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The Concept of Implementing The Policy of Rehabilitation of Drug Abuse Based On The Restorative Justice Approach By The Prosecutor's Office of The Republic Of Indonesia

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Abstract: *This study discusses the policy of Guideline Number 18 of 2021 concerning the settlement of drug abuse cases through rehabilitation with a restorative justice approach as an implementation of the dominus litis principle by the Indonesian Attorney General's Office. The implementation of the drug abuse rehabilitation policy by the Indonesian Attorney General's Office based on the dominus litis principle is regulated in the Attorney General's Guideline Number 18 of 2021. This policy addresses the number of drug convicts that exceed capacity with a restorative justice approach. The dominus litis principle gives prosecutors great authority in controlling the legal process, including the decision to continue or stop prosecution based on sufficient evidence. In addition, this principle allows for the termination of prosecution if the perpetrator's actions are not considered a crime. This policy gives prosecutors the authority to determine legal settlements with rehabilitation, prioritizing the recovery of perpetrators and positive impacts on society. Rehabilitation focuses on changing the behavior of perpetrators through programs that help them overcome drug addiction and improve their social skills. In addition to providing legal protection and the rights of perpetrators, this approach also emphasizes the principle of fast, simple, and low-cost justice, and avoids complicated and expensive legal processes. The principle of restorative justice in this policy aims to improve the negative impacts of drug abuse, by emphasizing the physical, mental, social, and emotional recovery of perpetrators, so that they can return to being productive members of society.*

Keywords: *Policy, Rehabilitation, Narcotics Restorative Justice. Attorney General's Office of the Republic of Indonesia.*

Abstrak: Penelitian ini membahas kebijakan Pedoman Nomor 18 Tahun 2021 mengenai penyelesaian perkara penyalahgunaan narkoba melalui rehabilitasi dengan pendekatan keadilan restoratif sebagai pelaksanaan asas *dominus litis* oleh Kejaksaan RI. Penerapan kebijakan rehabilitasi penyalahguna narkoba oleh Kejaksaan RI berlandaskan asas *dominus litis* diatur dalam Pedoman Jaksa Agung Nomor 18 Tahun 2021. Kebijakan ini mengatasi jumlah narapidana narkoba yang melebihi kapasitas dengan pendekatan keadilan restoratif. Asas *dominus litis* memberikan jaksa kewenangan besar dalam pengendalian proses hukum, termasuk keputusan untuk melanjutkan atau menghentikan penuntutan berdasarkan kecukupan bukti. Selain itu, asas ini memungkinkan penghentian penuntutan jika tindakan pelaku tidak dianggap sebagai tindak pidana. Kebijakan ini memberi wewenang kepada jaksa untuk menentukan penyelesaian hukum dengan rehabilitasi, mengedepankan pemulihan pelaku dan dampak positif bagi masyarakat. Rehabilitasi berfokus pada perubahan perilaku pelaku melalui program-program yang membantu mereka mengatasi ketergantungan narkoba dan meningkatkan keterampilan sosial mereka. Selain memberikan perlindungan hukum dan hak-hak pelaku, pendekatan ini juga menekankan prinsip peradilan yang cepat, sederhana, dan biaya ringan, serta menghindari proses hukum yang berbelit-belit dan mahal. Prinsip keadilan restoratif dalam kebijakan ini bertujuan untuk memperbaiki dampak negatif penyalahgunaan narkoba, dengan menitikberatkan pada pemulihan fisik, mental, sosial, dan emosional pelaku, sehingga mereka dapat kembali menjadi anggota produktif dalam masyarakat.

Kata Kunci: Kebijakan, Rehabilitasi, Narkoba Keadilan Restoratif. Kejaksaan Republik Indonesia.

INTRODUCTION

Rehabilitation Policy for Drug Abusers Based on the Restorative Justice Approach". This study will examine the policy of Guideline Number 18 of 2021 concerning the Settlement of Drug Abuse Criminal Cases Through Rehabilitation with a Restorative Justice Approach as an implementation of the principle of *dominus litis* of the Prosecutor. The implementation of the prosecutor's guideline policy is one manifestation of the *dominus litis* authority possessed by the Indonesian Attorney General's Office in carrying out a legal action of determination through rehabilitation in resolving narcotics cases. Therefore, in implementing the law on providing rehabilitation for drug abusers, the Indonesian Attorney General's Office is required to refer to Guideline Number 18 of 2021 as a basis for carrying out legal actions to provide rehabilitation in order to determine the conformity of legal actions with the prosecutor's guidelines and to provide a concrete understanding of the existence of prosecutorial guidelines in resolving narcotics cases through rehabilitation. The rehabilitation mechanism for perpetrators is given the opportunity to change and improve themselves.¹ They can participate in rehabilitation programs designed to help them overcome drug addiction, acquire new skills, and strengthen their social support, so that they can return to being productive members of society. The mechanism of settlement through rehabilitation at the prosecution stage is also in accordance with the principles of restorative justice. This approach places the focus on the recovery and rehabilitation of the perpetrators and repairing the negative impacts caused by their actions, not just on punishment or

¹ Abraham Amos H.F, 2007, 'Legal Opinion teoritis dan Empirisme' Jakarta: PT Graindo. h. 23

sentencing. Legal settlement through rehabilitation for drug abusers provides benefits to drug abusers, which is an important aspect in the case resolution process faced by prosecutors. This shows that law enforcement does not only focus on punishment, but also considers efforts to restore and rehabilitate the perpetrators. Prosecutors must consider providing benefits to drug abusers as part of the case resolution process. This means that they do not only consider criminal sanctions, but also look at other options that can provide benefits to the perpetrators in their recovery. One form of providing benefits is by directing cases to the rehabilitation path. This means that prosecutors recommend that perpetrators participate in rehabilitation programs designed to help them overcome drug addiction and improve their physical and mental health conditions. Providing benefits to drug abusers is in line with the goals of recovery and rehabilitation. These efforts aim to help perpetrators get out of the drug abuse cycle, reduce the risk of recidivism and improve their relationships with the community. The principle of fast, simple and low-cost justice is an important aspect that must be considered by prosecutors in resolving drug abuse criminal cases with restorative justice based on the principle of *dominus litis* prosecutors. because the principle of fast justice emphasizes the importance of resolving cases efficiently and in the shortest possible time. In the context of drug cases, a quick resolution can help reduce the waiting time for perpetrators in the justice system, so that they can immediately get appropriate assistance or sanctions. The principle of simple justice emphasizes the importance of keeping the legal process from being too complicated or convoluted. Prosecutors must ensure that the prosecution and case resolution process can be easily understood by all parties involved, including perpetrators and the general public. The principle of low cost emphasizes the importance of keeping the legal process from being too financially burdensome for all parties involved. In the context of drug cases, prosecutors must consider the costs incurred by the perpetrators, their families, and the general public in the legal process, and strive to minimize these costs.

Rehabilitation of drug abusers as a form of legal protection emphasizes the importance of providing rehabilitation to drug abusers as an effort to protect their rights and to assist them in restoring their condition and position in society. Providing rehabilitation to drug abusers is a form of protection of their rights as individuals involved in the criminal justice system. These rights include the right to health care, access to education and employment, and the right to social support. Through rehabilitation, drug abusers are given the opportunity to restore their physical and mental health, as well as to improve their relationships with their families, communities, and the surrounding environment. This helps them to become productive and contributing members of society again. The rehabilitation approach in resolving legal cases of drug abuse is not only aimed at punishing the perpetrators, but also at assisting them in addressing the root causes underlying the behavior of the abuser. Thus, this approach includes aspects of the physical, mental, social, and emotional recovery of the perpetrators. The concept of rehabilitating the perpetrators as a form of legal protection is in line with the principle of restorative justice, where the goal is not only to criminalize the perpetrators, but also to restore them and repair the negative impacts caused by their actions. This reflects a commitment to providing holistic and proactive access to justice for all individuals involved in the criminal justice system. The Indonesian Attorney General's Office is given attribution authority based on the Attorney General's Guidelines Number 18 of 2021 which is based on the principle of *dominus litis* of the prosecutor carried out by the Public Prosecutor in the scope of pre-prosecution, prosecution, supervision, training and financing in resolving drug abuse criminal cases through rehabilitation based on restorative justice. This authority is in the context of

implementing the function of case controllers in building an integrated criminal justice system from the investigation stage to the implementation of court decisions that have obtained permanent legal force to enforce the law against drug abusers.

Based on the description above, the problem that will be the focus of this study is to examine how the concept of rehabilitation of the Indonesian Attorney General's Office in implementing drug abuse policies with a restorative justice approach and how the authority of the Indonesian Attorney General's Office is based on the principle of *dominus litis* in implementing rehabilitation policies for drug abusers.

METHOD

The research method is an important aspect in this study which examines the implementation of rehabilitation policies for drug abusers based on the prosecutor's *dominus litis* approach. This research is a normative legal research that focuses on legal studies, namely the Attorney General's Guidelines Number 18 of 2021. This study uses a conceptual approach and a legislative approach as a basis for analysis so as to obtain a logical argumentative basis in answering the problem.

RESULT AND DISCUSSION

The Concept of Rehabilitation of the Indonesian Attorney General's Office in the Implementation of Drug Abuse Policies with a Restorative Justice Approach

The concept of the policy of implementing rehabilitation for drug abusers with a restorative justice approach by the Indonesian Attorney General's Office is legally given authority in narcotics crime cases. This authority is given based on the principle of *dominus litis* of the prosecutor, namely as the controller of cases in criminal acts. Based on this basis, the Attorney General's Guidelines Number 18 of 2021 were issued, which specifically regulates the provision of rehabilitation for narcotics abuse crimes by the Indonesian Attorney General's Office. The resolution of these cases is based on the criminal justice system that is currently being implemented which tends to be punitive, so that the number of correctional institution residents exceeds capacity, most of whom are perpetrators of narcotics crimes.² This is a very serious concern for the community and government in using the criminal law system through a restorative justice approach. This is a strategic step by the Indonesian Attorney General's Office in handling drug abuse crimes based on the prosecutor's *dominus litis*.

The functionalized *Dominus Litis* principle refers to the concept of the prosecutor's power as the controller of the litigation or prosecution process in the legal system. In the context of regulating the authority to stop prosecution as regulated in Article 140 paragraph (2) of the Criminal Procedure Code (KUHAP) in Indonesia, the functionalized *dominus litis* principle emphasizes that the prosecutor has very great authority to control the prosecution process.³ The prosecutor has a very significant role in determining whether a case will be brought to court or not. The prosecutor has full control over the investigation, evidence collection, and the final decision to discontinue or continue prosecution. The functionalized principle of *dominus litis* indicates that the prosecutor's decision to discontinue prosecution is based on legal considerations and the facts in the case. The prosecutor must consider justice, sufficiency of

² Pande Ni Luh Putu Ayu Riantini, NiPutu Melsa Aryani Putri, 2019, "Politik Hukum Dalam Kebijakan Hukum Pidana Dalam Pengaturan Tindak Pidana Narkotika Diindonesia" *Ganeshha Civic Education Journal*, 1(2), h. 81

³ *ibid*, h. 81

evidence, public interest, and relevant legal principles before making a decision to discontinue prosecution.

Discontinuation of prosecution based on the prosecutor's *dominus litis* based on insufficient evidence refers to a situation where the prosecutor or prosecution party does not have sufficient evidence to support the prosecution of a suspect or defendant in a criminal case. In the context of criminal law, this principle is important because the basic principle of criminal law is that a person can only be convicted if his or her guilt can be proven beyond a reasonable doubt. When the prosecutor or prosecution party finds that the evidence they have is not strong enough to prove the defendant's guilt beyond a reasonable doubt, they have the authority to discontinue prosecution. In other words, if there is insufficient evidence to support the charges, it will be difficult for the court to find the defendant guilty. The decision to discontinue prosecution in cases of insufficient evidence is based on legal and fairness considerations. It aims to prevent abuse of the legal process and ensure that only those who are truly guilty are prosecuted and punished. It also reflects the fundamental principle that a person is presumed innocent until proven guilty through a fair and transparent legal process. The prosecutor's *dominus litis* principle looks at the aspect of the event that caused the crime not to occur, which refers to a situation where the act committed by the perpetrator is not considered a crime. In the context of criminal law, there are several circumstances where the act committed by a person is considered not to violate criminal law for certain reasons.⁴ If a person is mentally ill when they commit an act that is considered a crime, then in many legal systems they are not considered to have the capacity to be responsible for their actions. Therefore, they may not be prosecuted and prosecution may be discontinued. If a person commits an act that is considered a crime in response to a dangerous attack or an attack on themselves, they may have the right to defend themselves. In many jurisdictions, lawful self-defense can result in prosecution being discontinued. There are situations where acts that are generally considered to be criminal acts are committed in the context of the lawful execution of a statute. For example, actions taken by government officials or law enforcement agents in the course of their duties in accordance with policies or procedures set out in a statute are not considered to be criminal acts.

Legal discontinuation of prosecution The public prosecutor is careful to look at situations where prosecution is discontinued based on certain legal considerations. This includes situations involving recognized legal principles or special considerations. Situations where prosecution may be discontinued include the principle of *Ne Bis In Idem* which states that a person cannot be tried or convicted twice for the same crime on the same facts.⁵ In other words, if a person has been tried or convicted of a crime, they cannot be tried again for the same crime in the same legal process. Furthermore, in some cases, the prosecution of a person can be stopped if they have paid the highest fine (*atdoening buitenproses*) stipulated by the relevant law or regulation. Payment of this fine is often considered as compensation for the crime committed and there are situations where the prosecution is stopped because there are justifiable or excusing reasons that make the perpetrator's actions not considered a legitimate crime.

The role of the public prosecutor becomes very crucial in exercising his authority based on the principle of *dominus litis* because this can result in legal obstacles related to the challenges faced by prosecutors in carrying out their duties as law enforcers. An imperfect or unclear legal system in determining legal procedures or sanctions can be an obstacle for prosecutors in enforcing the law effectively. Uncertainty in legal regulations or weaknesses in laws can make

⁴ *ibid*, h. 81-82

⁵ *ibid*, h. 82

law enforcement difficult or ambiguous. The lack of moral integrity of law enforcement officers, including prosecutors, can hinder the process of providing drug rehabilitation which can ultimately damage public trust in the justice system and weaken law enforcement.⁶

The authority of the public prosecutor is the right and responsibility of the prosecutor to make decisions regarding the prosecution process in a criminal case. The public prosecutor has the authority to assess the results of the investigation conducted by law enforcement officers. They evaluate the evidence collected during the investigation, including the quality and sufficiency of the evidence to support criminal charges. Based on the results of the assessment of the evidence of the investigation, the public prosecutor decides whether to continue the prosecution process to the next stage or not. If the evidence collected is considered strong and sufficient, the public prosecutor can decide to continue the prosecution in court. Conversely, if after evaluating the available evidence, the public prosecutor determines that there is insufficient evidence to support criminal charges or if the reported act cannot be qualified as a crime, they have the authority to stop the prosecution. This is done to prevent unfounded or inadequate prosecution.⁷

The authority of the public prosecutor in making decisions that are very important in deciding whether a case will be brought to court or not after evaluating the evidence collected during the investigation. Before making a decision, the public prosecutor conducts a comprehensive evaluation of all evidence collected during the investigation process. They assess the sufficiency and strength of the evidence to support criminal charges against the suspect or defendant. In addition, the public prosecutor also considers the relevant legal aspects of the case. They review applicable laws, legal precedents, and other legal factors that may influence their decision. The public prosecutor also considers the public interest in pursuing prosecution of the suspect or defendant. They ensure that law enforcement aims to protect the public, uphold the rule of law, and provide justice to all parties involved. After conducting a comprehensive evaluation and consideration, the public prosecutor then makes a decision whether to continue the prosecution process by submitting the case file to the court or to stop the prosecution if the evidence is insufficient or does not meet the elements of a crime. The authority of the Indonesian Attorney General's Office in carrying out the duties given as the only official given the authority in the field of prosecution can be optimized through rehabilitation institutions. This is inseparable from the position of the Prosecutor as the case controller, namely based on the principle of *dominus litis* of the prosecutor which is inherent in the Indonesian Prosecutor's Office in order to implement the authority to provide rehabilitation for drug abuse criminal cases based on restorative justice.⁸ The authority of the Prosecutor as the controller of the case will later take legal action to resolve narcotics cases through rehabilitation at the prosecution stage as a mechanism that cannot be separated from the implementation of restorative justice in order to restore the original state carried out by the perpetrator of drug abuse.

The principle of *dominus litis* of the Prosecutor becomes the central role of the prosecutor in controlling the case process or litigation.⁹ In the context of handling legal cases, including drug abuse, this principle gives power and responsibility to prosecutors as controllers of the legal process. The principle of *dominus litis* stipulates that prosecutors are central figures who have full control over the course of the case process, from the investigation stage to prosecution in

⁶ Ari Yusuf Amir, 2008, *Strategi Bisnis Jasa Advokat*, Yogyakarta: Navila Idea, h. 19-20.

⁷ *ibid*, h. 20

⁸ *ibid*, h. 21

⁹ *ibid*, hlm. 37

court. They are responsible for managing and directing the legal process as a whole. As case controllers, prosecutors have the authority to determine the appropriate prosecution steps in accordance with law and justice. They can determine whether a case will be submitted to court for resolution or directed to an alternative path, such as rehabilitation. One of the options available to prosecutors based on the principle of *dominus litis* is to direct drug abuse cases to the rehabilitation path as part of the case resolution process. This allows prosecutors to consider a more holistic and proactive approach in handling drug cases, with a focus on the rehabilitation of the perpetrator and the prevention of recurrence of criminal acts. Through the principle of *dominus litis*, prosecutors can also apply the principles of restorative justice in handling drug cases. They can consider not only the criminal aspects, but also rehabilitation and recovery, taking into account the interests of victims, perpetrators and society as a whole.¹⁰

The authority of the public prosecutor in the context of optimization efforts through rehabilitation institutions refers to the use of rehabilitation institutions as an alternative to resolving cases by prosecutors in the field of prosecution. In the context of handling narcotics cases, this approach is based on restorative justice, which emphasizes the restoration of the original condition of drug abusers and the restoration of their relationships with the community. As law enforcers, prosecutors have the authority to determine prosecution steps that are in accordance with the law and justice. In the context of drug abusers, prosecutors can consider a rehabilitative approach as part of a prosecution strategy. Prosecutors can optimize their authority by utilizing rehabilitation institutions as an alternative to resolving cases. This involves directing drug cases to institutions that provide rehabilitation programs for drug abusers. In considering a rehabilitative approach, prosecutors pay attention to aspects of restorative justice.

Prosecutors not only consider the criminal aspect, but also focus on restoring the original condition of drug abusers and restoring their relationships with the community. The main goal of the rehabilitative approach is to restore the original condition of drug abusers. This includes providing support, treatment, and counseling to offenders to help them recover from drug addiction and become productive members of society. In addition to individual rehabilitation, the rehabilitative approach also aims to restore the offender's relationship with society. This can involve social reintegration programs and community support to help offenders re-adjust to their social environment.

Rehabilitation is a process where prosecutors use their prosecutorial authority to direct drug cases to rehabilitation as an alternative to conventional sentencing.¹¹ This step is in line with the principle of restorative justice, which emphasizes the rehabilitation of perpetrators and repairing the negative impacts caused by their actions. As law enforcers, prosecutors have the authority to determine the direction of prosecution in drug cases. They can decide to direct cases to the court for punishment, but also have the option to direct them to rehabilitation institutions. Prosecutors can decide to direct drug cases to the rehabilitation path as part of the prosecution strategy. This involves recommending to the court to consider rehabilitation programs as an alternative to conventional punishment.

Case resolution through rehabilitation is a manifestation of the application of the principle of restorative justice. In this approach, the main goal is not only to criminalize the perpetrator, but also to restore Drug Abusers individually and repair the negative impacts caused by their actions on themselves and society. Through rehabilitation, perpetrators are given the opportunity

¹⁰ *ibid*, hlm. 38

¹¹ Mukuan, Candra Gabriel. 2017. "Pertimbangan Hukum Atas Putusan Hakim Terhadap Tindak Pidana Psikotropika (Undang-Undang Nomor 35 Tahun 2009)". *Lex Et Societatis*, 5(7). h. 182

to change their detrimental behavior and habits. Drug Abusers can gain access to rehabilitation services, psychological support, as well as the skills and knowledge needed to overcome drug addiction and return to being productive members of society. In addition, case resolution through rehabilitation also aims to prevent recurrence of criminal acts. By paying proper attention to the recovery and social reintegration of the perpetrator, the chances of re-engaging in drug abuse activities can be minimized.

The settlement mechanism through rehabilitation at the prosecution stage is a step taken by prosecutors to ensure that the settlement of drug cases is carried out with a more holistic and proactive approach. Through the rehabilitation mechanism, prosecutors pay attention to the holistic aspect in handling drug cases. They not only consider the criminal aspect, but also pay attention to the individual needs of the perpetrator, including the social, psychological, and economic factors that influence their behavior. One of the main objectives of the rehabilitation mechanism is to reduce the possibility of recidivism, namely perpetrators who re-engage in criminal acts after serving their sentence.¹² By providing offenders with the opportunity to receive the care, support and assistance they need, the hope is to change their behaviour and prevent re-offending in the future.

The Authority of the Indonesian Prosecutor's Office Based on the Principle of Dominus Litis in the Implementation of Rehabilitation Policies for Drug Abusers

The implementation of the drug abuse rehabilitation policy by the Prosecutor based on the principle of dominus litis as stipulated in the Attorney General's Guidelines Number 18 of 2021, includes various stages of the legal process in handling drug abuse criminal cases. The Prosecutor has the authority to conduct pre-prosecution, which includes activities such as evaluating initial evidence, further investigation, and determining the next steps in handling the case. In the context of drug abusers, pre-prosecution can include an initial evaluation of reported drug abuse cases. The Prosecutor acts as a Public Prosecutor who has the authority to determine whether or not the case will be continued to court. Investigators who carry out the prosecution based on the evidence collected during the investigation, so that the prosecutor determines whether to file charges against the perpetrator of drug abuse in court. First, the pre-prosecution stage in resolving drug abuse criminal cases is that the Public Prosecutor is obliged to carefully study and examine the results of the investigation from the investigator so that the public prosecutor can then ensure the formal and material completeness which includes evidence of drug abuse crimes; qualifications of the suspect; qualifications of the crime and compliance with the alleged article; elements of guilt in the suspect; examination of the suspect; and recommendations of the results of the integrated assessment. The public prosecutor is given the authority to provide an opinion on the suspect to then be qualified as an abuser, then the suspect must be suspected of violating Article 127 paragraph (1) of the Narcotics Law. Therefore, the Public Prosecutor to prove the suspect's guilt regarding his involvement in the narcotics distribution network, the public prosecutor gives instructions to the investigator to check whether the suspect is the last user and check the suspect's profile in relation to the suspect's financial transactions and lifestyle. However, if the evidence found does not exceed the amount of use for one (1) day, the public prosecutor gives instructions to the investigator so that the suspect must be subject to a forensic laboratory examination to determine the suspect's qualifications. Second, the prosecution stage after the public prosecutor receives or receives back the complete results of the investigation from the investigator and gives the transfer of responsibility for the suspect and

¹² *Ibid*, hlm. 183

evidence, the public prosecutor immediately determines whether the case file meets the requirements to be able or not to be submitted to the court based on the prosecutor's dominus litis. Based on the Attorney General's Guidelines Number 18 of 2021, it states that the Head of the District Attorney's Office or the Head of the District Attorney's Office Branch through the public prosecutor is given the authority to issue a rehabilitation determination through a legal process through an opinion note within a maximum of three (3) days from the time the opinion note is made, but if it is done with an exposure with the leadership, it is carried out no later than four and a half (14) days from receiving the opinion note. The Public Prosecutor in providing a rehabilitation determination through a legal process is obliged to include determining the suspect to undergo rehabilitation through a legal process; determining the place and duration of rehabilitation through a legal process; determining the status of evidence, including narcotics evidence which is set aside a small portion for the purposes of prosecution and examination in court, remains under the responsibility of the public prosecutor until the completion of the rehabilitation through a legal process; and ordering the release of the suspect, if detained.

The Public Prosecutor in determining the place and duration of rehabilitation can consider the results of an integrated assessment. The determination will then be submitted to the suspect or family or legal counsel, state detention center officials, investigators and judges. The determination of the rehabilitation is then recorded in the case register at the prosecution stage. Prosecutors based on the Attorney General's Guidelines Number 18 of 2021 in carrying out their duties in resolving rehabilitation law supervise the implementation of the legal process, including supervision of investigations by the police, handling of cases by the courts, and implementation of court decisions. In the context of drug abuse, this supervision aims to ensure that case handling is carried out in accordance with applicable legal procedures. Prosecutors have the responsibility to provide training and guidance to prosecutorial personnel and other related parties involved in handling criminal cases, including drug abuse cases. This training aims to improve competence and professionalism in handling legal cases, including in efforts to prevent and overcome drug abuse.

Handling drug cases through rehabilitation is an approach based on the principle of restorative justice. This approach emphasizes efforts to restore and restore drug abusers. The main goal is to help perpetrators return to a productive life and contribute positively to society. Prosecutors are given the authority to handle drug abuse cases with a rehabilitation approach. This means that they do not only focus on prosecution or the application of criminal penalties, but also consider other alternatives such as rehabilitation programs.¹³ In this approach, the principle of restorative justice is the main guideline. This means that case resolution is not only aimed at punishing the perpetrator, but also at repairing damaged relationships, restoring losses that have occurred, and repairing the negative impacts caused by the perpetrator's actions.

One important aspect of the rehabilitation approach is the social reintegration of the perpetrator into society. This involves various efforts to help the perpetrator re-adjust to the social environment and support them in rebuilding a healthy and positive life. In addition, the rehabilitation approach also has a preventive dimension, where efforts are made to prevent drug abuse from occurring again in the future. This can be through education, understanding the root of the problem, and providing support services for individuals who are vulnerable to drug abuse. The function of case controller as the main role held by the prosecutor in law enforcement, especially in handling drug abuse criminal cases. As law enforcers, prosecutors have the responsibility to control drug abuse criminal cases. They act as controllers who lead and

¹³ Bernard L. Tanya, 2014, *Moralitas Hukum*, Yogyakarta : Genta Publishing, h. 71

supervise the entire process of handling cases, from the initial stages of investigation to the execution of court decisions.

The authority of the prosecutor in carrying out the function of case controller, the prosecutor applies a restorative justice approach. This means that they do not only focus on prosecution or the application of criminal penalties, but also pay attention to rehabilitation and rehabilitative efforts for drug abusers and improve the negative impacts caused.¹⁴ The function of case controllers is carried out based on the principle of *dominus litis* of prosecutors, which emphasizes that prosecutors have a central role in controlling and directing the case handling process. They have the authority to make strategic decisions in the prosecution and resolution of cases. By controlling cases effectively, prosecutors play a role in building an integrated criminal justice system. They ensure that all stages of case handling are carried out in a coordinated and efficient manner, with the aim of achieving justice for all parties involved.

Prosecutors as case controllers also involve good coordination with other related agencies, such as the police, rehabilitation institutions, and courts. Prosecutors ensure that case handling is carried out in a coordinated manner in order to achieve effective results in law enforcement and the rehabilitation of drug abusers, so that Building an integrated criminal justice system is one of the main objectives of the authority given to prosecutors, as regulated in the Attorney General's Guidelines Number 18 of 2021. The prosecutor's authority includes good coordination between prosecutors, the police, and other related agencies, such as rehabilitation institutions and courts. This ensures that the entire process of handling criminal cases, including drug abuse cases, is carried out in a coordinated and integrated manner.

Prosecutors work closely with the police in conducting investigations and prosecutions of criminal cases, including drug abuse cases. They act as coordinators to ensure that evidence collected during investigations can be used effectively in the prosecution process. By building an integrated criminal justice system, prosecutors adopt a holistic approach in handling criminal cases. They consider various aspects of law enforcement, including prevention, prosecution, rehabilitation, and social reintegration. Collaboration between related agencies allows for optimization of resources available for law enforcement.¹⁵ This includes the efficient distribution of human resources, budget, and infrastructure to increase the effectiveness of handling criminal cases. With an integrated system, the process of handling criminal cases, including drug abuse cases, can be carried out more efficiently and effectively. These steps aim to achieve better justice for all parties involved in the criminal justice process. Public prosecutors in resolving the rehabilitation law for drug abusers experience obstacles regarding the lack of infrastructure support referring to conditions where the facilities and means needed to support the handling of legal cases, especially those related to drug abusers, are inadequate or incomplete. Inadequate infrastructure includes limited forensic laboratories, inadequate rehabilitation facilities, or other facilities needed to support the investigation and prosecution of drug cases. Inadequate infrastructure in terms of forensic laboratories can be a serious obstacle for prosecutors in handling drug cases. Forensic laboratories are important for analyzing evidence, such as confiscated narcotics, to obtain strong evidence that can be used in court. Without adequate

¹⁴ Wenda Hartanto, 2017, "Penegakan Hukum Terhadap Kejahatan Narkotika Dan Obat-Obat Terlarang Dalam Era Perdagangan Bebas Internasional Yang Berdampak Pada Keamanan Dan Kedaulatan Negara", *Jurnal Legislasi Indonesia*, 14(1), h. 7

¹⁵ *ibid*, h. 9

facilities, the process of analyzing and verifying evidence can be hampered, causing delays or even failure in the investigation and prosecution process.¹⁶

The lack of adequate rehabilitation facilities can also be an obstacle in handling drug cases in the context of legal settlement based on restorative justice. In some cases, prosecutors seek to promote rehabilitation as an alternative to criminal prosecution, especially for drug abusers who need help to recover and return to society.¹⁷ However, if rehabilitation facilities are limited or inadequate, this can hamper efforts to provide assistance and support to those in need. Thus, it can affect the overall investigation and prosecution process. Without adequate facilities, prosecutors may have difficulty in collecting the necessary evidence, conducting proper analysis, or presenting strong arguments in court. This can hamper the ability of prosecutors to handle drug cases effectively and strengthen law enforcement related to drug abusers.

Limited facilities and infrastructure refer to conditions where the facilities and infrastructure needed to support law enforcement activities, including by prosecutors in handling drug cases, are inadequate or inadequate. Lack of access to adequate transportation can make it difficult for prosecutors to carry out field tasks, such as site surveys, taking testimony, or collecting evidence. Without adequate transportation, prosecutors have difficulty in reaching remote or hard-to-reach locations, which can hinder the prosecution process. Lack of access to the necessary technology can be an obstacle in handling drug cases. Without adequate technology, prosecutors have difficulty in analyzing digital evidence or obtaining relevant information from electronic sources. Limited facilities and infrastructure in terms of forensic laboratories, evidence storage space, or security facilities can also hinder the ability of prosecutors to handle drug cases effectively. Limited or inadequate facilities can slow down the process of investigation, analysis, and storage of evidence needed to support prosecution in court.

CONCLUSIONS

The implementation of the drug abuse rehabilitation policy by the Indonesian Attorney General's Office is based on the principle of *dominus litis* regulated in the Attorney General's Guidelines Number 18 of 2021. This policy addresses the number of drug convicts that exceeds capacity with a restorative justice approach. The principle of *dominus litis* gives prosecutors great authority in controlling the legal process, including the decision to continue or stop prosecution based on the sufficiency of evidence. In addition, this principle allows for the termination of prosecution if the perpetrator's actions are not considered a crime. The Indonesian Attorney General's Office uses rehabilitation as an alternative to sentencing to rehabilitate perpetrators and prevent repeat criminal acts. This mechanism involves evaluating evidence and considering the law and the interests of the community. The ultimate goal is to restore the condition of the perpetrator and the community, and to improve the negative impacts of drug abuse through a holistic approach that includes rehabilitation and social reintegration.

The authority of the Indonesian Attorney General's Office in implementing the drug abuse rehabilitation policy by the Prosecutor based on the principle of *dominus litis* as stipulated in the Attorney General's Guidelines Number 18 of 2021 involves several stages of the legal process in handling drug abuse cases, including pre-prosecution and prosecution. In the pre-prosecution stage, the Prosecutor conducts an initial evaluation of the evidence and ensures formal and

¹⁶ Sarbini, Ilyas, & Ma'arij, Aman, 2020, "Restorative Justice Sebagai Alternatif Penyelesaian Perkara Pidana". *Fundamental: Jurnal Ilmiah Hukum*, 9(1), h. 32

¹⁷ *ibid*, hlm. 34

material completeness. Furthermore, the Prosecutor determines whether to continue the case to court or provide a recommendation for rehabilitation. At the prosecution stage, after receiving complete investigation results, the Prosecutor decides whether the case file can be submitted to the court. If rehabilitation is needed, the Prosecutor determines the place and duration of rehabilitation and ensures that evidence remains safe during the legal process. The Prosecutor acts as a case controller with a focus on restorative justice, prioritizing the recovery of drug abuse perpetrators and improving the negative impacts caused. Challenges faced include the lack of supporting infrastructure such as forensic laboratories and rehabilitation facilities, which can hinder the investigation and prosecution process.

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