutor's Office in exercising state power in the field of prosecution [6].

In narcotics cases, the principle of dominus litis is an important basis for prosecutors to implement rehabilitation as a solution. Through Attorney General's Guidelines Number 18 of 2021, prosecutors are given the authority to assess eligible narcotics abuse cases so that they are not always resolved through imprisonment. [2] However, this authority must still be exercised carefully. Prosecutors must ensure that the suspect is not part of an illicit trafficking network, that the evidence does not exceed relevant provisions, and that assessment results support the need for rehabilitation.

The application of the dominus litis principle in narcotics cases also reflects a shift in perspectives on law enforcement. Prosecutors are no longer positioned solely as those who forward cases to court, but also as actors who can choose the most appropriate resolution based on the nature of the case. In the case of suspect "JHT" at the Sorong District Attorney's Office, the agreement to settle through restorative justice demonstrates that the dominus litis principle is used to direct cases toward rehabilitation mechanisms, as long as they meet applicable legal requirements [3]. Thus, this principle serves as a bridge between prosecutorial authority and the need for rehabilitation in narcotics cases.

#### **2.6 Previous Research**

Several previous studies have shown that the application of restorative justice in drug cases is gaining increasing attention in Indonesian legal practice. Hartanto and Marune discuss restorative justice in resolving drug abuse cases following the issuance of Attorney General's Guideline Number 18 of 2021. The study emphasizes

that the resolution of narcotics cases through rehabilitation must remain within a strict legal framework so as not to conflict with the goal of eradicating narcotics [3]. This means that the restorative approach should not be interpreted as eliminating criminal responsibility, but as a more appropriate form of treatment for certain abusers.

Damayanti and Ravizki also examined the application of restorative justice to drug abusers at the prosecution stage. The study explains that public prosecutors play a crucial role in determining the suitability of a case for rehabilitation. This stage involves examining case files, coordinating, exposing them, and obtaining approval from the Prosecutor's Office. [7] This study is relevant to the case of suspect "JHT" because both examine the prosecution stage as a crucial stage in the application of restorative justice.

Furthermore, Rusdiana, Jaya, and Anggresca discuss the implementation of the Prosecutor's dominus litis principle in the prosecution stage of rehabilitation for drug abusers based on an integrated assessment [8]. This study shows that an integrated assessment is an important instrument to ensure that suspects are truly worthy of being directed to rehabilitation. Without an objective assessment, the application of restorative justice risks missing the target. Therefore, an integrated assessment must be seen as a bridge between the legal process and the need for recovery.

Nugraha and Sukma in their research on the application of restorative justice in drug abuse cases at the Surakarta District Attorney's Office also showed that the restorative approach can work if the prosecutor has a clear legal basis and adequate data support [9]. This research strengthens the view that the success of the implementation of restorative justice depends not only on the rules, but also on the quality of the prosecutor's assessment, inter-agency coordination, and supervision of the implementation of rehabilitation.

Based on previous research, it can be concluded that the study of the case of suspect "JHT" is relevant. This study not only discusses the concept of restorative justice in general but also connects it to concrete practices at the Sorong District Attorney's Office. Therefore, this study is expected to provide insight into how the principle of dominus litis is applied by prosecutors in resolving drug cases through rehabilitation.

## 2.7 Conceptual Framework of the Research

The conceptual framework in this study is built from the relationship between drug crimes, drug abusers, restorative justice, rehabilitation, and the principle of dominus litis. Drug crimes are the object of the case being analyzed, while the suspect "JHT" is positioned as the subject in the case resolved through a restorative approach. Restorative justice is the settlement approach, rehabilitation is a form of recovery, and the principle of dominus litis is the basis for the prosecutor's authority in controlling the direction of the prosecution.

In simple terms, the relationship between these concepts can be described as follows:

<b>Draft</b>	<b>Meaning in Research</b>	<b>Analysis Function</b>
Narcotics crimes	Cases related to narcotics abuse	Becoming an object of legal study
Abuser/addict	Subjects that can considered for rehabilitation	Determining eligibility restorative approach
<i>Restorative justice</i>	Problem-based settlement approach recovery	Assess the direction of resolution case
Rehabilitation	Forms of medical and social recovery	Alternatives to imprisonment
The principle of dominus litis	The Prosecutor's Authority to Control Prosecution	The basic role of the Sorong District Attorney's Office

Through this framework, this study positions the case of suspect "JHT" as an example of the application of a drug case resolution approach that is not solely focused on punishment. The analysis will focus on the alignment between the legal basis, the prosecutor's mechanism, and the recovery goals that are at the heart of the restorative justice approach.

### **3. IMPLEMENTATION METHOD**

#### **3.1 Types of research**

This study uses a normative legal research type, namely research that examines law as norms, principles, and guidelines applicable in resolving criminal cases. This approach was chosen because the focus of the research is not conducting field measurements, but rather analyzing the legal basis and mechanism for resolving the narcotics crime case of suspect "JHT" through a restorative justice approach by the Sorong District Attorney's Office. The main legal materials used include Law Number 35 of 2009 concerning Narcotics, Law Number 11 of 2021 concerning the Prosecutor's Office, Prosecutor's Regulation Number 15 of 2020, and Attorney General's Guidelines Number 18 of 2021 [10].

#### **3.2 Research Approach**

The approaches used in this study consist of a legislative approach, a conceptual approach, and a case approach. The legislative approach is used to examine the rules that form the basis for resolving narcotics cases through rehabilitation. The conceptual approach is used to understand the concepts of restorative justice, rehabilitation, and the principle of dominus litis within the authority of the Prosecutor. Meanwhile, the case approach is used to examine the case of the suspect "JHT" which was resolved through a restorative justice agreement by the Prosecutor's Office at the prosecution stage [3].

#### **3.3 Data Collection and Analysis Techniques**

The data in this study were collected through a literature review by exploring relevant primary and secondary legal materials and official sources. Primary legal materials consisted of laws and regulations and the Attorney General's Office guidelines, while secondary legal materials consisted of scientific journals, books, articles, and reports from institutions related to narcotics and restorative justice. The collected data were then analyzed qualitatively and descriptively, namely by explaining the relationship between legal norms, the concept of restorative justice, and the practice of resolving "JHT" cases. The analysis was directed at assessing whether the resolution of the case was in accordance with the principles of rehabilitation, the principle of dominus litis, and the goals of recovery in the modern criminal justice system [8].

### **4. RESULTS AND DISCUSSION**

#### **4.1 The Position of the "JHT" Suspect in the Settlement of Narcotics Cases**

The narcotics crime case with the suspect "JHT" handled by the Sorong District Attorney's Office is one example of the application of the restorative justice approach in the prosecution stage. Based on official information from the West Papua High Prosecutor's Office, the case received approval for settlement through restorative justice by the Deputy Attorney General for General Crimes through Director B [3]. This shows that case resolution is not only carried out through the transfer route to the court, but can also be directed to a recovery mechanism if the suspect meets the requirements as a drug abuser or victim of drug abuse.

In narcotics cases, the suspect's status requires careful analysis. Not all narcotics crimes can be resolved through a restorative approach. If a suspect is proven to be a dealer, courier, dealer, or part of an illicit trafficking network, rehabilitation is not appropriate. Conversely, if the suspect is a drug user who is not involved in a illicit trafficking network, a rehabilitative approach may be considered. Therefore, the "JHT" case is important to examine because it demonstrates the prosecutor's use of authority to assess the suitability of a narcotics case so that it does not always result in imprisonment.

#### **4.2 Legal Basis for the Implementation of Restorative Justice in Narcotics Cases**

The legal basis for resolving narcotics cases through a restorative justice approach is inseparable from Law Number 35 of 2009 concerning Narcotics. This law stipulates that drug abusers, addicts, and victims of drug abuse can be directed to medical and social rehabilitation.[1] This means that Indonesian narcotics law recognizes not only a punitive approach but also a restorative approach.

In addition, Attorney General's Guidelines Number 18 of 2021 provide a more specific basis for prosecutors in resolving drug abuse cases through rehabilitation.

restorative justice approach [2]. This guideline positions the prosecutor as the authority to investigate cases from the prosecution stage. The prosecutor can assess whether a suspect is eligible for rehabilitation based on legal qualifications, the amount of evidence, the results of the examination, and the recommendations of an integrated assessment. Therefore, resolving narcotics cases through restorative justice is not a policy that stands without limits, but must comply with clear legal provisions.

The role of the prosecutor is also related to the principle of *dominus litis*. This principle gives the prosecutor authority to control criminal cases at the prosecution stage [6]. In the context of the "JHT" case, the principle of *dominus litis* is the basis for the prosecutor to determine whether the case needs to be continued to court or can be resolved through a rehabilitation mechanism. Therefore, the use of a restorative approach in this case must be understood as part of the prosecutor's legal authority, not as a form of tolerance for narcotics crimes.

#### 4.3 Case Resolution Mechanism through a Restorative Justice Approach

The mechanism for resolving narcotics cases through restorative justice essentially begins with the prosecutor reviewing the case files. At this stage, the prosecutor assesses the formal and material completeness of the case filed by the investigator. This assessment includes the suspect's identity, the articles of indictment, evidence, laboratory test results, and the suspect's relationship to possible drug trafficking networks [7].

Afterward, the prosecutor can consider the results of the integrated assessment. This assessment is important because it serves as an objective basis for determining whether the suspect is a drug abuser, addict, or victim of drug abuse. Without a clear assessment, rehabilitation implementation risks being inaccurate. Therefore, the integrated assessment serves as a bridge between the legal process and the suspect's rehabilitation needs [8].

In the "JHT" case, the agreement to settle through restorative justice demonstrates a multi-tiered assessment process. The Sorong District Attorney's Office does not operate independently, but coordinates with the West Papua High Prosecutor's Office and the Deputy Attorney General for General Crimes. This approach is crucial to ensuring that restorative justice remains under control and is not carried out haphazardly.

The simple flow can be described as follows:



Figure 1. Flow of Narcotics Case Resolution through Restorative Justice

#### 4.4 Analysis of the Compliance of the "JHT" Case with the Principles of Rehabilitation

The resolution of "JHT" cases through a restorative justice approach can be understood as applying the principle of rehabilitation to drug cases. This principle recognizes that drug abusers are not always appropriately placed as criminals who must be imprisoned. Under certain circumstances, abusers are more appropriately positioned as those in need of medical and social recovery. This aligns with the goal of rehabilitation, which is to break dependency and restore a person's social functioning.

However, the suitability of "JHT" cases to the principles of rehabilitation must still be assessed based on applicable requirements. Several important elements to consider are shown in the following table.

Assessment Elements	Information	Relevance to the "JHT" Case
Suspect status	Abusers, addicts, or victims of abuse	Determining eligibility for rehabilitation
Evidence	Shows no indication illicit trafficking	Prevent abuse policy
Integrated assessment	Assess the medical and social condition of the suspect	Become the objective basis of rehabilitation

Network engagement	Not related to bookies or dealers	Determining whether the case deserves restorative care
Rehabilitation supervision	Done after consent is given	Ensuring recovery is underway effective

The table shows that a restorative justice approach is not simply based on a desire to resolve cases quickly. This approach must be based on a clear and accountable assessment. If all requirements are met, resolving "JHT" cases through rehabilitation can be considered in line with the direction of criminal law reform, which prioritizes restoration over mere punishment.

#### **4.5 The Role of the Sorong District Attorney's Office in Implementing the Principle of Dominus Litis**

The Sorong District Attorney's Office plays a crucial role in resolving "JHT" cases because it serves as the regional prosecutor. Under the principle of dominus litis, the prosecutor has the authority to control the direction of case handling. This authority is not only administrative but also substantive, as the prosecutor must ensure that the case is resolved in accordance with the law and a sense of justice.

In narcotics cases, the principle of dominus litis allows prosecutors to view cases more proportionally. Prosecutors not only assess whether the elements of the crime are met, but also assess whether imprisonment is the most appropriate option. If the suspect is a drug user and meets the requirements for rehabilitation, then resolving through restorative justice can be a more beneficial option. This is in line with research stating that the role of prosecutors in narcotics cases is not only as prosecutors, but also as case controllers who can direct drug users to rehabilitation based on an integrated assessment [8].

The application of the dominus litis principle in the "JHT" case also demonstrates that the Prosecutor's Office can play a role as an institution promoting substantive justice. Justice is not only measured by the severity of the punishment, but also by the law's ability to resolve the problem appropriately. If the suspect truly needs rehabilitation, rehabilitation may be more appropriate than imprisonment.

#### **4.6 Benefits and Challenges of Implementing Restorative Justice in Narcotics Cases**

The application of restorative justice in drug cases has several benefits. First, this approach can reduce the use of prison sentences for drug abusers who actually need rehabilitation. Second, this approach helps address the problem of overcrowding in correctional institutions. Third, rehabilitation can provide greater opportunities for drug abusers to recover and return to normal social life. Fourth, this approach can make law enforcement more targeted because dealers are still prosecuted, while drug abusers are directed toward recovery.[11]

However, implementing this approach also presents challenges. The main challenge lies in the accuracy of the assessment of a suspect's status. If the assessment is not conducted objectively, there is a risk of abuse of the policy by those actually involved in drug trafficking. Another challenge is the availability of rehabilitation facilities and post-rehabilitation supervision. Without proper supervision, rehabilitation becomes merely a formality and does not produce real change.

Therefore, resolving "JHT" cases through restorative justice should be viewed as a positive step, but it still requires strong oversight. The prosecutor's office must ensure that rehabilitation is truly implemented, not simply used as an excuse to drop the case. This way, a restorative approach can balance community protection, suspect rehabilitation, and legal certainty.[12]

#### **4.7 Final Analysis of Settlement of "JHT" Cases**

Based on the above description, the resolution of the drug case involving suspect "JHT" through a restorative justice approach can be considered a more progressive application of criminal law. The Sorong District Attorney's Office not only places drug cases within the criminal justice framework but also considers the possibility of recovery through rehabilitation. This aligns with legal policy directions that are beginning to differentiate between drug abusers and illicit traffickers.

However, this analysis still needs to be limited. Open data on "JHT" cases is still limited, so an assessment cannot be made down to technical details such as the number of items.

evidence, laboratory results, or the content of an integrated assessment. Therefore, the conclusion that can be drawn is that normatively, resolving "JHT" cases through restorative justice has a strong legal basis as long as all the requirements in Attorney General's Guidelines Number 18 of 2021 have been met. This approach embodies the Prosecutor's principle of *dominus litis*, which not only pursues punishment but also prioritizes restoration and legal benefits.

## 5. CONCLUSION

The resolution of the narcotics case involving suspect "JHT" through a restorative justice approach by the Sorong District Attorney's Office demonstrates a shift in the orientation of criminal law enforcement from a purely punitive approach to one that places greater emphasis on rehabilitation. In narcotics cases, not all suspects can be treated equally, as there are differences between perpetrators of illicit drug trafficking and abusers or victims of drug abuse. Therefore, if the suspect meets the requirements as an abuser who is not involved in an illicit trafficking network, rehabilitative treatment may be a more appropriate option than imprisonment. This approach aligns with the principles of restorative justice, which prioritize restoration as the primary goal, without diminishing the suspect's legal responsibility.

The Prosecutor's Office plays a crucial role in resolving narcotics cases through a restorative justice approach, as prosecutors uphold the principle of *dominus litis*, controlling cases during the prosecution phase. In the "JHT" case, the approval of a restorative settlement demonstrates that the prosecutor's authority extends beyond simply referring the case to court, but also to assess the most appropriate resolution for the nature of the case. However, the implementation of this policy must remain selective and objective, based on strict criteria, such as the results of an integrated assessment, the amount of evidence, the suspect's status, and the absence of involvement in a narcotics trafficking network. Therefore, restorative justice in narcotics cases is not a form of leniency, but rather a law enforcement strategy that focuses more on recovery and benefit.

## Bibliography

- [1].Indonesia PPR. Law Number 35 of 2009 concerning Narcotics [Internet]. 2009; Available from:<https://peraturan.bpk.go.id/details/38776/uu-no.35.of.2009>
- [2]. Indonesia JAR. Attorney General's Guidelines Number 18 of 2021 concerning the settlement of narcotics abuse criminal cases through rehabilitation with a restorative justice approach as an implementation of the Attorney's *dominus litis* principle [Internet]. 2021; Available from:<https://lbhmasyarakat.org/dokumen-kebijakan-pedoman-jaksa-agung-nomor-18-tahun-2021/>
- [3]. West KTP. Jampidum through Director B approved Restorative Justice for the narcotics crime case of suspect "JHT" as the implementer of the *dominus litis* principle of the Prosecutor at the Sorong District Attorney's Office-West Papua High Prosecutor's Office 2025;
- [4]. Indonesia BNNR. Indonesia Drug Report 2024 [Internet]. BNN Research, Data, and Information Center; 2024. Available from:<https://jdih.bnn.go.id/detail-dokumen/675/2>
- [5]. Hafrida, Usman. Restorative Justice in the criminal justice system. Deepublish; 2024.
- [6]. Indonesia PPR. Law Number 11 of 2021 concerning amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia [Internet]. 2021; Available from:<https://peraturan.bpk.go.id/Details/195550/uu-No.11.of.2021>

- [7]. Damayanti T, Ravizki EN. Application of restorative justice to drug abusers at the prosecution stage. *J. Law. Media Justitia Nusant.* [Internet] 2024;14:1–8.
- [8]. Rusdiana S, Jaya F, Anggresca R V. Implementation of the principle of dominus litis by prosecutors at the prosecution stage of rehabilitation of narcotics abusers based on an integrated assessment. *Bhirawa Law J.* 2024;
- [9]. Nugraha DB, Sukma DP. Application of restorative justice in narcotics abuse cases at the Surakarta District Attorney's Office. *Verstek* 2025;13.
- [10]. Indonesia KR. Republic of Indonesia Prosecutor's Office Regulation Number 15 of 2020 concerning the termination of prosecution based on restorative justice [Internet]. 2020; Available from: [https://peraturan.bpk.go.id/Details/169939/peraturan-prosecutor's office no. 15 of 2020](https://peraturan.bpk.go.id/Details/169939/peraturan-prosecutor's%20office%20no.%2015%20of%2020)
- [11]. Hastuti A, Sriwidodo J, Basuki B. Implementation of Prosecutor's Regulation Number 18 of 2021 concerning narcotics rehabilitation based on restorative justice. *SINERGI J. Ris. Ilm.* 2024;1:124–32.
- [12]. Hartanto B, Marune AEMS. Restorative justice in resolving drug abuse cases after the Attorney General's Guidelines Number 18 of 2021: A dignified justice theory perspective. *Prosec. Law Rev.* 2023;1:98–134.