

Implementation of Restorative Justice Policy Narcotics Crime in the Police in the East Kalimantan Police Area

Nurkotip^{1*}, Slamet Riadi¹, Suasa¹

¹Social Science Study Program, Postgraduate Doctoral Program, Tadulako University, Indonesia

*Corresponding Author E-mail: Nurkotippolice@gmail.com

Abstract

This study aims to analyze the implementation of the Restorative Justice policy in the Handling of Narcotics Crimes in the Police in the East Kalimantan Regional Police. Qualitative descriptive research method. A total of 10 informants were determined *purposively*, namely the Head of the National Narcotics Agency (BNN) of Balikpapan City, the Head of the Balikpapan Police Narcotics Investigation Unit and the Kutai Kartanegara Police, the Head of the Tanah Merah Samarinda BNN Rehabilitation Center, the Head of Medicine and Health of the East Kalimantan Police; Chairman of the Balikpapan City Legal Aid and Public Policy Studies Institute and addicts undergoing rehabilitation in Balikpapan City, plus observation and documentation. Data analysis includes collection, condensation, data presentation, and conclusion drawn. The results of the study show that the implementation of National Police Regulation Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice in narcotics crimes in the East Kalimantan Police has not been effective. In terms of communication, it has shown success with effective policy transmission and clarity through various media and forums, but challenges in consistency of socialization and approach to vulnerable communities still need to be overcome. In terms of resources, there is a shortage of experts, limited rehabilitation facilities, and inadequate budget support. The disposition aspect shows a positive attitude from the implementers, although the involvement of local governments needs to be increased. The bureaucratic structure has been organized with clear SOPs, but the complexity of administrative procedures needs to be simplified to improve program accessibility. The study suggests that implementers increase the effectiveness of policies, such as additional training for law enforcement officials, and the opening of new rehabilitation facilities to reach vulnerable communities. The findings of the research have implications for policy makers, law enforcement, and the public, namely helping to overcome the narcotics problem in a more humane and effective way, in this case in the East Kalimantan Regional Police area.

Keywords: Policy Implementation; Restorative Justice; Narcotic

Abstrak

Penelitian ini bertujuan menganalisis implementasi kebijakan Restorative Justice dalam Penanganan Tindak Pidana Narkotika pada Kepolisian di Daerah Polda Kalimantan Timur. Metode penelitian deskriptif kualitatif. Sebanyak 10 informan ditentukan secara *purposive*, yaitu Kepala Badan Narkotika Nasional (BNN) Kota Balikpapan, Kasat Resnarkoba Polresta Balikpapan dan Polres Kutai Kartanegara, Kepala Balai Rehabilitasi BNN Tanah Merah Samarinda, Kepala Bidang Kedokteran dan Kesehatan Polda Kalimantan Timur; Ketua Lembaga Bantuan Hukum dan Studi Kebijakan Publik Kota Balikpapan dan pecandu yang menjalani rehabilitasi di Kota Balikpapan, ditambah observasi dan dokumentasi. Analisis data meliputi pengumpulan, kondensasi, penyajian data, dan penarikan kesimpulan. Hasil penelitian menunjukkan, implementasi Peraturan Polri Nomor 8 Tahun 2021 Tentang Penanganan Tindak Pidana Berdasarkan Keadilan Restoratif pada pidana narkotika di Polda Kalimantan Timur belum berjalan efektif. Dari aspek komunikasi, telah menunjukkan keberhasilan dengan transmisi dan kejelasan kebijakan yang efektif melalui berbagai media dan forum, namun tantangan dalam konsistensi sosialisasi dan pendekatan ke komunitas rentan masih perlu diatasi. Dari aspek sumber daya, terdapat kekurangan tenaga ahli, keterbatasan fasilitas rehabilitasi, dan dukungan anggaran yang belum memadai. Aspek disposisi menunjukkan sikap positif dari para implementor, meskipun keterlibatan pemerintah daerah perlu ditingkatkan. Adapun struktur birokrasi sudah terorganisasi dengan SOP yang jelas, tetapi kompleksitas prosedur administratif perlu disederhanakan untuk meningkatkan aksesibilitas program. Penelitian ini

* Copyright (c) 2024 Nurkotip et.al

This work is licensed under a [Creative Commons Attribution-ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-sa/4.0/).

Received: November 1, 2024; Revised: December 28, 2024; Accepted: December 31, 2024

menyarankan implementor meningkatkan efektivitas kebijakan, seperti pelatihan tambahan bagi aparat penegak hukum, dan pembukaan fasilitas rehabilitasi baru untuk menjangkau masyarakat rentan. Temuan penelitian memberikan implikasi bagi perumus kebijakan, penegak hukum, dan publik yaitu membantu mengatasi masalah narkoba secara lebih manusiawi dan efektif, dalam hal ini di wilayah Polda Kalimantan Timur.

Kata kunci: Implementasi Kebijakan; Restorative Justice; Narkoba.

INTRODUCTION

Since Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP) was promulgated, law enforcement in Indonesia has only relied on the State as the provider of justice. This has resulted in limited involvement of individuals in seeking the resolution of criminal cases because the search for justice fully rests on the system or pattern built by the Police, Prosecutor's Office, Courts and Correctional Institutions. In fact, the actual justice provided by the State is not necessarily according to the will of various justice seekers. *Restorative justice* is a response to the development of the criminal justice system by focusing on the need for community involvement and marginalized victims with mechanisms that work in the current criminal justice system (Hariyanto, 2023).

Restorative justice is the process of resolving violations of the law committed between the victim and the perpetrator (suspect) together in one meeting. The mediator provides an opportunity for the perpetrator to provide the clearest picture of the action he has taken and the reason for the action. The victim has the obligation to listen carefully to the perpetrator's explanation. This practice is an alternative to resolving criminal cases out of court.

In this regard, the National Police Chief has issued Indonesian National Police Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice. This regulation provides space for police members to resolve cases more quickly and provides normative guidelines in acting to resolve criminal cases with *restorative justice methods*. One of the criminal acts included in this policy is narcotics.

Restorative justice in narcotics crimes emphasizes that narcotics users are considered more victims than criminals, so they have the right to have the opportunity to improve themselves and contribute back to society (Strang and Sherman 2003). In this regard, the East Kalimantan Police Chief and his staff are committed to eradicating narcotics through the completion of *restorative justice channels* for victims and users. Based on the results of the study, the implementation of *restorative justice* for narcotics cases in the jurisdiction of the East Kalimantan Police has not been optimally carried out. Referring to data from the National Police Headquarters, for the period 2021-2024, there are 45 cases that are included in *the restorative justice program* in the jurisdiction of the East Kalimantan Police, namely 15 cases in 2021, 1 case in 2022, 3 cases in 2023, and 26 cases in the January-November 2024 period. If you look at the number of cases handled by the East Kalimantan Police so far this year, namely 1,567 narcotics cases with 1,959 suspects, there should be more settlements through *the restorative justice* channel carried out.

Meanwhile, in general, case evidence ranging from methamphetamine amounted to less than 1 gram, ecstasy less than 8 grains, and marijuana 5 grams. This finding shows that the suspect can go through *restorative justice* and has the opportunity to undergo rehabilitation because he is not a dealer, as stated in the Supreme Court Circular Letter Number 4 of 2010 concerning the Placement of Abuse Victims, Victims of Abuse and Narcotics Addicts into Medical Rehabilitation and Social Rehabilitation Institutions (Delmiati 2023). This requirement is in line with article 9 of National Police Regulation Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice, that the special requirements *for restorative justice* for suspects in drug cases are addicts and victims of drug abuse who apply for rehabilitation, drug evidence

is found for 1 day use with narcotics and psychotropic classifications in accordance with the provisions of the law, and is not involved in drug networks, distributors or cities.

There are 4 factors that are obstacles to the implementation of *restorative justice* in the East Kalimantan Police area. *First*, investigators have a diverse understanding of the National Police Regulation on the Handling of Crimes Based on Restorative Justice. *Second*, not all investigators have participated in socialization related to restorative justice so there is an assumption that case settlement through restorative justice is only an ordinary peace effort. *Third*, there are concerns that if the investigation is terminated through a restorative justice mechanism, it is considered to violate the rules or the Criminal Code (KUHP) and will receive a reprimand from the leadership. *Fourth*, the National Police's partners in narcotics alleviation, such as the regional National Narcotics Agency (BNN), community leaders, and non-governmental organizations have not been maximally involved and create the impression that the police are working alone. According to Edwards III, policy implementation is in principle an effort so that a policy can achieve its goals. Edwards III stated that there are 4 aspects of policy implementation, namely communication, resources, disposition, and bureaucratic structure. From the aspect of communication, the success of policy implementation depends on understanding the implementer's duties and where the policy objectives are transmitted to the target group. In terms of resources, the success of implementation can be in the form of human resources, including competence, and financial resources. Meanwhile, disposition is a characteristic of policy implementers such as commitment. As for the bureaucratic structure, there are two main characteristics, namely *Standard Operating Procedures (SOP)* and fragmentation or distribution of responsibilities (Edward III, 1980).

Although there has been research on the implementation of *restorative justice* policies in the police environment, there has been no research that specifically reviews the implementation of these policies in relation to the handling of narcotics crimes in the East Kalimantan Regional Police area. Therefore, this study aims to fill the research gap, namely a critical evaluation of policies by analyzing the implementation of *restorative justice policies* in handling narcotics crimes in the police in the East Kalimantan Regional Police area. The implementation of the policy is further described by the author using the implementation of the Edwards III policy.

RESEARCH METHOD

This research is a policy research, specifically policy implementation that refers to the National Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice. In terms of approach, this researcher is categorized as qualitative descriptive research, which is an investigative process to understand social problems or human problems based on the creation of a holistic image formed by words, reporting the informant's views in detail and arranged in a scientific setting. This approach views reality as something that has multiple dimensions, is whole, and is a unit. Therefore, it is impossible to prepare a detailed research design and the research design can be developed during the research (Creswell, 2002).

The types of data in this study are primary data and secondary data. Primary data were collected directly from informants through in-depth interviews and observations. The research informants were determined *purposively*, namely the police, officials of the National Narcotics Agency (BNN), community leaders, and the community or victims. Police informants have criteria to serve in the East Kalimantan Police Narcotics Investigation Unit, with the rank of Brigadier to Officer, and are experienced in *restorative justice* in narcotics cases. BNN informants are at least officials equivalent to the Head of Section, and

understand the BNN-Police collaboration in *restorative justice*. Informants of community leaders are leaders of legal aid organizations that care about *restorative justice* in the research area. The criteria for informants for victims are addicts or former addicts who have undergone a *restorative justice* process in narcotics cases in the research area. Based on these criteria, 10 informants were determined, namely: (1) Head of the National Narcotics Agency (BNN) of Balikpapan City; (2) Head of Narcotics Investigation of the Balikpapan Police; (3) Head of Narcotics Investigation of the Kutai Kartanegara Police; (4) Head of the Tanah Merah BNN Rehabilitation Center, Samarinda; (5) Head of Medicine and Health Division of the East Kalimantan Police; (6) Chairman of the Balikpapan City Legal Aid and Public Policy Studies Institute; and (7) Addicts undergoing rehabilitation in Balikpapan City 4 people.

The secondary data in this study refers to official documents, namely laws, regulations of the National Police regarding the handling of crimes based on restorative justice, reports on narcotics cases in the East Kalimantan Police, and scientific articles. The research was carried out in July-December 2024 in Balikpapan City and Tenggarong City, Kutai Kartanegara Regency, East Kalimantan with an emphasis on the research objectives on the implementation of Police Regulation Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice, in this case on narcotics crimes in the jurisdiction of the East Kalimantan Police. The collected data is then analyzed through data condensation, data display and conclusion drawing/verification (Miles et al., 2014).

RESULTS AND DISCUSSION

The East Kalimantan Regional Police (Polda) has a strategic role in maintaining security and order in the East Kalimantan region, including handling various security challenges, such as the significant circulation of narcotics in the region. The East Kalimantan Police is located in Samarinda City, the capital of East Kalimantan province with a working area covering the entire East Kalimantan Province. According to data from the Central Statistics Agency of East Kalimantan in 2024, the area of East Kalimantan Province is 127,346.92 km² for land and 25,656 km² for sea. The East Kalimantan Police oversees 10 Resort Police (Polres), namely the Samarinda Police, Balikpapan Police, Bontang Police, Kutai Kartanegara Police, East Kutai Police, West Kutai Police, Paser Police, North Penajam Paser Police, Berau Police, and Mahakam Ulu Police. The East Kalimantan Police is also responsible for supervision and security in the area around the new National Capital City (IKN), Nusantara. The East Kalimantan Police continues to strive to declare war on the circulation of narcotics and illegal drugs, the number of which has increased in recent years (table 1).

The data in table 1 shows an increase in case disclosures from 1,497 cases in 2022 to 1,721 cases in 2023, or an increase of 224 cases. The disclosure of the most cases in the jurisdiction of the Samarinda Police, following the Balikpapan Police, Kutai Kartanegara Police, East Kutai Police, and the Directorate of Narcotics of the East Kalimantan Police. Meanwhile, the evidence secured in the 2 years has also increased. In 2022, the East Kalimantan Police secured 8,784.69 grams of marijuana; 54,508.83 grams of methamphetamine; 377 XTC and 107,049 list drugs (G). Meanwhile, in 2023, 6,226.78 grams of marijuana were successfully secured as evidence; 32,568.29 grams of methamphetamine; 8,577 XTC items, and 169,753 list drugs (G).

Data on drug cases from January-November 2024 shows a decrease in case disclosure, to 1,567 temporary cases. The disclosure of the most cases in the jurisdiction of the Balikpapan Police, following the Kutai Kartanegara Police, East Kutai Police, Samarinda Police, and the Directorate of Narcotics of the East Kalimantan Police. The evidence that was successfully secured consisted of 4,284.46 grams of marijuana; 91,106.65 grams of methamphetamine; 2,794 XTC grains; and 123,832 list drugs (G). The East Kalimantan Police claimed to have saved 524,527 people from the danger of drug abuse. In 2024, the Directorate of Narcotics of the East Kalimantan Police also

succeeded in uncovering a case of money laundering (TPPU) related to narcotics. From 2 cases with 3 suspects, the total value of TPPU evidence is IDR 3,400,000,000. All are in the process of investigation.

Table 1. Data on Disclosure of Narcotics Cases in 2022-2024

No	Satker/Satwil	Cases2022	Suspect 2022		Cases2023	Suspect 2023		Cases2024*	Suspect 2024*	
			Man	Woman		Man	Woman		Man	Woman
1	Ditresnarkoba	168	193	168	147	189	18	129	150	12
2	Polresta Samarinda	237	318	237	339	445	38	237	305	29
3	Polresta Balikpapan	280	304	280	335	374	21	275	299	19
4	Polres Kutai Kartanegara	178	209	178	239	272	22	240	270	17
5	Polres Kutai Timur	195	206	195	204	234	17	237	253	22
6	Polres Kutai Barat	113	130	113	86	91	7	59	69	3
7	Polres Bontang	85	98	85	98	110	13	90	115	2
8	Polres Berau	89	110	89	88	102	14	101	122	3
9	Polres Paser	86	108	86	101	131	16	112	142	9
10	Polres Penajam Paser Utara	66	71	66	75	90	3	77	99	4
11	Polres Mahakam Ulu	0	0	0	9	11	0	10	14	1
Total		1.497	1.747	1.497	1.721	2.049	169	1.567	1.838	121

Source : East Kalimantan Police, *January-November 2024

There are at least 4 factors that make this area vulnerable to narcotics trafficking. *First*, the geographical location of East Kalimantan is strategic. This province is directly adjacent to the country of Malaysia by land and sea. This allows narcotics to enter through a border that is quite long and difficult to closely supervise. *Second*, rapid economic growth. East Kalimantan is known as a region rich in natural resources, especially in the mining and oil and gas sectors, which has led to an increase in the number of workers, both local and migrants, who are targeted by the circulation of narcotics and illegal drugs. *Third*, international distribution channels. Balikpapan and Samarinda have large ports that are the entry and exit points for goods in East Kalimantan, thus allowing international narcotics networks to use them for smuggling. *Fourth*, the challenge of a large and remote area. Some areas in East Kalimantan consist of dense forests and remote areas that are difficult to reach. This is used by narcotics networks to hide their activities, and make it difficult for law enforcement efforts. *Fifth*, community culture can play a significant role as a challenge in the implementation of restorative justice for narcotics cases. This online shopping culture gives rise to narcotics buying and selling transactions through *online communication* media (Pusparini & Boer, 2023). In many indigenous communities in East Kalimantan, the value of kinship and mutual cooperation is very strong. This can be a challenge if families tend to protect perpetrators rather than support legal processes or rehabilitation. Family solidarity can hinder transparent settlement, while the implementation of *restorative justice* itself requires openness and responsibility. This is related to the public's perception of the police in handling narcotics cases, so that residents are indifferent to report (Augustin, 2014).

The implementation of *the restorative justice policy for* narcotics crimes in the police in the East Kalimantan Regional Police is further described by the author through the policy implementation model of Edward III (1980). Edward III stated that the implementation of a policy can be measured using 4 aspects of indicators, namely communication, resources, disposition or attitude of the implementer, and bureaucratic structure.

Communication Aspects

According to Edward III (1980), the communication aspect in the review of policy implementation is related to transmission, clarity, and consistency. The results of the study show that the Regional Police and Police officers in East Kalimantan obtain information about *restorative justice policies* through explanations from the National Police Chief and Chief of Police on various occasions such as formal meetings, leadership meetings, and through official documents. From the various submissions of information, informants have been able to understand the size and objectives of the policy, both the goals of *restorative justice* holistically, namely reducing the number of prisoners in prison, eliminating stigma, efforts to raise awareness of criminals, reducing the workload of the police, prosecutors, correctional institutions, courts and correctional institutions, saving the State's finances, and empowering the community, as well as specific goals, namely allowing victims of narcotics abuse to be treated mentally and physically. These two understandings are actually equally true because they complement each other. The results of previous research stated that *the restorative justice* approach through rehabilitation in narcotics abuse cases in Indonesia is expected to recover addicts as well as overcome the problem of *overcrowding* in correctional institutions which makes state expenditures swell. In 2022, inmates and detainees throughout Indonesia reached 273,982 people. Meanwhile, the capacity of correctional institutions and detention centers should ideally accommodate 124,696 people. Almost 69% of inmates in correctional institutions are related to narcotics and more than 80% of them are abusing narcotics (Affan & Rahmadani, 2024).

The second indicator in the aspect of communication according to Edward III (198)) is clarity. Policy implementers generally use face-to-face meetings with governments and community representatives to convey the policy. However, there are also implementers who use social media, *websites*, place barcode pamphlets in the public to be accessible to the public, and carry out socialization through radio broadcasts. Meanwhile, communication between policy implementers and external parties, such as BNN, law enforcement officials, prosecutors' offices, rehabilitation centers, and NGOs, has been well established through coordination, socialization, and the implementation of joint tasks. BNN uses the Integrated Assessment Team (TAT) to assess the eligibility of perpetrators to receive rehabilitation, while the rehabilitation center reports on the client's progress and socializes policies through media such as radio. NGOs and communities also play a role as a bridge of communication, providing education, and supporting survivors' recovery.

The third indicator of communication is consistency. There has been an appropriateness in the delivery of the message of *the narcotics criminal restorative justice* policy, both in formal directives, and in interpretation by implementers in the East Kalimantan region. This can be seen from the communication carried out by fellow implementers, namely the Regional Police, Police, and BNN officials, which aims to standardize perceptions in the implementation of *restorative justice* policies. Consistency or conformity between what is conveyed by the leadership and then interpreted by the implementer is one of the keys to the success of the communication dimension in policy implementation. Edward III (1980) said that if

policy implementation is to be effective, the implementation orders must be consistent, must not contradict so as not to confuse the implementer (Pasinringi, 2014).

According to Edward III, communication is one of the important aspects in policy implementation. Communication plays a role as a medium for delivering information related to policies, ranging from objectives, procedures, to implementation instructions to implementers. Effective communication will ensure that policies are interpreted and executed in accordance with the intent of policymakers. According to Edward III, the aspects of communication are transmission or communication channels, clarity of information, and consistency of information. Transmission is a medium or method used to convey information which can be in the form of formal communication (meetings, official documents, circulars, SOPs), informal communication (discussions, consultations, or conversations between individuals), and information technology (E-mail, policy information systems, or online platforms). Meanwhile, information about policies must be conveyed clearly, including policy objectives, duties and responsibilities, as well as implementation procedures. The consistency of information related to the information provided must be consistent at all levels of the organization, both from policymakers to implementers. Inconsistencies can trigger differences in interpretation, conflicts between work units, and undirected policy implementation.

Theoretically, Van Mater-Van Horn and Goggin et al have the same point regarding the communication dimension of policy implementation with Edward III. According to Van Meter-Van Horn, consistency is needed in communication in the framework of delivering information to implementers regarding goals and standards. The same interpretation is needed from the source of information to the levels of policy implementation below it. Likewise, the better coordination between organs or parties related to the implementer, the less mistakes will be made (Meter & Horn, 1975). Meanwhile, Malcolm Goggin, Ann Bowman, and James Lester (1990) emphasized the aspect of communication as a triggering factor for the implementation or implementation of public policies. Goggin et al stated that communication from the implementation of intergovernmental policies looks at government implementers from a series of communication channels (Nugroho, 2018).

The implementation of *the restorative justice* policy in handling narcotics crimes by the East Kalimantan Police shows success in the aspect of communication, especially in the transmission and clarity of policies, as stated by Edward III. Coordination between agencies, such as the Regional Police, BNN, and rehabilitation institutions, has been carried out, but the scope of policy implementation still needs to be expanded to achieve maximum results. Coordination between BNN and East Kalimantan Police units has not been built in a strategic collaborative program. Criticism, among others, was given to the East Kalimantan Provincial BNN for choosing more educational content partners with district/city BNN than other related parties, such as the police (Pusparini & Boer, 2023).

Resource Aspects

The resources referred to in this study are related to the availability of human resources, financial support, and infrastructure in the implementation of *restorative justice policies* in handling narcotics crimes at the East Kalimantan Regional Police and partners such as BNN (Wangga et al. 2017). The results of the study show that the ability of policy implementers is considered quite good, especially in the implementation of investigators' duties. However, community leaders highlighted the need to increase the capacity of experts such as counselors and psychologists. Training to improve the quality of implementer human resources has been carried out in several institutions, such as training for Mandatory Reporting Institutions (IPWL) at the East Kalimantan Police Biddokkes, training by the Directorate of Narcotics and

Criminal Investigation of the National Police Headquarters, as well as technical direction from the Integrated Assessment Team (TAT) of BNN RI. However, training at the Police level, such as in Kutai Kartanegara, is more in the form of socialization and technical instructions through telegrams. The Tanah Merah BNN Rehabilitation Center also held internal training related to regulations, SOPs, and rehabilitation service issues.

Resource indicators include funds for implementer training, the implementation of mediation forums between perpetrators and victims, and other operational needs relevant to the implementation of *the restorative justice* approach (Barocas, Avieli, and Shimizu 2020). However, financial support for the implementation of *the restorative justice* policy in the East Kalimantan Police is limited, with the main budget coming from the investigation and investigation fund of narcotics cases, without any special budget for the policy. Some agencies such as BNN Balikpapan City have a budget that has been set every year, while the BNN Tanah Merah Rehabilitation Center has experienced an increase in the budget for this year's rehabilitation program. However, the existing funds are not enough for all activities related to *restorative justice*. There are several sources of funding available to implementers. *First*, the State Budget and Regional Budget. The central and regional governments can allocate special funds for *restorative justice programs* in the field of narcotics, both in the health, social, and security budget posts. *Second*, Grants from International Institutions. International organizations such as UNODC (United Nations Office on Drugs and Crime) and WHO often provide financial support for programs related to narcotics, rehabilitation, and human rights-based approaches. *Third*, Corporate Social Responsibility (CSR) funds. Companies, especially those engaged in pharmaceuticals, health, or social services, can contribute through CSR funds to support the rehabilitation of narcotics users or prevention programs. So far, implementers have not seen the role of society such as the business world as a strategic component (Ibrahim & Nugrahani, 2021, p. 506). The same is true of the role of the mass media. In fact, the spread of publications through the media is believed to be able to provide support for the realization of the implementation of government policies or programs (Nurdin et al., 2023, p. 400).

The next resource indicator is infrastructure. Based on the results of the research, facilities and infrastructure in supporting policy implementation include the Integrated Assessment Team from BNNP East Kalimantan and the Tanah Merah Rehabilitation Center in Samarinda. There are also Mandatory Reporting Recipient Agencies (IPWL) that have been appointed as alternative rehabilitation sites, namely AM Parikesit Tenggarong Hospital and Aji Batara Agung Dewa Sakti Hospital in Samboja, Kutai Kartanegara, but these two places do not have adequate facilities. The Tanah Merah BNN Rehabilitation Center already has pharmacy facilities, dental clinics, psychology clinics, nutrition services, places of worship buildings, sports venues, and reading libraries, the Tanah Merah Rehabilitation Center is enough to accommodate 250 patients gradually. At present, the number of clients is 190 inpatient, and 10 outpatient clients. However, the former addict said more rehabilitation centers with better and more affordable facilities are needed.

The limited facilities can have a significant impact on the implementation of restorative justice, especially narcotics crimes in the East Kalimantan Police, both in terms of the effectiveness of the process and the results achieved. *First*, there is limited space for mediation and dialogue. Restorative justice requires a special space for conducive mediation and dialogue. If facilities such as mediation rooms are inadequate, meetings between perpetrators, victims, and related parties can be disrupted by an uncomfortable or less private atmosphere, hindering the achievement of an effective settlement. *Second*, the lack of information technology facilities. Restorative justice requires technological means for documentation, case monitoring, and communication between the parties involved. Technological

limitations can slow down the administrative and coordination process, resulting in a decrease in trust in the system. Third, restorative justice for narcotics cases in East Kalimantan requires additional rehabilitation facilities. The lack of these facilities prevents perpetrators from getting an effective recovery program because without rehabilitation, perpetrators have a high risk of being dragged back into the vortex of narcotics cases. To overcome this problem, implementers need to maximize existing facilities with available resources, in addition to procuring facilities in stages. The involvement of local communities in implementation also makes it possible to overcome constraints on facilities such as rooms for mediation. This is in line with previous findings that look at the compatibility of *restorative justice* and local wisdom (Karjono et al., 2024).

The ability to use resources is one of the measures of successful policy implementation. Edward III (1980) pointed out that the success of policy implementation depends not only on the design of the policy itself, but also on the availability and effective management of resources. The resources in question are human, financial and infrastructure resources. Edward III's theory is the same as the theory of process-based policy implementation (Meter & Horn, 1975). According to Edward III, a well-designed policy will not be successfully implemented without the availability of sufficient resources. Some of the reasons are that implementing officials need expertise and tools to implement policies effectively, resources determine the extent to which services or programs can be provided to the community, and resources allow for good coordination between agencies or between levels of government. By comparing it to the implementation of the narcotics criminal restorative justice policy in the East Kalimantan Police, it can be seen that the resources owned by the policy implementer have not fully supported the implementation of the policy, due to the limited competence of the implementer, the availability of funds and facilities.

Disposition Aspect

The attitude of the implementer or disposition referred to in this study is related to the tendencies and characteristics of implementers, attitudes and understandings, as well as the commitment of the East Kalimantan Police and BNN partners in implementing *restorative justice* in narcotics crimes. The first indicator of the disposition aspect is the tendency or characteristics of the implementer. The characteristics of implementers towards *restorative justice policies* in East Kalimantan are generally positive. Related parties such as the National Police, BNN, the Supreme Court, and the Attorney General's Office support its implementation. The BNN Tanah Merah Rehabilitation Center provides services despite facing challenges related to treatment schedules and external intimidation. LBH SIKAP considers this policy as a more humane positive step, helping narcotics offenders improve themselves and reduce the burden on the justice system.

The second indicator in the disposition aspect is the attitude and understanding of the implementer. This attitude includes a positive or negative view of the policy as well as the level of knowledge about the policy implementation procedures. Attitudes and understandings of *restorative justice* policies in East Kalimantan vary. Several implementers, such as investigators at the Kutai Kartanegara Police and the Balikpapan Police, support and understand this policy well. BNN Balikpapan City also accepts TAT submissions that meet the requirements. The Tanah Merah BNN Rehabilitation Center supports in terms of health and humanity. Communities, including former addicts, benefit more humanely from this approach than criminal punishment. Despite the positive changes, community leaders reminded the importance of continuous education to overcome skepticism and expand public understanding.

The third indicator is commitment. This commitment can be seen from the willingness of implementers to face challenges, consistency in carrying out procedures, and sustainability of efforts to encourage policy success. The commitment of the implementers of the *narcotics restorative justice* policy in the East Kalimantan Regional Police area varies. Investigators at the Kutai Kartanegara Police and the Balikpapan Police showed their commitment by carrying out the *restorative justice process* according to the requirements. BNN Balikpapan City ensures the implementation of the assessment according to technical instructions, while IPWL has not shown a clear commitment. The BNN Tanah Merah Rehabilitation Center is committed to supporting this policy by increasing socialization, revising SOPs, and increasing facilities and budgets for rehabilitation services.

Edward III (1980) stated that the disposition in policy implementation theory is the attitude, commitment, and response of the implementing apparatus to the policy to be implemented. Disposition is considered one of the important factors that affect the success or failure of policy implementation. Not only Edward III (1980), the Van Mater-Van Horn duo explained that policy implementers have a chance of failing in realizing policies due to their rejection of the objectives of a policy (Meter & Horn, 1975). As for Grindle (1980), it is stated that the disposition of the implementer is greatly influenced by political support, cross-sector coordination, and local conditions (Nugroho, 2018). According to Edward III, the personal attitude of the implementing apparatus towards the policy is a form of support, neutrality, or rejection of the policy. The commitment to policy objectives and the willingness to carry out the tasks given. Meanwhile, the apparatus' understanding of the content of the policy, which affects the way they carry out the implementation. If you look at Edward III's theory, the implementation of the narcotics criminal restorative justice policy in the East Kalimantan Police from the aspect of disposition shows positive support from related parties such as the National Police and BNN. The commitment of the implementer is also high, as evidenced by the willingness to carry out the tasks given. The attitude of the implementers varies, with some parties showing good understanding and commitment to this policy, although further education is still needed.

Aspects of Bureaucratic Structure

The bureaucratic structure concerns the *Standard Operating Procedure* (SOP) and the fragmentation or distribution of responsibility in the policies carried out by the East Kalimantan Regional Police and BNN in implementing *restorative justice* in narcotics crimes. The first indicator is the *Standard Operating Procedure* (SOP), which is a standard operational guideline or procedure designed to regulate the implementation steps of the *restorative justice policy* in handling narcotics crimes in the East Kalimantan Regional Police and BNN. SOPs include the formal stages that must be followed, the roles and responsibilities of each implementer, as well as a monitoring mechanism to ensure that policies are implemented consistently and in accordance with the principles of *restorative justice*. In general, the policies governing rehabilitation/*restorative justice* in Indonesia can be described by the author as follows:

1. Law Number 35 of 2009 concerning Narcotics (articles 54, 103, and 127);
2. Government Regulation Number 25 of 2011 concerning the Implementation of Mandatory Reporting of Narcotics Addicts;
3. 2014 Joint Regulation on the Handling of Addicts and Victims of Narcotics Abusers in Rehabilitation Institutions (Chairman of the Supreme Court of the Republic of Indonesia, Minister of Law and Human Rights, Minister of Health, Minister of Social Affairs, Attorney General, National Police Chief and Head of BNN)

4. Perka Bareskrim Number 1 of 2016 concerning SOPs for Handling Narcotics Addicts and Victims of Narcotics Abusers into Rehabilitation Institutions;
5. Surat Edaran Bareskrim SE 01/11/2018/Bareskrim;
6. ST Bareskrim on March 4, 2021;
7. Police Regulation of the Republic of Indonesia Number 8 of 2021.

Table 2. Criteria for the Implementation of Restorative Justice in Indonesia

	Group	Maximum Evidence Allowed
a. Hasil Test Urine atau Test Lainnya Dinyatakan Positif dan Tidak Ada Baran Bukti	Methamphetamine (shabu)	1 gram
	MDMA group (ecstasy)	2.4 grams (8 pills)
	Heroin group	1.8 grams
	Cocaine group	1.8 grams
	Marijuana group	5 grams
b. Hasil Test Urine atau Test Lainnya Dinyatakan Positif dan Barang Bukti dibawah Sema 04 Tahun 2010	Coca leaf	5 grams
	Mescaline	5 grams
	Psilocybin group	3 grams
	LSD group (lysergic acid diethylamide)	2 grams
	PCP group (phencyclidine)	3 gram
c. Tidak Terlibat Jaringan	Fentanyl group	1 gram
	Metadon Group	0,5 grams
	Morphine group	1.8 grams
	Pethidine group	0,96 grams
	Codeine group	72 grams
	Buprenorphine group	32 grams

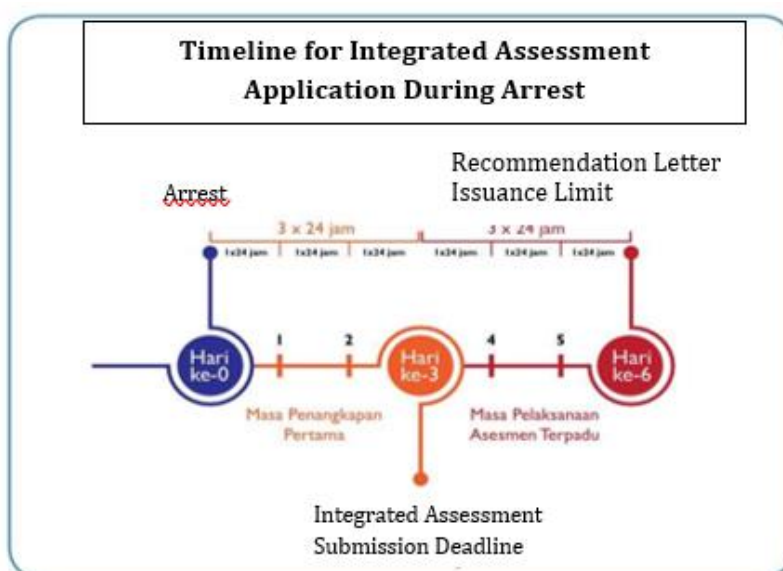


Figure 2. Timeline of Integrated Assessment Application at the Arrest Period. Source: BNNP East Kalimantan

Meanwhile, referring to the policy, there are criteria for the implementation of restorative justice for narcotics crimes (Table 2), a timeline for requesting an integrated assessment during the arrest period (Figure 1),

The BNN Tanah Merah Rehabilitation Center, Samarinda, East Kalimantan also has an SOP for the rehabilitation service flow. The SOP in the restorative justice policy for narcotics crimes in East Kalimantan includes a series of structured stages, ranging from profiling the perpetrator, case title, to sending an application letter for assessment and rehabilitation. This procedure aims to ensure consistency and effectiveness of policy implementation, by referring to the regulations of the National Police and BNN. While there are already clear SOPs, several challenges have arisen, including complicated administrative procedures and confusion among participants. It is necessary to simplify the process, train officers, and increase transparency and accessibility to make it easier for the community to participate in this program.

The second indicator on the aspect of bureaucratic structure according to Edward III (1980) is fragmentation. What is meant by fragmentation in this study refers to the level of coordination and division of responsibility between units or related parties in the bureaucratic structure of the East Kalimantan Regional Police and BNN in the implementation of restorative justice policies. The results of the study show that the organizational structure of the implementer is clearly organized, both in the Kutai Kartanegara Police, the Balikpapan Police, and the Balikpapan City BNN, with the division of authority and responsibility in each unit well structured.

The aspect of the bureaucratic structure according to Edward III in his policy implementation model is an element that includes rules, procedures, and organizational relationship patterns that affect the implementation of policies. The bureaucratic structure is one of the important factors because the way the bureaucracy is organized can support or hinder the success of policy implementation. There are 4 roles of bureaucratic structure in policy implementation according to Edward III. First, regulating the workflow, which is to ensure that policies are implemented according to established procedures. Second, supporting coordination, namely facilitating cooperation between various parties involved in policy implementation. Third, providing control and supervision, namely ensuring that policies run according to their objectives and identifying obstacles that arise. Fourth, ensuring consistency, namely preventing different interpretations of policies by the actors involved.

Based on Edward III's theory, in general, the implementation of the narcotics criminal restorative justice policy in the East Kalimantan Regional Police is reviewed from the aspect of bureaucratic structure, there has been a Standard Operating Procedure (SOP) that regulates procedures in a structured manner in the implementation of narcotics criminal restorative justice, but the challenge in the form of complex administrative procedures still needs to be simplified and accessibility to make it easier for the community to participate in this program.

The increasing number of parties involved in the bureaucratic structure does present a big challenge in the implementation of restorative justice policies for narcotics crimes. This is due to several factors inherent in the characteristics of the bureaucracy itself, as well as the complexity of coordination between actors in the policy implementation process. Hassan et al (2023), highlights that bureaucracies that involve many actors at the implementation level often face problems related to resource capacity, workload, and disincentive for field officers to implement policies optimally. As for Grindle (2017), it is stated that policy implementation is greatly influenced by political and administrative will.

Complex administrative procedures can have a significant impact on the implementation of restorative justice in the East Kalimantan Police, especially in the context of cases such as narcotics. The impact includes several things. First, the delay in handling the case causes a loss of momentum to improve

the relationship between the perpetrator, the victim, and the community. This delay can make victims or the community lose trust in restorative justice as an effective alternative. Second, additional costs for the parties involved. Administrative complexity often adds to costs, both for perpetrators, victims, and law enforcement officials. The perpetrator or their family may have to spend money to take care of paperwork or meet other administrative requirements. This barrier can reduce the accessibility of restorative justice for actors from low-economic communities. Third, increasing the workload of the apparatus, especially at the Police or Police level, so as to reduce their time and energy to focus on mediation or facilitating dialogue between the parties involved. If administrative procedures are simplified and properly integrated, the implementation of restorative justice in the East Kalimantan Police can be more effective and efficient. To overcome complex bureaucratic and administrative challenges in the implementation of restorative justice policies, process digitization can be an alternative solution. Policy implementers in this case the police and BNN can use technology to facilitate data collection and processing.

CONCLUSION

The implementation of *the restorative justice* policy against narcotics crimes in the East Kalimantan Police area has not been carried out effectively. This is due to various challenges in every aspect of policy implementation. In terms of communication, although policies have been successfully conveyed through various communication channels, challenges remain in the consistency of socialization and direct approaches to vulnerable communities. Coordination between agencies is already underway, but the scope of policy implementation needs to be expanded. In terms of resources, there is still a shortage of experts and rehabilitation facilities. Implementer training is more in the form of socialization than technical capacity building, so regular training is needed. In addition, limited financial support hinders the smooth implementation. In the aspect of disposition. The attitude of the implementer tends to be positive with the supervision carried out by various parties. However, the involvement of local governments and related institutions still needs to be increased to support the sustainability of this policy. As for the aspect of bureaucratic structure, implementation procedures have been regulated in structured SOPs, but challenges in the form of bureaucratic complexity and public accessibility to this program are still obstacles. Overall, the successful implementation of this policy requires improved coordination, additional resources, simplification of bureaucratic procedures, and more active involvement from local governments and related institutions. The study suggests that implementers increase the effectiveness of policies, such as additional training for law enforcement officials, and the opening of new rehabilitation facilities to reach vulnerable communities. The findings of the research have implications for policy makers, law enforcement, and the public, namely helping to overcome the narcotics problem in a more humane and effective way, in this case in the East Kalimantan Police area.

REFERENCES

- Affan, Ibnu, and Gema Rahmadani. 2024. "Penerapan Restorative Justice Dalam Perkara Penyalahgunaan Narkotika Berbasis Hukum Progresif." *Jurnal Hukum Kaidah: Media Komunikasi Dan Informasi Hukum Dan Masyarakat* 23(1):65–74.
- Agustin, Rinny. 2014. "Persepsi Masyarakat Tentang Sosialisasi Bahaya Narkotika Di Kelurahan Sidomulyo Kecamatan Samarinda Ilir Kota Samarinda." *EJournal Ilmu Komunikasi* 2(3):294–308.

- Barocas, Briana, Hila Avieli, and Rei Shimizu. 2020. "Restorative Justice Approaches to Intimate Partner Violence: A Review of Interventions." *Partner Abuse* 11(3):318-49.
- Creswell, John W. 2002. *Research Design Qualitative & Quantitative Approaches (Desain Penelitian Pendekatan Kualitatif Dan Kuantitatif)*. edited by A. Budiman, C. DL, and B. Hastobroto. Jakarta: KIK Press.
- Delmiati, Susi. 2023. "Implementation of Medical Rehabilitation and Social Rehabilitation for Addicts and Victims of Drug Abuse." *Ekasakti Journal of Law and Justice* 1(1):21-29.
- Edward III, George C. 1980. *Implementing Public Policy*. USA: Congressional Quarterly Press.
- Grindle, Merilee S. 2017. *Politics and Policy Implementation in the Third World*.
- Hariyanto, Didik. 2023. "The Application Of Restorative Justice In Criminal Case Settlement At The Investigation Level At The Police Satrescription Of The Banyuwangi City Police Resor." *Janaloka* 2(8):114-34.
- Hassan, Mohammed Salah, Hussam Al Halbusi, Ahmad Bayiz Ahmad, Fadi Abdelfattah, Zahraa Thamir, and Raja Noriza Raja Ariffin. 2023. "Discretion and Its Effects: Analyzing the Role of Street-Level Bureaucrats' Enforcement Styles." *International Review of Public Administration* 28(4):480-502.
- Ibrahim, Ali, and Henny Saptatia Drahati Nugrahani. 2021. "Strategi Implementasi Kebijakan Penanganan Covid 19 Untuk Ketahanan Nasional Berbasis Community Development (Konsep Pentahelix) Di Propinsi Maluku Utara." *Syntax Literate: Jurnal Ilmiah Indonesia* 6(2):500-518. doi: 10.36418/syntax-literate.v6i2.2247.
- Karjono, Arpandi, Parningotan Malau, and Ciptono Ciptono. 2024. "Penerapan Keadilan Restoratif Justice Dalam Hukum Pidana Berbasis Kearifan Lokal." *Jurnal USM Law Review* 7(2):1035-50. doi: 10.26623/julr.v7i2.9571.
- Van Meter, Donald S., and Carl E. Van Horn. 1975. "The Policy Implementation Process: A Conceptual Framework." *Administration & Society* 6(4):445-88.
- Miles, Matthew B., A. Michael Huberman, and Johnny Saldaña. 2014. *Qualitative Data Analysis: A Methods Sourcebook*. California: SAGE Publications, Inc.
- Nugroho, Riant. 2023. *Public Policy 7: Dinamika Kebijakan Publik, Analisis Kebijakan Publik, Manajemen Politik Kebijakan Publik, Etika Kebijakan Publik*. PT Elex Media Komputindo.
- Nurudin, Nani Harlinda, Faizah Mahi, Dian Mirnawaty Sultan, and Zulkarnain Hamson. 2023. "Implementasi Program Penta Helix Dalam Program Media Dan Publikasi Desa." *Indonesian Collaboration Journal Of Community Services* 3(4):400-407. doi: <https://doi.org/10.53067/icjcs.v3i4>.
- Pasinringi, Andi. 2014. *Administrasi Publik*. 1st ed. Palu: Edukasi Mitra Grafika.
- Pusparini, Faradilla, and Kheyene Molekandella Boer. 2023. "Implementasi Cyber Public Relations BNN Provinsi Kalimantan Timur Dalam Upaya Mengedukasi Masyarakat Mengenai P4GN." *Jurnal JTik (Jurnal Teknologi Informasi Dan Komunikasi)* 7(4):769-84. doi: 10.35870/jtik.v7i4.2086.
- Strang, Heather, and Lawrence W. Sherman. 2003. "Repairing the Harm: Victims and Restorative Justice." *Utah L. Rev.* 15.
- Wangga, Maria Silvya E., Ermania Widjajanti, Wahyuni Retno Wulandari, Nadzriah Ahmad, Ahmad Sabirin, Edgar Joseph, Geraldo Valento Wijaya, and Keisyha Amanda Putri. 2017. "Diversion: The Concept of Child Criminal Case Resolution in Indonesia." *Law and Humanities Quarterly Reviews* 93.