

Children Are Not Criminals: Exposing Errors in Drug Law Enforcement and Reconstructing a Restorative Justice-Based Approach

Andri Winjaya Laksana^{1*}, Hendro Widodo², Dzaka Imtiyaz Iqbal³, Dian Pramana⁴, Vasyl Shevchenko⁵

^{1,2,3,4}Sultan Agung Islamic University, Indonesia

⁵Kharkiv National University of Internal Affairs, Ukraine

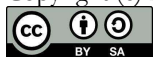
*Corresponding Author: andri.w@unissula.ac.id

|| Received: 20-01-2026 || Revised: 21-05-2026 || Accepted: 01-08-2026 || Published On: 09-08-2026

Abstract: Legal protection for children involved in narcotics cases remains a critical issue within Indonesia's criminal justice system, particularly when children who use or abuse narcotics continue to be processed as offenders and subjected to imprisonment. This study aims to analyze weaknesses in the current enforcement of narcotics law concerning children and to formulate a restorative justice-based reconstruction that prioritizes child protection and rehabilitation. The research employs a socio-legal approach by examining statutory regulations, legal principles, and the implementation of law enforcement practices concerning children in conflict with the law. The findings reveal that law enforcement practices continue to emphasize punitive and retributive measures, despite the Juvenile Criminal Justice System Law requiring deprivation of liberty to be used only as a last resort and mandating that the best interests of the child be prioritized. In practice, children who use narcotics are frequently positioned as perpetrators rather than as vulnerable individuals requiring medical and social rehabilitation, contrary to Article 54 of the Narcotics Law. Several factors—including ambiguities in the legal framework, the dominance of repressive law enforcement paradigms, limited rehabilitation facilities, inadequate institutional coordination, and low public legal awareness of children's rights—contribute to the ineffectiveness of legal protection. This condition hinders the implementation of restorative justice and undermines the fulfillment of children's rights as a vulnerable group. Accordingly, this study proposes reconstructing Article 79 paragraph (1) and Article 82 letter (i) of the relevant legal framework by incorporating mandatory rehabilitation measures and replacing the terminology "users and abusers" with "addicts and victims of drug abuse." This reconstruction contributes to strengthening a child-centered criminal justice system oriented toward recovery, protection, and social reintegration.

Keywords: Child Protection; Narcotics; Restorative Justice; Rehabilitation.

Copyright (c) 2026 Andri Winjaya Laksana et. al.



This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License

INTRODUCTION

The Constitution of the Republic of Indonesia of 1945 establishes that the state is obligated to protect all citizens and promote social justice as part of its constitutional commitment to humanity and public welfare. This constitutional mandate places the protection of children as one of the central responsibilities of the state, particularly when children are confronted with legal problems that threaten their future and development. Within this framework, children should not merely be viewed as legal subjects who can be punished, but as individuals whose dignity, growth, and rights must be safeguarded through a humane and child-oriented justice system. However, the reality of law enforcement in Indonesia demonstrates that children who become involved in narcotics cases are still frequently processed through punitive criminal mechanisms that prioritize imprisonment over recovery and rehabilitation.¹

In the contemporary digital era, narcotics crimes have developed rapidly alongside technological advancement and transnational criminal networks.² Narcotics are no longer distributed solely through conventional methods, but through sophisticated digital systems that facilitate wider circulation and access, including among children and adolescents.³ The increasing involvement of children in narcotics abuse reflects a serious social problem because children are psychologically vulnerable, emotionally unstable, and often incapable of fully understanding the consequences of their actions. Curiosity, peer pressure, family conflict, lack of supervision, and social disorientation frequently become factors that encourage children to experiment with narcotics, eventually leading to dependency and conflict with the law.

The problem becomes more complex because children involved in narcotics cases are commonly positioned as perpetrators rather than victims who require protection and rehabilitation. In practice, law enforcement institutions continue to emphasize retributive punishment through imprisonment even though Law Number 11 of 2012 concerning the Juvenile Criminal Justice System clearly states that deprivation of liberty and criminal sanctions against children must only be used as a last resort. Similarly, Article 54 of the Narcotics Law mandates rehabilitation for narcotics addicts and victims of abuse. Nevertheless, the implementation of these legal norms remains inconsistent. Children who are users or victims of narcotics abuse are still prosecuted, detained, and imprisoned within the ordinary criminal justice framework. This

¹ Syamsul Haling et al., "Perlindungan Hak Asasi Anak Jalanan Dalam Bidang Pendidikan Menurut Hukum Nasional Dan Konvensi Internasional," *Jurnal Hukum & Pembangunan* 48, no. 2 (2018): 361–78, <https://doi.org/10.21143/jhp.vol48.no2.1668>.

² Roni Gunawan Raja Gukguk and Nyoman Serikat Putra Jaya, "Tindak Pidana Narkotika Sebagai Transnasional Organized Crime," *Jurnal Pembangunan Hukum Indonesia* 1, no. 3 (2019): 337–51, <https://doi.org/https://doi.org/10.14710/jphi.v1i3.337-351>.

³ Leah Moyle et al., "Drugsforsale: An Exploration of the Use of Social Media and Encrypted Messaging Apps to Supply and Access Drugs," *Int J Drug Policy* 63 (2019): 101–10, <https://doi.org/https://doi.org/10.1016/j.drugpo.2018.08.005>.

condition illustrates a contradiction between normative legal ideals and practical law enforcement realities.

Children possess constitutional rights that are specifically guaranteed under Article 28B paragraph (2) of the 1945 Constitution, which affirms every child's right to survival, growth, development, and protection from violence and discrimination. These rights require the state to formulate a criminal justice system that prioritizes the best interests of the child. Children differ fundamentally from adults because they are still in the process of psychological, emotional, and social development.⁴ Therefore, legal treatment toward children should emphasize education, guidance, rehabilitation, and social reintegration rather than retaliation and stigmatization. Imprisonment often produces long-term negative consequences for children, including trauma, social exclusion, labeling, and increased vulnerability to repeated criminal behavior. Instead of solving the problem, punitive approaches frequently worsen the condition of children and obstruct their future opportunities.

The urgency of reforming narcotics law enforcement against children is increasingly relevant following the enactment of Law Number 1 of 2023 concerning the National Criminal Code.⁵ The new Criminal Code introduces a more progressive paradigm of punishment by emphasizing proportionality, humanity, rehabilitation, and restorative justice.⁶ Article 54 of the National Criminal Code explicitly requires judges to consider the motive, mental condition, social background, and future impact of punishment before imposing criminal sanctions. This development reflects a shift from a purely punitive orientation toward a more holistic criminal justice approach that combines accountability, prevention, and rehabilitation. However, despite these normative developments, the implementation of restorative justice in narcotics cases involving children remains limited and often merely symbolic.

Comparative experiences from other countries also demonstrate that rehabilitation-oriented approaches are more effective in handling children involved in narcotics abuse. In the United States, integrated juvenile rehabilitation programs prioritize psychological recovery, education, counseling, and social support through interdisciplinary cooperation involving legal institutions, health professionals, and social workers. Similarly, Australia applies integrated child rehabilitation systems that combine healthcare, educational assistance, family intervention, and social

⁴ Zalik Nuryana, Atqo Darmawan, and Herdian Herdian, "Navigating LMICs Challenges Through Educational and Legal Reforms to Strengthen Adolescent Mental Health in Indonesia," *Asian Journal of Psychiatry* 111 (2025): 104614, <https://doi.org/https://doi.org/10.1016/j.ajp.2025.104614>.

⁵ Parningotan Malau, "Tinjauan Kitab Undang-Undang Hukum Pidana (KUHP) Baru 2023," *AlManhaj: Jurnal Hukum Dan Pranata Sosial Islam* 5, no. 1 (2023): 837–44, <https://doi.org/https://doi.org/10.37680/almanhaj.v5i1.2815>.

⁶ Henny Saida Flora, "Restorative Justice in the New Criminal Code in Indonesia: A Prophetic Legal Study," *Rechtsidee* 10, no. 2 (2022), <https://doi.org/https://doi.org/10.21070/jihr.v11i0.836>.

reintegration to ensure holistic protection for children. These approaches illustrate that children involved in narcotics abuse should not be treated as ordinary criminals, but as vulnerable individuals who require recovery and long-term support.⁷

However, Indonesian law enforcement practices continue to reveal a dominant punitive orientation. This can be seen in Decision Number 45/Pid.Sus-Anak/2021/PN.Lbp, where two 16-year-old children were prosecuted for narcotics possession and sentenced to imprisonment despite their status as students and the possibility of restorative measures. Although the judges reduced the sentence, the decision still reflected conventional criminal justice reasoning because it failed to prioritize diversion, rehabilitation, or non-custodial mechanisms. The children remained positioned as subjects of punishment rather than individuals in need of protection and recovery. Such cases demonstrate that restorative justice principles have not been fully internalized within narcotics law enforcement involving children.

Several previous studies have examined legal protection for children in narcotics cases. First, research conducted by Endang Pakpahan focused on legal protection practices for child victims of narcotics abuse at the Belawan District Attorney's Office.⁸ The study emphasized the implementation of rehabilitation and integrated assessment mechanisms within the juvenile justice system. However, the research primarily examined practical implementation and did not critically analyze structural weaknesses in the legal framework or the dominance of punitive legal culture. Second, previous studies on juvenile narcotics crimes generally concentrated on the effectiveness of diversion and rehabilitation policies without exploring the contradiction between narcotics regulations and restorative justice principles within the broader criminal justice system. Third, several studies discussing restorative justice in juvenile cases tend to address general criminal offenses and do not specifically analyze narcotics crimes, which possess unique legal complexities due to their categorization as extraordinary crimes.

Based on these previous studies, this research identifies a significant research gap. Existing scholarship has not comprehensively examined how structural legal weaknesses, retributive legal culture, and inconsistent law enforcement practices collectively contribute to the criminalization of child victims of narcotics abuse. Furthermore, previous studies have not specifically formulated a restorative justice-based reconstruction of narcotics law enforcement by revising normative provisions that still ambiguously position children as "users and abusers" rather than as victims

⁷ Anna Kawalek and Florence Mueni Muema, "Therapeutic and Non-Therapeutic Practices In The Child Justice System in Kenya: A Therapeutic Jurisprudence Perspective," *International Journal of Law and Psychiatry* 95, no. 7 (2024): 101993, <https://doi.org/https://doi.org/10.1016/j.ijlp.2024.101993>.

⁸ Endang Pakpahan, Alpi Sahari, and Ahmad Fauzi, "Legal Protection for Children as Victims of Narcotics Abuse (Research Study at the Belawan District Attorney ' s Office)," *IJRS: International Journal Reglement& Society* 3, no. 3 (2022): 248–56, <https://doi.org/https://doi.org/10.55357/ijrs.v3i3.283>.

and addicts requiring rehabilitation. The novelty of this research therefore lies in its integrative approach that combines constitutional child protection principles, restorative justice theory, and legal reconstruction of narcotics law enforcement norms to reposition children as subjects of recovery rather than punishment.

Based on this background, this study raises one central research question: how can narcotics law enforcement against child victims of drug abuse in Indonesia be reconstructed based on restorative justice principles to ensure optimal child protection and rehabilitation? This study aims to analyze the weaknesses of current narcotics law enforcement practices involving children and to formulate a restorative justice-based reconstruction that prioritizes rehabilitation, diversion, and social reintegration. The significance of this research is both theoretical and practical. Theoretically, this study contributes to the development of child protection law and restorative justice discourse within narcotics law enforcement by offering a critical analysis of the incompatibility between punitive approaches and constitutional child rights principles. Practically, this research provides recommendations for legislators, judges, prosecutors, law enforcement officers, and policymakers in reconstructing narcotics law enforcement policies that are more humane, child-centered, and rehabilitation-oriented. Ultimately, this study seeks to strengthen the realization of a juvenile criminal justice system that truly reflects the principles of justice, protection, and the best interests of the child.

METHOD

This study employs a socio-legal research⁹ approach to examine the gap between normative legal provisions and the realities of narcotics law enforcement involving children in Indonesia. Socio-legal research views law not merely as a set of written rules, but as a social institution that interacts dynamically with legal culture, institutional practices, and community behavior. Through this approach, the research analyzes how restorative justice principles and child protection norms are implemented within the juvenile criminal justice system, particularly in cases involving child victims of narcotics abuse. The study combines normative legal analysis with empirical examination by reviewing constitutional provisions, statutory regulations, court decisions, legal doctrines, and the practical application of narcotics law enforcement. Data collection techniques were conducted through library research and document analysis, including the examination of the 1945 Constitution of the Republic of Indonesia, the Juvenile Criminal Justice System Law, the Narcotics Law, the National Criminal Code, court judgments, academic journals, legal commentaries, and relevant policy documents concerning restorative justice and child protection.

⁹ Masdurohatun Anis, Combating Digital Defamation: Regulations, Challenges and Protecting Reputation, *Journal of Sustainable Development and Regulatory Issues*, Vol. 3, No. 3(September-December) (2025), 486-514, P-ISSN: 2987-8071 | E-ISSN: 2987-8063 | DOI: <https://doi.org/10.53955/jsderi.v3i3.147>.

The collected data were analyzed qualitatively using descriptive-analytical methods to identify inconsistencies between legal norms and law enforcement practices, as well as to formulate a restorative justice-based reconstruction of narcotics law enforcement against children. The analysis process involved data reduction, classification, interpretation, and legal reasoning to understand the structural, cultural, and institutional factors contributing to the criminalization of child narcotics users. In addition, comparative analysis was employed by examining rehabilitation-oriented approaches implemented in several countries, such as the United States and Australia, in order to identify relevant restorative justice models that could be adapted within the Indonesian legal system. To ensure the validity and reliability of the research findings, this study applied data triangulation techniques by comparing statutory regulations, judicial decisions, academic perspectives, and empirical legal practices. This validation process was intended to strengthen the accuracy, consistency, and credibility of the research conclusions regarding the reconstruction of child-centered narcotics law enforcement policies.

RESULTS AND DISCUSSION

Law Enforcement Against Child Victims of Drug Abuse Is Not Yet Based on Restorative Justice

The regulation of narcotics crimes in Indonesia fundamentally reflects two different legal orientations. On the one hand, the Narcotics Law adopts a strict and punitive approach toward dealers, syndicates, and illicit distributors because narcotics crimes are categorized as extraordinary crimes that threaten national security and public health.¹⁰ On the other hand, the law also contains a humanitarian dimension that recognizes narcotics addicts and victims of abuse as individuals requiring treatment and recovery. This humanitarian orientation is reflected in Article 54 of Law Number 35 of 2009 concerning Narcotics, which explicitly mandates that narcotics addicts and victims of narcotics abuse are obliged to undergo medical and social rehabilitation. Normatively, this provision demonstrates that the legal policy regarding narcotics is not solely retributive, but also rehabilitative.^{11,12}

However, in practice, the implementation of these norms remains problematic, especially when children become involved in narcotics abuse cases. Children who use narcotics are frequently processed through ordinary criminal justice mechanisms and

¹⁰ Hawa Hidayatul Hikmiyah, "Efforts to Form Sakinah Families for User Clients Drug Rehabilitation Houses in East Java," *Nusantara: Journal of Law Studies* 2, no. 2 (December 2023): 137–46, <https://doi.org/10.5281/zenodo.17388649>.

¹¹ Bambang Tri Bawono, Dwi Wahyono, and Andri Winjaya Laksana, "Implementation Of Rehabilitation For Drug Abuses According To Law Number 35 Of 2009 Concerning Narcotics," *Jurnal Hukum* 38, no. 1 (March 2022): 1–11, <https://doi.org/10.26532/JH.V38I1.20869>.

¹² Mikha Dewiyanti Putri, Prih Utami, and Teddy Cipta Lesmana, "The Implementation of Rehabilitation Assessment As Legal Protection For Narcotics Abusers in Indonesia," *Jurnal Dinamika Hukum* 22, no. 1 (July 2022): 154–67, <https://doi.org/10.20884/1.JDH.2022.22.1.3245>.

positioned as offenders rather than victims requiring recovery.^{13,14} This condition indicates that law enforcement institutions still prioritize punitive approaches despite the existence of legal instruments emphasizing child protection and rehabilitation. The juvenile criminal justice system should theoretically prioritize restorative justice, diversion, and recovery because children are individuals who are still undergoing psychological and social development.^{15,16}

The Juvenile Criminal Justice System Law clearly establishes that children who come into conflict with the law must receive special treatment different from adults. Article 20 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System states that children who committed crimes before reaching the age of 18 years but are tried before reaching 21 years remain entitled to legal protection under juvenile justice provisions.¹⁷ This arrangement reflects the principle that children possess evolving capacities and therefore cannot be equated with adults in terms of criminal responsibility and punishment.¹⁸

The philosophy underlying juvenile justice emphasizes educational and corrective measures rather than retaliation. Criminal sanctions imposed on children should not merely create suffering but should aim to educate, rehabilitate, and reintegrate children into society. In this regard, criminal law scholars distinguish criminal sanctions from disciplinary sanctions based on the element of blame. Punishment for children should therefore be oriented toward guidance and development rather than revenge. Unfortunately, this philosophical orientation is often neglected in narcotics cases involving children.

The judicial process against child narcotics users formally differs from adult proceedings because children possess specific procedural rights and protections.¹⁹

¹³ Novi Novitasari and Nur Rochaeti, "Proses Penegakan Hukum Terhadap Tindak Pidana Penyalahgunaan Narkotika Yang Dilakukan Oleh Anak," *Jurnal Pembangunan Hukum Indonesia* 3, no. 1 (January 2021): 96–108, <https://doi.org/10.14710/JPHI.V3I1.96-108>.

¹⁴ Ryan Fadli Siregar et al., "Law Enforcement Against Criminal Acts of Drug Abuse Committed by Children," *International Journal of Law and Society* 2, no. 1 (2024): 83–89, <https://doi.org/https://doi.org/10.62951/ijls.v2i1.295>.

¹⁵ Dina Imam Supaat, "Restorative Justice for Juvenile Drugs Use in Indonesian Court: A Criminological Approach," *Lex Publica* 9, no. 1 (June 2022): 94–110, <https://doi.org/10.58829/LP.9.1.2022.94-110>.

¹⁶ Muhammad Ansori Lubis, Muhammad Yassid, and Novi Juli Rosani Zulkarnain, "Legal Protection of Children as Victims in Restorative Justice Based on Justice Value," *Jurnal Pembaharuan Hukum* 9, no. 2 (2022): 203–12, <https://doi.org/https://doi.org/10.26532/jph.v9i2.23840>.

¹⁷ Y. Sonafist et al., "Contested Puberty: Judicial Discretion, Moral Regulation, and the Persistence of Child Marriage in Indonesia," *Nusantara: Journal of Law Studies* 5, no. 2 (July 2026): 825–48, <https://doi.org/10.66325/nusantaralaw.v5i2.278>.

¹⁸ Daud Rismana et al., *The Legal Effectiveness of Juvenile Diversion: A Study of the Indonesian Juvenile Justice System*, 7, no. 2 (2025): 190–205, <https://doi.org/https://doi.org/10.15575/kh.v7i2.44162>.

¹⁹ Ageng Fajar Wicaksono Siti Rodhiyah Dwi Istinah Andi Aina Ilmih, "The Investigation Process of Children Suspects in Narcotics Crime in National Anti Narcotics Agency (BNN)," <https://doi.org/10.66325/nusantaralaw.v5i2.164>

These protections are guaranteed under Law Number 35 of 2014 concerning Child Protection and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. The state is obligated to provide special protection for children who face social vulnerabilities, including children involved in narcotics abuse. Nevertheless, despite these legal guarantees, law enforcement practices frequently fail to distinguish between children as victims and children as perpetrators.²⁰

In narcotics cases, children are often charged under Article 127 paragraph (1) of the Narcotics Law for personal use of narcotics. Legally, criminal responsibility still requires fulfillment of subjective and objective elements, including unlawful conduct, the existence of fault, and the capacity for responsibility. However, although children may formally fulfill these legal elements, their psychological and developmental conditions should become primary considerations in determining legal responses. Children who abuse narcotics are frequently influenced by environmental pressure, emotional instability, peer influence, or family neglect, making them fundamentally different from organized narcotics traffickers.²¹

The dominant punitive orientation can be observed in many court decisions where imprisonment remains the preferred sanction even though rehabilitation and diversion mechanisms are available. Judges may reduce prison sentences based on the child's age or educational status, yet imprisonment itself continues to be imposed. Such decisions illustrate that restorative justice principles have not been fully implemented. Instead of shifting the legal process toward rehabilitation and social reintegration, the criminal justice system continues to position children as objects of punishment.²²

This condition contradicts the principle of "the best interests of the child," which is recognized internationally through the Convention on the Rights of the Child and nationally through constitutional guarantees and child protection laws.²³ The deprivation of liberty should be used only as a last resort because imprisonment often creates long-term psychological and social consequences for children. Children who are imprisoned may experience trauma, social stigma, educational disruption, and

Law Development Journal 4, no. 3 (2022): 439–45, <https://doi.org/https://doi.org/10.30659/ldj.4.3.439-445>.

²⁰ Dhian Artwitadibrata and Akhmad Khisni, "The Concept of Criminal Law for Personnel of Narcotics Abuse," *Jurnal Daulat Hukum* 3, no. 4 (February 2021): 411–18, <https://doi.org/10.30659/JDH.V3I4.13603>.

²¹ I. Wayan et al., "Pertanggungjawaban Pidana Anak Sebagai Kurir Dalam Tindak Pidana Narkotika," *Jurnal Analogi Hukum* 2, no. 2 (July 2020): 215–20, <https://doi.org/10.22225/AH.2.2.2020.215-220>.

²² Cecep Mustafa, Margaret Malloch, and Niall Hamilton Smith, "Judicial Perspectives on the Sentencing of Minor Drug Offenders in Indonesia: Discretionary Practice and Compassionate Approaches," *Crime, Law and Social Change* 74, no. 3 (October 2020): 297–313, <https://doi.org/10.1007/S10611-020-09896-0/METRICS>.

²³ Deni Setiyawan et al., "Exploring Abhakalan Culture (Early Marriage) in Madura : A Dialogue of Customary Law , Religion , and The State," *Abkam: Jurnal Ilmu Syariah* 24, no. 2 (2024): 345–64, <https://doi.org/https://doi.org/10.15408/ajis.v24i2.36070>.

<https://doi.org/10.66325/nusantaralaw.v5i2.164>

difficulties in social reintegration. Rather than restoring the child's condition, punitive sanctions may intensify marginalization and increase the likelihood of recidivism.^{24,25}

Restorative justice fundamentally seeks to repair harm, restore social relationships, and prioritize recovery over punishment.²⁶ In cases involving child victims of narcotics abuse, restorative justice requires viewing children as vulnerable individuals who need assistance and rehabilitation rather than retribution. However, Indonesian law enforcement still tends to emphasize legal formalism and criminalization. As a result, restorative justice remains largely normative and has not yet become the dominant paradigm in handling child narcotics cases.²⁷

The persistence of punitive approaches reflects a deeper structural problem within Indonesia's legal system. Although the law formally recognizes rehabilitation and child protection, implementation remains inconsistent because law enforcement institutions continue to operate within a retributive mindset.²⁸ This inconsistency demonstrates the gap between legal ideals and practical realities. Consequently, child victims of narcotics abuse remain vulnerable to criminalization, despite the existence of legal norms designed to protect them.

Structural Weaknesses in Law Enforcement for Child Victims of Drug Abuse

The ineffectiveness of restorative justice implementation in narcotics cases involving children can be analyzed using Soerjono Soekanto's theory of legal effectiveness. According to this theory, the effectiveness of law is influenced by five interrelated factors: legal substance, law enforcement officials, supporting facilities, community factors, and legal culture. Weaknesses in these five aspects collectively contribute to the continued criminalization of child victims of narcotics abuse.

Table 1. Weaknesses of Current Law Enforcement Against Child Victims of Drug Abuse

Factors of Legal Effectiveness	Existing Problems	Impact on Children
--------------------------------	-------------------	--------------------

²⁴ Jodie Hodgson, "Offending Girls and Restorative Justice: A Critical Analysis," *Youth Justice* 22, no. 2 (2020): 166–88, <https://doi.org/https://doi.org/10.1177/1473225420967751>.

²⁵ Bambang Tri Bawono et al., "Human Trafficking and the Relevance of Hifz Al-Nafs and Hifz al-'ird in Contemporary Islamic Legal Ethics," *MILRev: Metro Islamic Law Review* 4, no. 1 (2025): 597–618, <https://doi.org/https://doi.org/10.32332/milrev.v4i1.10694>.

²⁶ Achmad Irwan Hamzani et al., "Non-Procedural Dispute Resolution: Study of the Restorative Justice Approach Tradition in Indonesian Society," *Int J Offender Ther Comp Criminol* 69, no. 4 (2025): 373–87, <https://doi.org/https://doi.org/10.1177/0306624x231165425>.

²⁷ Muhammad Shobirin et al., "Concept of Protection for Victims of Narcotics Abuse in Indonesia Fairly Based on Pancasila," *Journal of Law and Sustainable Development* 12, no. 1 (January 2024): 1–27, <https://doi.org/10.55908/sdgs.v12i1.2445>.

²⁸ Bambang Tri Bawono and Henning Glaser, "The Urgency of Restorative Justice Regulation on Hate Speech," *BESTUUR* 11, no. 2 (2023): 364–83, <https://doi.org/10.20961/BESTUUR.V11I2.82508>.

Legal Substance	Ambiguous terminology such as “user” and “abuser”	Children are inconsistently categorized as offenders or victims
Law Enforcement Officials	Dominance of punitive and retributive approaches	Rehabilitation is rarely prioritized
Legal Culture	Strong stigma against child drug users	Children are socially labeled as criminals
Facilities and Infrastructure	Limited rehabilitation centers and professional staff	Recovery programs become inaccessible
Community Factors	Low public awareness of restorative justice	Public pressure encourages imprisonment

Source: Author’s Interpretation

The first weakness lies within legal substance itself. The regulation of narcotics crimes still contains ambiguous terminology that creates uncertainty in implementation. The terms “user” and “abuser” are not clearly distinguished from “victim” or “addict.” This ambiguity weakens the operationalization of restorative justice because law enforcement officials possess broad discretion in interpreting the legal status of children involved in narcotics cases. As a consequence, children may be treated differently depending on the interpretation of investigators, prosecutors, or judges.²⁹

Normative ambiguity also creates inconsistency between the Narcotics Law and the Juvenile Criminal Justice System Law.³⁰ While the Juvenile Criminal Justice System Law emphasizes diversion and rehabilitation, narcotics provisions continue to facilitate criminal prosecution and imprisonment. This inconsistency weakens legal certainty and makes restorative justice difficult to implement effectively. As long as the law continues to prioritize punitive language, law enforcement officials will tend to apply criminal sanctions rather than rehabilitation.

The second weakness concerns law enforcement officials themselves. Police officers, prosecutors, judges, and correctional officers frequently continue to adopt repressive approaches in handling narcotics cases involving children.³¹ Many law enforcement officials still perceive narcotics abuse primarily as a criminal issue rather

²⁹ Mariah Sonangkok Purba Elpina, “THE NARCOTICS ABUSE TERM WEAKNESSES IN CRIMINAL LAW ENFORCEMENT OF INDONESIA,” *Jurnal Pembaharuan Hukum* 8, no. 1 (2021): 34–47, <https://doi.org/10.26532/jph.v8i1.14547>.

³⁰ Anis Mashdurohatun, Yusefandi Usman, and Toni Ariadi, “Rethinking Palm Oil Plastic Regulations Sustainable and Ecological Justice,” *Journal of Human Rights Culture and Legal System* 5, no. 2 (2025): 500–530, <https://doi.org/https://doi.org/10.53955/jhcls.v5i2.681>.

³¹ Asep Iswahyudi Rachman and Sri Kusriyah, “Law Enforcement Of Narcotics Laws,” *Law Development Journal* 2, no. 2 (October 2020): 139–45, <https://doi.org/10.30659/LDJ.2.2.139-145>.

than a public health and child protection issue. Consequently, rehabilitation is often treated as secondary to punishment.

Differences in interpretation among law enforcement officials further aggravate the problem. In some cases, children may receive rehabilitation, while in other cases similar conduct results in imprisonment.³² This inconsistency demonstrates the absence of a unified understanding regarding restorative justice.³³ Moreover, many officials lack sufficient training concerning child psychology, dependency disorders, and rehabilitative justice. The legal process therefore becomes insensitive to the emotional and psychological conditions of children.

The third weakness involves legal culture. Indonesian society still possesses a strong punitive culture toward narcotics crimes. Drug users are often viewed as immoral individuals deserving punishment rather than victims requiring treatment.³⁴ This social stigma becomes even stronger when children are involved. Instead of receiving empathy and assistance, child drug users are frequently labeled as criminals and social deviants.³⁵

This punitive culture influences law enforcement institutions because officials themselves are part of society and internalize prevailing social values. Public demands for strict punishment create pressure on prosecutors and judges to impose imprisonment rather than diversion or rehabilitation. Consequently, restorative justice mechanisms become difficult to apply because they are perceived as too lenient toward offenders. The fourth weakness concerns facilities and infrastructure. Effective rehabilitation requires adequate institutions, professional staff, psychological counselors, medical personnel, and sufficient state funding. However, rehabilitation infrastructure in Indonesia remains limited, particularly for children. Many regions lack specialized rehabilitation facilities for minors, and existing institutions are often overcrowded or underfunded.³⁶

³² A. A. Ngr Rai Anjasmara Putra, I. Made Sepud, and I. Nyoman Sujana, "Disparitas Putusan Hakim Dalam Tindak Pidana Narkotika," *Jurnal Analogi Hukum* 2, no. 2 (July 2020): 129–35, <https://doi.org/10.22225/AH.2.2.2020.129-135>.

³³ Achmad Fauzi et al., "Interpreting the Material Requirements of Recidivism: Realizing Restorative Justice in the Police Force," *Kosmik Hukum* 23, no. 3 (2023): 277–91, <https://doi.org/https://doi.org/10.30595/kosmikhukum.v23i3.18747>.

³⁴ Albin Stenström, Felipe Estrada, and Henrik Tham, "It Should Be Hard to Be a Drug Abuser? An Evaluation of the Criminalization of Drug Use in Sweden," *International Journal of Drug Policy* 133 (November 2024): 104573, <https://doi.org/10.1016/J.DRUGPO.2024.104573>.

³⁵ Henky Fernando et al., "Polemik Dan Diskriminasi: Keterlibatan Anak Dalam Penyalahgunaan Narkotika," *Community: Pengawas Dinamika Sosial* 8, no. 2 (2022): 185–202, <https://doi.org/https://doi.org/10.35308/jcpds.v8i2.5491>.

³⁶ Wilson Bugner F. Pasaribu, Syafruddin Kalo, and Madiasa Ablisar, "Legal Implications In The Implementation Of Rehabilitation Assessment For Narcotics Abuse Addicts," *RGS4 – Revista de Gestão Social e Ambiental* 18, no. 4 (2024): 1–15, <https://doi.org/https://doi.org/10.24857/rgsa.v18n4-068>.

Budget limitations further hinder rehabilitation efforts. The state continues to allocate greater resources toward punitive law enforcement mechanisms such as detention and imprisonment rather than recovery-oriented programs. Without adequate institutional support, restorative justice remains difficult to implement effectively. Rehabilitation may exist normatively, but practically, many children cannot access appropriate services. The fifth weakness involves societal factors and public legal awareness. Many communities still fail to understand that children involved in narcotics abuse are vulnerable individuals who require protection. Public opinion frequently favors harsh punishment as a deterrent measure. This perception encourages authorities to adopt punitive policies to satisfy social expectations.

Low public understanding regarding restorative justice also weakens family and community participation in the recovery process. Families may feel ashamed or stigmatized when their children become involved in narcotics abuse, causing them to avoid rehabilitation programs. Communities may isolate children rather than supporting reintegration efforts. Consequently, the recovery process becomes more difficult because restorative justice fundamentally depends on collective social support. These five weaknesses collectively demonstrate that the problem is not merely legal but structural and cultural. The law may formally recognize rehabilitation and child protection, yet ineffective implementation persists because the broader legal system remains dominated by retributive thinking. Therefore, reconstructing narcotics law enforcement against children requires comprehensive reform involving legal substance, institutional practices, public awareness, and rehabilitation infrastructure.

Comparative Perspectives on Restorative Justice for Child Drug Victims

Several countries have adopted restorative and rehabilitation-oriented approaches in handling children involved in narcotics abuse.³⁷ Comparative experiences from the United States, Australia, and the Netherlands demonstrate that children should be viewed as vulnerable individuals requiring treatment and reintegration rather than punishment.³⁸ In the United States, juvenile rehabilitation programs integrate legal, psychological, educational, and social services into a comprehensive recovery framework. Child offenders are frequently diverted away from formal criminal

³⁷ Luisa Kuryshv et al., “Drug Use Among University Students in Germany: A Realistic Study and Scientific Analysis of Causes, Consequences, and Prevention Strategies,” *Al-Biruni Journal of Humanities and Social Sciences*, May 10, 2026, 1, <https://doi.org/10.64440/BIRUNI/BIR0026>.

³⁸ Ian D. Marder, “Mapping Restorative Justice and Restorative Practices in Criminal Justice in the Republic of Ireland,” *International Journal of Law Crime and Justice* 70, no. 6 (2022): 100544, <https://doi.org/https://doi.org/10.1016/j.ijlcj.2022.100544>.

proceedings into treatment programs supervised by multidisciplinary teams.^{39,40} The emphasis is placed on addressing underlying social and psychological causes of narcotics abuse, including trauma, family conflict, mental health disorders, and peer influence.

Similarly, Australia has developed diversion schemes and integrated rehabilitation systems specifically designed for children. Australian juvenile justice policies emphasize restorative conferencing, family involvement, and community-based rehabilitation. Instead of imprisonment, children are encouraged to participate in counseling, therapy, educational support, and social reintegration programs. This approach recognizes that punitive sanctions often fail to address the root causes of juvenile offending.⁴¹ The Netherlands also provides an important model through the principle of opportunity, which grants prosecutors discretion to discontinue prosecution and redirect children toward rehabilitation programs. Dutch juvenile justice policies prioritize prevention, recovery, and reintegration over incarceration. Children involved in narcotics abuse are approached primarily through healthcare and social welfare frameworks rather than punitive criminal law mechanisms.

Internationally, the United Nations has consistently emphasized that children involved in narcotics abuse should be treated within a child protection and public health framework. The Convention on the Rights of the Child requires states to prioritize the best interests of the child and ensure rehabilitation and social reintegration for children in conflict with the law. UN policies concerning juvenile justice also encourage diversion and non-custodial measures as alternatives to imprisonment. These comparative experiences reveal a common paradigm shift from retribution toward restoration. Children are recognized as individuals who require recovery and support rather than exclusion and punishment.⁴² Rehabilitation programs are integrated with family participation, educational assistance, psychological counseling, and community involvement to ensure long-term reintegration.⁴³

³⁹ Keisha April et al., "Conceptualizing Juvenile Justice Reform: Integrating The Public Health, Social Ecological, And Restorative Justice Models," *Children and Youth Services Review* 148 (2023): 1–10, <https://doi.org/https://doi.org/10.1016/j.chidyouth.2023.106887>.

⁴⁰ Danica K. Knight et al., "Results Of a National Survey Of Substance Use Treatment Services For Youth Under Community Supervision," *Knight et al. Health & Justice* 11, no. 29 (2023): 1–12, <https://doi.org/https://doi.org/10.1186/s40352-023-00233-w>.

⁴¹ Anaïs Henneguelle and Don Weatherburn, "Does Diverting Minor Drug Offenders Reduce Recidivism? Cannabis Cautioning in Australia," *International Journal of Drug Policy* 145 (2025): 105008, <https://doi.org/https://doi.org/10.1016/j.drugpo.2025.105008>.

⁴² Rama Fatahillah Yulianto and Ali Muhammad, "Eksistensi Institusi Pemasyarakatan Dalam Mewujudkan Reintegrasi Sosial Kepada Warga Binaan Pemasyarakatan," *Jurnal Yustisia* 7, no. 2 (2021): 173–84, <https://doi.org/https://doi.org/10.31943/yustitia.v7i2.139>.

⁴³ Indriati Amarini et al., "Social Reintegration after the Implementation of Restorative Justice in the Indonesian Criminal Code," *Jurnal Media Hukum* 31, no. 1 (2024): 115–33, <https://doi.org/https://doi.org/10.18196/jmh.v31i1.20655>.

Compared to these countries, Indonesia still relies heavily on punitive mechanisms. Diversion and rehabilitation exist normatively but remain inconsistently implemented. Law enforcement institutions continue to prioritize criminal prosecution, and imprisonment remains common even in cases involving child narcotics users. This contrast demonstrates the urgent need for legal reconstruction in Indonesia. Comparative perspectives also show that restorative justice is more effective in reducing recidivism and preventing long-term social harm. Children who receive rehabilitation and family support are more likely to recover and reintegrate successfully than children who experience imprisonment and stigmatization. Therefore, adopting restorative justice is not merely a humanitarian necessity but also a more effective long-term legal strategy.⁴⁴

Reconstruction of Restorative Justice-Based Law Enforcement for Child Victims of Drug Abuse

The reconstruction of narcotics law enforcement against child victims of drug abuse must begin with normative reform. Existing legal provisions require clarification to eliminate ambiguity and strengthen rehabilitation-oriented justice. The terminology used within narcotics regulations should explicitly distinguish between traffickers and children who are addicts or victims of abuse.⁴⁵ Article 82 letter (i) of the new Criminal Procedure Code should therefore be reconstructed by replacing the terms “user” and “abuser” with “addicts and victims of narcotics abuse.” This change is important because the existing terminology fails to provide conceptual clarity regarding the legal status of children. By explicitly recognizing children as victims or addicts, law enforcement officials would possess a stronger normative basis for prioritizing rehabilitation and restorative justice mechanisms.

Similarly, Article 79 paragraph (1) should be reconstructed by explicitly incorporating mandatory medical and social rehabilitation as part of restorative justice implementation. Restorative justice should not merely involve compensation or settlement mechanisms but must address the child’s psychological, social, and medical recovery needs. Rehabilitation should become a central legal obligation rather than an optional consideration. Legal reconstruction must also strengthen prosecutorial discretion to discontinue prosecution and divert children toward rehabilitation programs.⁴⁶ Like the Dutch opportunity principle, Indonesian law should provide

⁴⁴ Catherine S. Kimbrell, David B. Wilson, and Ajima Olaghere, “Restorative Justice Programs And Practices in Juvenile Justice: An Updated Systematic Review And Meta-Analysis For Effectiveness,” *Criminology & Public Policy* 22, no. 1 (2022): 161–95, <https://doi.org/https://doi.org/10.1111/1745-9133.12613>.

⁴⁵ Alia Taha Mahmoud, “A Review Article: ‘Criminal Policy in Confronting Drug Abuse to Protect Family Security,’” *Al-Biruni Journal of Humanities and Social Sciences* 4, no. 3 (March 2026): 37, <https://doi.org/10.64440/BIRUNI/BIR0019>.

⁴⁶ Irwan Waris et al., “Reframing Public Policy on Narcotic Case Dismissals: Integrating Maqasid al-Shari’ah and Restorative Justice in the Contemporary Era,” *MILRev: Metro Islamic Law Review* 4, no. 1 (2025): 566–96, <https://doi.org/https://doi.org/10.32332/milrev.v4i1.10579>.

explicit authority for prosecutors to terminate criminal proceedings when rehabilitation serves the best interests of the child. Such authority would reduce overcriminalization and prevent unnecessary imprisonment.⁴⁷

Institutional reform is equally important. Law enforcement officials require specialized training concerning restorative justice, child psychology, dependency disorders, and rehabilitation-based approaches.⁴⁸ Police officers, prosecutors, and judges must shift from punitive paradigms toward child-centered justice models. Without changing institutional mindsets, normative reform alone will not be effective. The state must also strengthen rehabilitation infrastructure through adequate funding, specialized rehabilitation centers, professional counselors, and integrated support systems. Effective restorative justice cannot operate without sufficient institutional capacity. Rehabilitation services must be accessible throughout Indonesia, including in rural and underdeveloped regions.⁴⁹

Furthermore, public legal awareness must be transformed. Government institutions should conduct public education campaigns emphasizing that child victims of narcotics abuse are individuals requiring protection rather than condemnation. Families and communities should become active participants in recovery processes through counseling, mediation, and reintegration programs.⁵⁰ Changing social stigma is essential because restorative justice fundamentally depends on community acceptance. Children who complete rehabilitation should not continue to experience labeling and exclusion. Society must recognize rehabilitation as an investment in the future of children and national social welfare.⁵¹

Ultimately, restorative justice-based reconstruction seeks to reposition children from objects of punishment into subjects of recovery and protection. The criminal justice system should function not as an instrument of retaliation but as a mechanism for restoring dignity, health, and social relationships.⁵² By integrating rehabilitation,

⁴⁷ Yan Zhang and Yiwei Xia, "Can Restorative Justice Reduce Incarceration? A Story From China," *Justice Quarterly* 38, no. 7 (2021): 1471–91, <https://doi.org/https://doi.org/10.1080/07418825.2021.1950814>.

⁴⁸ Steve Kirkwood, "A Practice Framework for Restorative Justice," *Aggression and Violent Behavior* 63, no. 3 (2021): 101688, <https://doi.org/https://doi.org/10.1016/j.avb.2021.101688>.

⁴⁹ Jonathan Hobson and Brian Payne, "Building Restorative Justice Services: Considerations on Top-down and Bottom-up Approaches," *International Journal of Law Crime and Justice* 71 (2022): 100555, <https://doi.org/https://doi.org/10.1016/j.ijlcj.2022.100555>.

⁵⁰ Siti Zubaidah et al., "Integrating Tradition into Legal Reform: Reconstructing the Role of Reconciliatory Customary Judges in Diversion Processes within the Interplay of Islamic, Customary, and National Law," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 2 (2025): 447–61, <https://doi.org/https://doi.org/10.29300/mzn.v12i2.8439>.

⁵¹ Sukardi Sukardi and Hadi Rahmat Purnama, "Restorative Justice Principles In Law Enforcement And Democracy In Indonesia," *JILS : Journal Of Indonesian Legal Studies* 7, no. 1 (2022): 155–90, <https://doi.org/https://doi.org/10.15294/jils.v7i1.53057>.

⁵² Ariefulloh Ariefulloh et al., "Restorative Justice-Based Criminal Case Resolution in Salatiga , Indonesia : Islamic Law Perspective and Legal Objectives," *Ijtihad: Jurnal Wacana Hukum Islam*

diversion, and child protection principles into narcotics law enforcement, Indonesia can move toward a more humane and effective juvenile justice system.⁵³ The reconstruction proposed in this study answers the central research question by demonstrating that restorative justice requires comprehensive reform involving legal substance, institutional practice, legal culture, and social awareness. Children involved in narcotics abuse should no longer be viewed as criminals deserving imprisonment, but as vulnerable individuals entitled to protection, rehabilitation, and a second chance for a better future.

CONCLUSION

This study concludes that law enforcement against child victims of drug abuse in Indonesia has not yet fully reflected the principles of restorative justice because the criminal justice system continues to be dominated by punitive and retributive approaches. Although the Narcotics Law and the Juvenile Criminal Justice System Law normatively provide space for rehabilitation, diversion, and child protection, their implementation remains inconsistent in practice. Children involved in narcotics abuse are still frequently positioned as offenders rather than as victims or individuals experiencing dependency who require recovery and social reintegration. The findings demonstrate that the ineffectiveness of restorative justice is influenced by several interconnected factors, including ambiguous legal norms, differing interpretations among law enforcement officials, limited rehabilitation facilities and institutional support, punitive legal culture, and strong societal pressure favoring imprisonment. Consequently, the legal system has not been able to optimally guarantee the best interests of the child or prevent the long-term stigma and psychological harm caused by criminalization.

Therefore, this study emphasizes the urgency of reconstructing narcotics law enforcement through a restorative justice-based approach that prioritizes rehabilitation, protection, and social recovery for children. Legal reconstruction should be carried out by clarifying normative formulations, particularly by repositioning children as “addicts and victims of narcotics abuse” rather than merely “users and abusers,” while also strengthening diversion and rehabilitation mechanisms within the criminal justice process. In addition, institutional reform is needed through improving the capacity and paradigm of law enforcement officials, expanding rehabilitation infrastructure, and building a more child-centered legal culture within society. Comparative practices from the United States, Australia, and the Netherlands demonstrate that recovery-oriented approaches are more humane and effective in

Dan *Kemanusiaan* 23, no. 1 (2023): 19–36, <https://doi.org/https://doi.org/10.18326/ijtihad.v23i1.19-36>.

⁵³ Arsyad Aldyan and Abhishek Negi, “The Model of Law Enforcement Based on Pancasila Justice,” *Journal of Human Rights, Culture and Legal System* 2, no. 3 (November 2022): 178–90, <https://doi.org/10.53955/JHCLS.V2I3.51>.

protecting children's futures. For future research, it is recommended to conduct empirical and interdisciplinary studies focusing on the effectiveness of rehabilitation programs, the implementation of diversion mechanisms in different regions, and the long-term psychological and social impacts of restorative justice policies on children involved in narcotics cases in Indonesia.

ACKNOWLEDGEMENT

The authors would like to express their sincere gratitude to the Rector and the entire academic community of Sultan Agung Islamic University, Indonesia, for their valuable support, institutional assistance, and contributions to the completion of this research. The authors also appreciate the academic environment and resources provided by the university, which greatly supported the research and publication process.

AUTHOR CONTRIBUTIONS STATEMENT

Andri Winjaya Laksana contributed to the conceptualization of the study, development of the research framework, and overall supervision of the research. Hendro Widodo contributed to the literature review, methodological design, and interpretation of the findings. Dzaka Imtiyaz Iqbal contributed to data collection, data analysis, and the development of the manuscript. Dian Pramana contributed to the analysis and interpretation of the results, as well as critical revision of the manuscript. Vasyi Shevchenko contributed to the theoretical analysis, critical review, and refinement of the manuscript. All authors contributed to the drafting and revision of the manuscript, approved the final version, and agreed to be accountable for all aspects of the work.

AI USAGE STATEMENT

The authors declare that generative artificial intelligence (AI) tools were used solely to support language editing, grammar checking, and improvement of the clarity and readability of the manuscript. AI tools were not used to generate research data, conduct data analysis, formulate research findings, or determine the scientific conclusions. The authors remain fully responsible for the accuracy, originality, integrity, and scholarly content of the manuscript and have carefully reviewed and verified all AI-assisted text before submission.

CONFLICT OF INTEREST

The authors declare that there are no conflicts of interest, financial or otherwise, that could have influenced the research, analysis, interpretation of the findings, or publication of this manuscript.

REFERENCES

- Aldyan, Arsyad, and Abhishek Negi. "The Model of Law Enforcement Based on Pancasila Justice." *Journal of Human Rights, Culture and Legal System* 2, no. 3 (November 2022): 178–190. <https://doi.org/10.53955/JHCLS.V2I3.51>.
- Amarini, Indriati, Gamalel Rifqi Samhudi, Safitri Mukarromah, Noorfajri Ismail, and Yusuf Saefudin. "Social Reintegration after the Implementation of Restorative Justice in the Indonesian Criminal Code." *Jurnal Media Hukum* 31, no. 1 (2024): 115–133. <https://doi.org/10.18196/jmh.v31i1.20655>.
- April, Keisha, Shannon W. Schrader, Toni E. Walker, Robert M. Francis, Hector Glynn, and Derrick M. Gordon. "Conceptualizing Juvenile Justice Reform: Integrating The Public Health, Social Ecological, And Restorative Justice Models." *Children and Youth Services Review* 148 (2023): 1–10. <https://doi.org/10.1016/j.childyouth.2023.106887>.
- Ariefulloh, Ariefulloh, Hibnu Nugroho, Angkasa Angkasa, and Riris Ardhanariswari. "Restorative Justice-Based Criminal Case Resolution in Salatiga , Indonesia : Islamic Law Perspective and Legal Objectives." *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 1 (2023): 19–36. <https://doi.org/10.18326/ijtihad.v23i1.19-36>.
- Artwitadibrata, Dhian, and Akhmad Khisni. "The Concept of Criminal Law for Personnel of Narcotics Abuse." *Jurnal Daulat Hukum* 3, no. 4 (February 2021): 411–418. <https://doi.org/10.30659/JDH.V3I4.13603>.
- Bawono, Bambang Tri, and Henning Glaser. "The Urgency of Restorative Justice Regulation on Hate Speech." *BESTUUR* 11, no. 2 (2023): 364–383. <https://doi.org/10.20961/BESTUUR.V11I2.82508>.
- Bawono, Bambang Tri, Nurul Huda, Ahmad Hadi Prayitno, and Moh. Aris Siswanto. "Human Trafficking and the Relevance of Hifz Al-Nafs and Hifz al-'ird in Contemporary Islamic Legal Ethics." *MILRev: Metro Islamic Law Review* 4, no. 1 (2025): 597–618. <https://doi.org/10.32332/milrev.v4i1.10694>.
- Bawono, Bambang Tri, Dwi Wahyono, and Andri Winjaya Laksana. "Implementation Of Rehabilitation For Drug Abuses According To Law Number 35 Of 2009 Concerning Narcotics." *Jurnal Hukum* 38, no. 1 (March 2022): 1–11. <https://doi.org/10.26532/JH.V38I1.20869>.

- Elpina, Mariah Sonangkok Purba. "The Narcotics Abuse Term Weaknesses in Criminal Law Enforcement of Indonesia." *Jurnal Pembaharuan Hukum* 8, no. 1 (2021): 34–47. <https://doi.org/10.26532/jph.v8i1.14547>.
- Fauzi, Achmad, Rena Yulia, Ferry Fathurokhman, and Muhammad Iqbal Ramadhan. "Interpreting the Material Requirements of Recidivism: Realizing Restorative Justice in the Police Force." *Kosmik Hukum* 23, no. 3 (2023): 277–291. <https://doi.org/10.30595/kosmikhukum.v23i3.18747>.
- Fernando, Henky, Hasse Jubba, Yuniar Galuh Larasati, and Syahrul Akmal Latif. "Polemik Dan Diskriminasi: Keterlibatan Anak Dalam Penyalahgunaan Narkoba." *Community : Pengawas Dinamika Sosial* 8, no. 2 (2022): 185–202. <https://doi.org/10.35308/jcpds.v8i2.5491>.
- Flora, Henny Saida. "Restorative Justice in the New Criminal Code in Indonesia: A Prophetic Legal Study." *Rechtsidee* 10, no. 2 (2022). <https://doi.org/10.21070/jjhr.v11i0.836>.
- Gukguk, Roni Gunawan Raja, and Nyoman Serikat Putra Jaya. "Tindak Pidana Narkotika Sebagai Transnasional Organized Crime." *Jurnal Pembangunan Hukum Indonesia* 1, no. 3 (2019): 337–351. <https://doi.org/10.14710/jphi.v1i3.337-351>.
- Haling, Syamsul, Paisal Halim, Syamsiah Badruddin, and Hardianto Djanggih. "Perlindungan Hak Asasi Anak Jalanan Dalam Bidang Pendidikan Menurut Hukum Nasional Dan Konvensi Internasional." *Jurnal Hukum & Pembangunan* 48, no. 2 (2018): 361–378. <https://doi.org/10.21143/jhp.vol48.no2.1668>.
- Hamzani, Achmad Irwan, Fajar Dian Aryani, Bambang Tri Bawono, Nur Khasanah, and Nur Rohim Yunus. "Non-Procedural Dispute Resolution: Study of the Restorative Justice Approach Tradition in Indonesian Society." *Int J Offender Ther Comp Criminol* 69, no. 4 (2025): 373–387. <https://doi.org/10.1177/0306624x231165425>.
- Henneguelle, Anaïs, and Don Weatherburn. "Does Diverting Minor Drug Offenders Reduce Recidivism? Cannabis Cautioning in Australia." *International Journal of Drug Policy* 145 (2025): 105008. <https://doi.org/10.1016/j.drugpo.2025.105008>.

- Hikmiah, Hawa Hidayatul. "Efforts to Form Sakinah Families for User Clients Drug Rehabilitation Houses in East Java." *Nusantara: Journal of Law Studies* 2, no. 2 (December 2023): 137–146. <https://doi.org/10.5281/zenodo.17388649>.
- Hobson, Jonathan, and Brian Payne. "Building Restorative Justice Services: Considerations on Top-down and Bottom-up Approaches." *International Journal of Law Crime and Justice* 71 (2022): 100555. <https://doi.org/10.1016/j.ijlcj.2022.100555>.
- Hodgson, Jodie. "Offending Girls and Restorative Justice: A Critical Analysis." *Youth Justice* 22, no. 2 (2020): 166–188. <https://doi.org/10.1177/1473225420967751>.
- Ilmih, Ageng Fajar Wicaksono Siti Rodhiyah Dwi Istinah Andi Aina. "The Investigation Process of Children Suspects in Narcotics Crime in National Anti Narcotics Agency (BNN)." *Law Development Journal* 4, no. 3 (2022): 439–445. <https://doi.org/10.30659/ldj.4.3.439-445>.
- Kawalek, Anna, and Florence Mueni Muema. "Therapeutic and Non-Therapeutic Practices In The Child Justice System in Kenya: A Therapeutic Jurisprudence Perspective." *International Journal of Law and Psychiatry* 95, no. 7 (2024): 101993. <https://doi.org/10.1016/j.ijlp.2024.101993>.
- Kimbrell, Catherine S., David B. Wilson, and Ajima Olaghere. "Restorative Justice Programs And Practicesin Juvenile Justice: An Updated Systematicreview And Meta-Analysis For Effectiveness." *Criminology & Public Policy* 22, no. 1 (2022): 161–195. <https://doi.org/10.1111/1745-9133.12613>.
- Kirkwood, Steve. "A Practice Framework for Restorative Justice." *Aggression and Violent Behavior* 63, no. 3 (2021): 101688. <https://doi.org/10.1016/j.avb.2021.101688>.
- Knight, Danica K., Rod R. Funk, Steven Belenko, Michael Dennis, Amanda L. Wiese, John P. Bartkowski, Richard Dembo, et al. "Results Of a National Survey Of Substance Use Treatment Services For Youth Under Community Supervision." *Knight et al. Health & Justice* 11, no. 29 (2023): 1–12. <https://doi.org/10.1186/s40352-023-00233-w>.

- Kuryshev, Luisa, Torres Gugleta, Cavet Schwartz, Olga Schmidt, Eleni Gomkale, Martin Glancy, Barlow Kapinova, et al. "Drug Use Among University Students in Germany: A Realistic Study and Scientific Analysis of Causes, Consequences, and Prevention Strategies." *Al-Biruni Journal of Humanities and Social Sciences*, May 10, 2026, 1. <https://doi.org/10.64440/BIRUNI/BIR0026>.
- Lubis, Muhammad Ansori, Muhammad Yassid, and Novi Juli Rosani Zulkarnain. "Legal Protection of Children as Victims in Restorative Justice Based on Justice Value." *Jurnal Pembaharuan Hukum* 9, no. 2 (2022): 203–212. <https://doi.org/10.26532/jph.v9i2.23840>.
- Malau, Parningotan. "Tinjauan Kitab Undang-Undang Hukum Pidana (KUHP) Baru 2023." *AlManhaj: Jurnal Hukum Dan Pranata Sosial Islam* 5, no. 1 (2023): 837–844. <https://doi.org/10.37680/almanhaj.v5i1.2815>.
- Marder, Ian D. "Mapping Restorative Justice and Restorative Practices in Criminal Justice in the Republic of Ireland." *International Journal of Law Crime and Justice* 70, no. 6 (2022): 100544. <https://doi.org/10.1016/j.ijlcj.2022.100544>.
- Mashdurohatun, Anis, Yusfandi Usman, and Toni Ariadi. "Rethinking Palm Oil Plastic Regulations Sustainable and Ecological Justice." *Journal of Human Rights Culture and Legal System* 5, no. 2 (2025): 500–530. <https://doi.org/10.53955/jhcls.v5i2.681>.
- Moyle, Leah, Andrew Childs, Ross Coomber, and Monica J. Barratt. "Drugsforsale: An Exploration of the Use of Social Media and Encrypted Messaging Apps to Supply and Access Drugs." *Int J Drug Policy* 63 (2019): 101–110. <https://doi.org/10.1016/j.drugpo.2018.08.005>.
- Mustafa, Cecep, Margaret Malloch, and Niall Hamilton Smith. "Judicial Perspectives on the Sentencing of Minor Drug Offenders in Indonesia: Discretionary Practice and Compassionate Approaches." *Crime, Law and Social Change* 74, no. 3 (October 2020): 297–313. <https://doi.org/10.1007/S10611-020-09896-0/METRICS>.
- Novitasari, Novi, and Nur Rochaeti. "Proses Penegakan Hukum Terhadap Tindak Pidana Penyalahgunaan Narkotika Yang Dilakukan Oleh Anak." *Jurnal Pembangunan Hukum Indonesia* 3, no. 1 (January 2021): 96–108. <https://doi.org/10.14710/JPHI.V3I1.96-108>.

- Nuryana, Zalik, Atqo Darmawan, and Herdian Herdian. "Navigating LMICs Challenges Through Educational and Legal Reforms to Strengthen Adolescent Mental Health in Indonesia." *Asian Journal of Psychiatry* 111 (2025): 104614. <https://doi.org/10.1016/j.aip.2025.104614>.
- Pakpahan, Endang, Alpi Sahari, and Ahmad Fauzi. "Legal Protection for Children as Victims of Narcotics Abuse (Research Study at the Belawan District Attorney ' s Office)." *IJRS: International Journal Reglemente Society* 3, no. 3 (2022): 248–256. <https://doi.org/10.55357/ijrs.v3i3.283>.
- Pasaribu, Wilson Bugner F., Syafruddin Kalo, and Madiasa Ablisar. "Legal Implications In The Implementation Of Rehabilitation Assessment For Narcotics Abuse Addicts." *RGSA – Revista de Gestão Social e Ambiental* 18, no. 4 (2024): 1–15. <https://doi.org/10.24857/rgsa.v18n4-068>.
- Putra, A. A. Ngr Rai Anjasmara, I. Made Sepud, and I. Nyoman Sujana. "Disparitas Putusan Hakim Dalam Tindak Pidana Narkotika." *Jurnal Analogi Hukum* 2, no. 2 (July 2020): 129–135. <https://doi.org/10.22225/AH.2.2.2020.129-135>.
- Putri, Mikha Dewiyanti, Prih Utami, and Teddy Cipta Lesmana. "The Implementation of Rehabilitation Assessment As Legal Protection For Narcotics Abusers in Indonesia." *Jurnal Dinamika Hukum* 22, no. 1 (July 2022): 154–167. <https://doi.org/10.20884/1.JDH.2022.22.1.3245>.
- Rachman, Asep Iswahyudi, and Sri Kusriyah. "Law Enforcement Of Narcotics Laws." *Law Development Journal* 2, no. 2 (October 2020): 139–145. <https://doi.org/10.30659/LDJ.2.2.139-145>.
- Rismana, Daud, Ali Maskur, Rifi Maria, Laila Fitri, and Salamah Salsabila Hariz. *The Legal Effectiveness of Juvenile Diversion: A Study of the Indonesian Juvenile Justice System*. 7, no. 2 (2025): 190–205. <https://doi.org/10.15575/kh.v7i2.44162>.
- Setiawan, Deni, Sri Endah Wahyuningsih, Jawade Hafidz, Anis Mashdurohatun, and Mourad Benseghir. "Exploring Abhakalan Culture (Early Marriage) in Madura : A Dialogue of Customary Law , Religion , and The State." *Abkam: Jurnal Ilmu Syariah* 24, no. 2 (2024): 345–364. <https://doi.org/10.15408/ajis.v24i2.36070>.
- Shobirin, Muhammad, Ediwarman, Mohd Din, and Dahlan Ali. "Concept of Protection for Victims of Narcotics Abuse in Indonesia Fairly Based on

- Pancasila.” *Journal of Law and Sustainable Development* 12, no. 1 (January 2024): 1–27. <https://doi.org/10.55908/sdgs.v12i1.2445>.
- Siregar, Ryan Fadli, Yasmirah Mandasari Saragih, Fauzan Fauzan, Putriani Nduru, and Ibrahim Ibrahim. “Law Enforcement Against Criminal Acts of Drug Abuse Committed by Children.” *International Journal of Law and Society* 2, no. 1 (2024): 83–89. <https://doi.org/10.62951/ijls.v2i1.295>.
- Sonafist, Y., Azhar, Syukrawati, Nurjanah Nurjanah, and Wail Abouabaid. “Contested Puberty: Judicial Discretion, Moral Regulation, and the Persistence of Child Marriage in Indonesia.” *Nusantara: Journal of Law Studies* 5, no. 2 (July 2026): 825–848. <https://doi.org/10.66325/nusantaralaw.v5i2.278>.
- Stenström, Albin, Felipe Estrada, and Henrik Tham. “‘It Should Be Hard to Be a Drug Abuser’ An Evaluation of the Criminalization of Drug Use in Sweden.” *International Journal of Drug Policy* 133 (November 2024): 104573. <https://doi.org/10.1016/J.DRUGPO.2024.104573>.
- Sukardi, Sukardi, and Hadi Rahmat Purnama. “Restorative Justice Principles In Law Enforcement And Democracy In Indonesia.” *JILS: Journal Of Indonesian Legal Studies* 7, no. 1 (2022): 155–190. <https://doi.org/10.15294/jils.v7i1.53057>.
- Supaat, Dina Imam. “Restorative Justice for Juvenile Drugs Use in Indonesian Court: A Criminological Approach.” *Lex Publica* 9, no. 1 (June 2022): 94–110. <https://doi.org/10.58829/LP.9.1.2022.94-110>.
- Taha Mahmoud, Alia. “A Review Article: ‘Criminal Policy in Confronting Drug Abuse to Protect Family Security.’” *Al-Biruni Journal of Humanities and Social Sciences* 4, no. 3 (March 2026): 37. <https://doi.org/10.64440/BIRUNI/BIR0019>.
- Waris, Irwan, Ani Susanti, Dandan Haryono, Bayu Rahmat Ramadhan, and Sri Nur Akifa. “Reframing Public Policy on Narcotic Case Dismissals: Integrating Maqasid al-Shari‘ah and Restorative Justice in the Contemporary Era.” *MILRev: Metro Islamic Law Review* 4, no. 1 (2025): 566–596. <https://doi.org/10.32332/milrev.v4i1.10579>.
- Wayan, I., Govinda Tantra, I. Made, Minggu Widyantara, Dan Luh, and Putu Suryani. “Pertanggungjawaban Pidana Anak Sebagai Kurir Dalam Tindak

Pidana Narkotika.” *Jurnal Analogi Hukum* 2, no. 2 (July 2020): 215–220.
<https://doi.org/10.22225/AH.2.2.2020.215-220>.

Yulianto, Rama Fatahillah, and Ali Muhammad. “Eksistensi Institusi Pemasyarakatan Dalam Mewujudkan Reintegrasi Sosial Kepada Warga Binaan Pemasyarakatan.” *Jurnal Yustisia* 7, no. 2 (2021): 173–184.
<https://doi.org/10.31943/yustitia.v7i2.139>.

Zhang, Yan, and Yiwei Xia. “Can Restorative Justice Reduce Incarceration? A Story From China.” *Justice Quarterly* 38, no. 7 (2021): 1471–1491.
<https://doi.org/10.1080/07418825.2021.1950814>.

Zubaidah, Siti, Musakkir Musakkir, Syamsuddin Muchtar, Wiwie Heryani, and Ahmad Masum. “Integrating Tradition into Legal Reform: Reconstructing the Role of Reconciliatory Customary Judges in Diversion Processes within the Interplay of Islamic, Customary, and National Law.” *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 2 (2025): 447–461.
<https://doi.org/10.29300/mzn.v12i2.8439>.