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Punishment or Rehabilitation? Policy on Narcotics Addicts and Abusers in Medan: A Restorative Justice Perspective

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Abstract

Indonesia's Narcotics Law simultaneously criminalises drug use and obliges the state to rehabilitate dependent users, leaving officials with a persistent choice between punishment and treatment. This article examines how that choice is made in Medan, North Sumatra, and whether the policy practised there can be defended from a restorative justice perspective. Using a socio-legal (normative-empirical) method, it analyses Law No. 35 of 2009, Supreme Court Circular No. 4 of 2010, the 2014 Joint Regulation of seven institutions, Police Regulation No. 8 of 2021 and Attorney General Guideline No. 18 of 2021, and combines this with institutional data for 2021–2025 on Polrestabes Medan, the provincial National Narcotics Agency, the LRPPN BI Medan clinic and Class I Prison Medan, interpreted through the components of a legal system. The share of user cases resolved through rehabilitation at Polrestabes Medan rose from 8.0% to 14.6%, and 46.3% of the additional caseload was diverted to treatment, yet 88.9% of cumulative cases were still processed through the criminal track, and 2,850 of 3,100 narcotics residents of the prison in 2025 were serving sentences. The main barriers are overlapping possession and abuse provisions, costly assessment and scarce rehabilitation capacity, a retributive culture and stigma, and unchecked discretion. The article argues that Medan's policy is better understood as rehabilitative restorative justice, a form adapted to victimless crimes, than as restorative justice in its classical victim–offender form, and proposes a graduated double-track model that combines mandatory thresholds, funded assessment, community-based capacity and reintegration support.

Keywords: *restorative justice in drug offenses; drug addiction rehabilitation policy; criminalization vs. rehabilitation; narcotics offenders; Medan legal policy*

INTRODUCTION

Narcotics policy in Indonesia rests on an unresolved tension. The state must suppress organised trafficking, which injures public health and public order, yet the same statute also recognises that people who are dependent on narcotics are patients who need treatment rather than prison cells. Zebua (2026) describes this tension from a practitioner's perspective: strict criminal sanctions remain essential against trafficking networks, but individuals categorised as drug users usually require approaches centred on recovery and social reintegration. The difficulty lies in implementation. Sagala et al. (2026) show that, although Law No. 35 of 2009 on Narcotics treats addicts as persons entitled to medical and social rehabilitation, many of them are still arrested, prosecuted and imprisoned alongside dealers, which reveals a gap between legal norms and practice.

Medan, the capital of North Sumatra, is a revealing place to study this gap. Tampubolon et al. (2024) describes Medan as one of the areas most affected by narcotics trafficking, from both local syndicates and international networks, while Nadeak and Sihombing (2025) characterises the city as a drug haven in North Sumatra, evidenced by the high number of abuse cases. The city hosts every institution that decides between punishment and treatment: the Medan Metropolitan Police (Polrestabes Medan) and its narcotics unit, the Medan District Prosecutor's Office (Kejari), the Medan District Court, the North Sumatra Provincial National Narcotics Agency (BNNP Sumut) and its Integrated Assessment Team, rehabilitation providers such as the Pratama Rehabilitation Clinic of

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LRPPN BI Medan, and the Class I Correctional Institution (Lapas) at Tanjung Gusta. A decision taken by any of them shapes whether a person who uses narcotics ends up in a treatment bed or a prison cell.

The legal architecture offers officials a choice rather than a rule. Article 54 of Law No. 35 of 2009 requires addicts and victims of abuse to undergo medical and social rehabilitation, Article 103 empowers judges to order treatment, and Article 127 prescribes imprisonment for self-abuse while directing judges to consider rehabilitation. Possession and trafficking provisions, however, remain available to prosecutors, and Wardika et al. (2024) argue that the ambiguity between Article 112 and Article 127 creates opportunities for unscrupulous enforcement and demands revision of the law. Judges also decide inconsistently: Susanto et al. (2023) report that judges deciding self-abuse cases frequently do not apply Article 127, so that many defendants receive prison sentences, and Datau and Syahputra (2026) document a decision in which the panel prioritised a purely retributive approach without assessing dependency. The consequence is overcrowding. Mulyana (2025) reports that Indonesian correctional institutions operate at more than twice their normal capacity, and Pulungan et al. (2024) identify over-reliance on incarceration for minor drug offences as a major contributor.

Indonesia has responded with a series of restorative and rehabilitative instruments: Supreme Court Circular (SEMA) No. 4 of 2010, the 2014 Joint Regulation of seven institutions establishing the Integrated Assessment Team (TAT), Police Regulation (Perpol) No. 8 of 2021, and Attorney General Guideline No. 18 of 2021. Their effect on daily practice in a high-prevalence city has received little systematic attention. Research on Medan exists, but it is fragmentary: Silaen and Purba (2023) study stigma among clinic patients, Bancin et al. (2026) examine rehabilitation in the overcrowded Class I Prison, Ginting et al. (2023) assess the service quality of BNNP Sumut, Sirait et al. (2024) study investigators in the Belawan jurisdiction, and Tampubolon et al. (2024) analyse police policy. Studies elsewhere in Indonesia, in Riau, Jambi, Gorontalo, Makassar and the Riau Islands, are largely normative or confined to a single institution ((Sagala et al., 2026; Munandar et al., 2025; Rondonuwu et al., 2026; Alifuddin et al., 2024; Simamora et al., 2024)). Within the corpus reviewed for this article, no study follows the whole pipeline in Medan, from investigation through prosecution and adjudication to imprisonment and rehabilitation, and tests it against a restorative justice framework using multi-year data.

This article fills that gap by asking four questions. First, how does the Indonesian legal framework structure the choice between punishment and rehabilitation for narcotics users? Second, how does that choice actually distribute cases in Medan between 2021 and 2025? Third, which barriers explain the persistence of punitive outcomes? Fourth, can Medan's practice be justified as restorative justice, and what policy design would reconcile the legitimate demands of punishment and rehabilitation? The study contributes to scholarship by combining norm analysis with local empirical evidence, and to policy by offering Medan's institutions a graduated model that distinguishes users from traffickers without abandoning enforcement against the latter.

LITERATURE REVIEW

Restorative justice and the "victimless" drug user

Restorative justice (RJ) traditionally rests on dialogue among the offender, the victim and the affected community, with the aim of repairing harm rather than inflicting pain. Applying it to drug use

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is conceptually awkward because there is often no external victim. Susilo and Negara (2025) state the tension plainly: RJ's core principles, namely victim-offender dialogue and community involvement, sit uneasily with narcotics cases in which the offender is simultaneously the victim and no external harmed party exists. Indonesian scholars have therefore reframed the problem. Nugraheni (2024) describe addicts as "self-victimizing victims", dependent as a result of their own abuse, so that they are both perpetrators and victims, and Kania and Anggraeniko (2023) point out that narcotics offences are victimless crimes in which both perpetrators and victims must be protected. Hendona et al. (2026b) develop this into a model that treats addicts as legal subjects with a dual role and combines legal protection theory, victimology and restorative-rehabilitative principles.

Several authors defend the RJ label on pragmatic grounds. Ihsan et al. (2022) present RJ as a policy that emphasises recovery over retaliation and as a pivotal renewal of criminal law, Sulistyawati (2023) argue that settling abuse cases through RJ is needed for the value of justice for abusers, and Hia et al. (2025) observe that RJ seeks to rebuild the community, the victim and the offender through communication and rehabilitation, which the conventional prison-centred system has not achieved for users. Critical voices are equally important. Susilo and Negara (2025) conclude that the substance of Perpol No. 8 of 2021 aligns more closely with the medical model of rehabilitation, in which the offender is a patient, than with traditional RJ. Cullen and Hoyle (2026) caution that Indonesia's treatment centres, the focal point of its "restorative justice" programme, aim to reduce both drug use and prison overcrowding through compulsory treatment. The debate therefore concerns not only whether to rehabilitate but what kind of justice rehabilitation represents.

Rehabilitation as a legal obligation and the role of assessment

A second body of work concentrates on the legal duty to rehabilitate. Mamangkey et al. (2022) ground the arrangement in the 1945 Constitution and the Pancasila philosophy, which require the state to protect all Indonesians, including their health, and argue that consistent rehabilitation would relieve the over-capacity of prisons that themselves become centres of narcotics distribution. Ramadhani et al. (2026) find that rehabilitation through legal proceedings under Attorney General Guideline No. 18 of 2021 is consistent with RJ and the *ultimum remedium* doctrine, but that the absence of clear benchmarks distinguishing addicts, abusers and victims, inconsistent interpretation, dependence on assessment recommendations, limited facilities and weak post-rehabilitation monitoring reduce legal certainty. Kania and Anggraeniko (2023) add that the prosecutor's office has an important role in realising RJ through the *dominus litis* principle.

The Integrated Assessment Team is the hinge of the system. Zainal and Hasibuan (2023) explain that abusers are not automatically rehabilitated but must first undergo integrated assessment under the 2014 Joint Regulation, and Hendona et al. (2026a) show that the BNN's assessment is persuasive but does not replace judicial authority, proposing a "reasoned departure" model in which judges may depart from the team's recommendation only with explicit reasons. Yet access to assessment is uneven. Alfarisi et al. (2026) find that not all cases receive an assessment recommendation because of differing perceptions among law enforcers and the high cost of assessment, and Susanto et al. (2023) note that the costs, partly borne by the state and partly by the suspect, burden the process. Tobing and Hutapea (2023) report that judges rarely use assessment instruments to determine whether a defendant is a dealer or merely an addict. Evidence that the mechanism can work comes from regions such as

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Gorontalo, where Rondonuwu et al. (2026) find that integrated assessment contributes positively to reducing correctional over-capacity.

Implementation barriers and legal-system theory

Explanations for the gap between norm and practice increasingly draw on legal-system theory. Nasution (2026) argue, using Friedman's components of a legal system, that disharmony occurs in legal substance, which still reflects a dualism between punitive and rehabilitative paradigms; in institutional structure, marked by overlapping authority and weak coordination; and in legal culture, which remains punishment-oriented. Rahmadanty (2026) similarly analyse rehabilitation through the dimensions of substance, structure and culture. On the substance side, Sunardi and Amelia (2026) stress that the absence of clear and operational criteria for mandatory rehabilitation produces official discretion, sentencing disparity and the use of possession articles against users, while Surbakti et al. (2025) propose binding nominal thresholds such as less than one gram of methamphetamine and less than five grams of marijuana to distinguish users from dealers. Purnomo et al. (2026) add ambiguous "self-serving" norms, authority conflicts and inconsistent assessment to the list.

On the structural side, Nurdin and Utomo (2024) observe that the Narcotics Law does not designate a leading sector for rehabilitation and delegates it to sectoral ministers, so that rehabilitation risks becoming merely a ministerial programme. Rivai et al. (2026), applying Edwards III's model, show that communication, namely transmission, clarity and consistency, determines whether RJ policy is implemented in narcotics cases. On the cultural side, Uddin et al. (2025) find that former drug offenders face multilayered stigma that undermines restorative objectives. Finally, Attamimi et al. (2026) conclude that rehabilitation remains inconsistent because of heavy reliance on assessment and broad judicial discretion, yielding sentences that range from rehabilitation to imprisonment for similar conduct, and that rehabilitation should be the primary response for pure abusers.

Medan-specific studies and the research gap

The Medan literature supplies the empirical anchors. Silaen and Purba (2023) surveyed 62 patients at the Pratama Rehabilitation Clinic of LRPPN BI Medan and found that 93.5% held a positive self-concept while a majority reported negative stigma from society. Bancin et al. (2026), applying Grindle's implementation theory, conclude that rehabilitation programmes in Class I Prison Medan contribute to behavioural change but have not significantly reduced overcrowding because of limited human resources, an imbalance between inmates and facilities, and weak coordination. Ginting et al. (2023) find BNNP Sumut's rehabilitation services suboptimal because of inadequate counselling rooms, weak commitment from patients and families, and insufficient supervision. Nadeak and Sihombing (2025) describe a collaborative governance arrangement between the Medan Social Service and the Medan Plus Foundation that runs well through dialogue, trust and commitment, while Sirait et al. (2024) and Tampubolon et al. (2024) examine the role of investigators and police policy.

These studies illuminate individual institutions but do not show how decisions at different stages accumulate into outcomes for the city. Nor do they evaluate Medan's policy against a restorative framework. This article therefore connects the normative literature on mandatory rehabilitation, the conceptual debate on the RJ label, and the Medan-specific evidence, using Friedman's components as the organising frame.

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METHOD

This study employs socio-legal research combining normative analysis of written law with empirical examination of legal practice, the same normative-empirical design used by Surbakti et al. (2025) and, in a sociological-juridical variant, by Sagala et al. (2026). The normative component applies a statute approach and a conceptual approach. The primary legal materials are Law No. 35 of 2009 on Narcotics, Supreme Court Circular No. 4 of 2010, the 2014 Joint Regulation of seven institutions on the handling of narcotics addicts and victims of abuse, Police Regulation No. 8 of 2021 on handling criminal offences based on restorative justice, Attorney General Guideline No. 18 of 2021 on resolving narcotics cases through rehabilitation with a restorative justice approach, and Law No. 1 of 2023 on the Criminal Code. Secondary legal materials are the scholarly publications cited throughout.

The empirical component uses a compiled dataset on narcotics case handling in Medan for 2021 to 2025. It contains ten institutional records covering Polrestabes Medan (users and addicts processed, 2021 to 2025, split between criminal processing and rehabilitation-based resolution), BNNP Sumut and BNNK Medan (addicts undergoing medical and social rehabilitation, 2021 to 2023), the Pratama Rehabilitation Clinic of LRPPN BI Medan, with 62 respondents in 2024 taken from Silaen and Purba (2023), and Class I Prison Medan, with the narcotics residents of 2025 taken from Bancin et al. (2026). The dataset also records regulatory and barrier matrices that structure the legal analysis. Percentages were computed by the author as the share of rehabilitation-based resolutions in total cases processed. Because the records come from different agencies with different reporting units, they are treated as indicative trends, not as additive totals, and no inferential statistics are attempted. Overlap between agencies is possible, since an individual diverted by the police may later appear in BNNP service data. The records also rest on different units of count (cases processed, clients served, respondents surveyed and prison residents), and some BNNP clients may themselves have been referred by the police. The data from different institutions are therefore comparative and indicative only: they must not be added together arithmetically or read as describing a single closed population, because any cross-institutional total would double count individuals. The figures were compiled from institutional reports as listed in the dataset and were not independently audited for this article; readers should verify them against the original reports before relying on them for decisions.

The scholarly literature was drawn from a bibliographic export of 800 records dated 17 October 2026. Records were screened for direct relevance to narcotics, rehabilitation, restorative justice and the Indonesian or Medan context, and the retained studies are those cited in this article. Analysis proceeds in three steps. First, the legal framework is interpreted to identify the opportunities and constraints each instrument creates. Second, the Medan data are described and the shift in the distribution of outcomes is quantified. Third, barriers are classified using Friedman's components of legal substance, structure and culture as applied by Nasution (2026), with an additional dimension of oversight and integrity, and the findings are evaluated against the core idea of restorative justice. The main limitation is the reliance on secondary data and the absence of interviews; the conclusions about causes are therefore interpretive.

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RESULTS AND DISCUSSION

The legal architecture: one statute, two logics

Table 1 summarises the instruments that govern the choice between punishment and rehabilitation. Law No. 35 of 2009 contains both logics. Article 54 requires addicts and victims of abuse to undergo rehabilitation, Article 103 allows judges to order treatment and to count its duration as time served, and Article 127 punishes self-abuse but directs judges to consider Articles 54, 55 and 103 and to order rehabilitation for those proven to be victims of abuse. Possession offences such as Article 112, by contrast, carry a minimum custodial sentence of four years. Nababan and Lubis (2024) argue that Article 103 shows the legislator's purpose of preventing, protecting and saving the nation from abuse, so that rehabilitation for abusers is consistent with the individualisation of punishment.

Table 1. *Legal instruments governing the choice between punishment and rehabilitation*

Instrument	Regulatory focus	Opportunity for rehabilitation / RJ	Operational or normative limitation
Law No. 35 of 2009 on Narcotics	Art. 54 (mandatory rehabilitation), Art. 103 (judicial authority to order treatment), Art. 127 (sanctions for abusers)	Requires medical and social rehabilitation for addicts and victims of abuse	Duality of norms: Arts. 112 and 127 overlap, so users are often charged with possession
SEMA No. 4 of 2010	Placement of abusers and addicts in rehabilitation institutions	One-day-use evidence limits (e.g., methamphetamine under 1 g, marijuana under 5 g) guide judges	Optional for judges and often disregarded in Medan decisions
Joint Regulation of 7 institutions (2014)	Handling of addicts and victims of abuse through rehabilitation institutions	Establishes the Integrated Assessment Team (TAT) combining medical and legal expertise	Complex bureaucracy; local interagency coordination often obstructed
Perpol No. 8 of 2021	Handling of offences based on restorative justice	Termination of investigation for addicts who qualify under TAT assessment	Depends on investigator discretion; high assessment cost; officer prejudice
AG Guideline No. 18 of 2021	Resolution of narcotics cases through rehabilitation with an RJ approach	Termination of prosecution under the *dominus litis* principle	Weak interagency synergy; limited referral facilities in Medan

Source: Compiled by the author from the regulatory framework dataset; see also (Ramadhani et al., 2026; Purnomo et al., 2026).

The implementing instruments narrow the discretion that the statute leaves open, but only partly. SEMA No. 4 of 2010 guides judges to place abusers in rehabilitation when, among other conditions, the evidence is limited to a one-day-use quantity and an assessment excludes involvement in a trafficking network. Because it is a circular directed at judges and is optional in character, its effect depends on judicial willingness. Susanto et al. (2023) found that judges frequently pass over Article 127, and Datau and Syahputra (2026) show a panel that overlooked its authority under Articles 54, 55 and 103. The 2014 Joint Regulation created the TAT as the common gateway, which Zainal and Hasibuan (2023) identify as the legal basis of integrated assessment. Sunardi and Amelia (2026), however, find that the assessment remains weak and that discretion, disparity and the use of possession articles against users persist.

Perpol No. 8 of 2021 and Attorney General Guideline No. 18 of 2021 extend the mechanism to the earlier stages. At the investigation stage, Rosidi and Hidayat (2025) report that police apply RJ to

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addicts and victims when considerations include the suspect's health, correctional over-capacity and evidence sufficient only for a single day's use, and only where the suspect is not part of a trafficking network. At the prosecution stage, Kania and Anggraeniko (2023) and Ramadhani et al. (2026) locate the authority to halt prosecution and refer a user to rehabilitation in the *dominus litis* principle and in the *ultimum remedium* doctrine. Purnomo et al. (2026) summarise the resulting design: police discretion and conditional termination of investigation, termination of prosecution under the opportunity principle, and diversion or rehabilitation decisions at trial. Wardana et al. (2024) add that the *ratio legis* of Perpol No. 8 of 2021 is to restore the situation that existed before the offence. Law No. 1 of 2023, now in force, further signals a paradigm shift from retributive to restorative, corrective and rehabilitative justice through measures such as supervision punishment (Agusta et al., 2025).

This architecture generates three interpretive conclusions. First, rehabilitation is available at every stage, so its absence in practice cannot be attributed to a legal vacuum. Second, access is conditional on an assessment that is costly, slow and dependent on interagency coordination, so the practical gate is administrative rather than normative. Third, because possession provisions remain available, the same facts can be framed as use or as possession, and the framing decides the outcome. These conclusions explain why the next section finds improvement without transformation.

The constitutional dimension reinforces these conclusions. Mamangkey et al. (2022) ground rehabilitation in the duty of the state under the 1945 Constitution and the Pancasila to protect the health of all citizens, and Attamimi et al. (2026) argue that imprisoning a pure abuser is disproportionate when measured against the objectives of punishment and substantive justice. Seen in this light, the choice between prison and treatment is not merely a matter of policy preference. Where the statute directs that a victim of abuse be rehabilitated, a decision to imprison without a documented assessment risks legal uncertainty and a failure of substantive justice, the outcome that Nasution (2026) associates with the dominance of punitive approaches. The legal test of Medan's policy is therefore twofold: whether decisions follow the statutory sequence of classification, assessment and reasoned choice, and whether the resulting outcome is proportionate to the dependency and culpability of the person concerned.

Enforcement in Medan, 2021 to 2025

Table 2 and Figure 1 report the handling of user and addict cases by Polrestabes Medan. The caseload grew by 20.7%, from 1,450 cases in 2021 to 1,750 in 2025. Over the same period the number resolved through rehabilitation more than doubled, from 116 to 255 (an increase of 119.8%), while cases processed through criminal channels grew by 12.1%, from 1,334 to 1,495. The share of rehabilitation-based resolution therefore rose steadily from 8.0% to 14.6%, a gain of 6.6 percentage points. The largest annual jumps occurred in 2023 (from 9.0% to 11.0%) and 2025 (from 12.4% to 14.6%), both years for which the dataset's sources explicitly refer to Integrated Assessment Team (TAT) data, although the data alone do not establish that assessment caused the increase.

Table 2. *Handling of narcotics user and addict cases by Polrestabes Medan, 2021–2025*

Year	Cases processed	Criminal processing (prison track)	Rehabilitation-based resolution (RJ)	Rehabilitation share (%)
2021	1,450	1,334	116	8.0

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Year	Cases processed	Criminal processing (prison track)	Rehabilitation-based resolution (RJ)	Rehabilitation share (%)
2022	1,580	1,438	142	9.0
2023	1,620	1,442	178	11.0
2024	1,690	1,480	210	12.4
2025	1,750	1,495	255	14.6
2021–2025	**8,090**	**7,189**	**901**	**11.1**

Source: Author's compilation from the Medan case-handling dataset (Polrestabes Medan reports, 2021–2025). Shares computed by the author. Change 2021–2025: cases +20.7%; criminal processing +12.1%; rehabilitation +119.8%; share +6.6 percentage points. These figures cover Polrestabes Medan only and are comparative-indicative; they must not be added to the data of other institutions (Table 3).

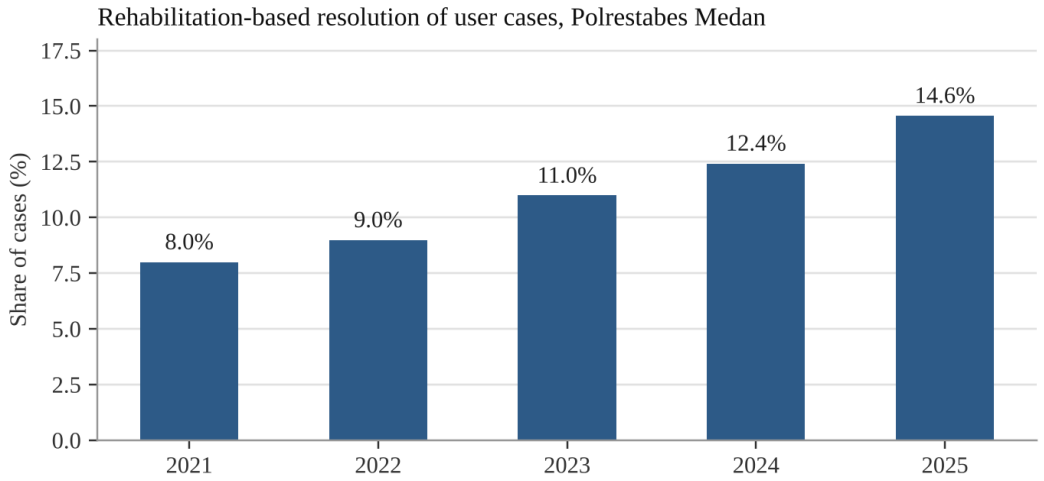


Figure 1. *Share of narcotics user and addict cases resolved through rehabilitation at Polrestabes Medan, 2021–2025. Source: author's computation from the Medan dataset.*

Two readings of these figures are possible, and both are justified. The optimistic reading emphasises the marginal share. Of the 300 additional cases between 2021 and 2025, 139 (46.3%) were resolved through rehabilitation, far above the 8.0% base-year share. This suggests that Perpol No. 8 of 2021 and Guideline No. 18 of 2021 are redirecting growth in the caseload and not merely absorbing a few exceptional cases. The sceptical reading emphasises the stock. Across the five years, 7,189 of 8,090 cases (88.9%) were processed through the criminal channel and only 901 (11.1%) through rehabilitation. Custodial processing also grew in absolute terms by 161 cases. In other words, rehabilitation has become a growing second track without displacing the first. This pattern matches the national findings of Mulyana (2025), who identifies the continued dominance of the deterrence paradigm, and of Attamimi et al. (2026), who find that rehabilitation remains inconsistent and heavily dependent on assessment and discretion.

The treatment infrastructure shows a similar pattern of growth with constraint. Table 3 shows that BNNP Sumut and BNNK Medan provided medical and social rehabilitation to 420 clients in 2021, 485 in 2022 and 510 in 2023, a rise of 21.4%. The BNNP figures may include both clients referred

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through legal proceedings and those who sought help voluntarily, so they cannot simply be added to police-diverted cases. They nonetheless demonstrate that demand for treatment in Medan is rising in step with the caseload. Ginting et al. (2023) caution that service quality at BNNP Sumut is limited by inadequate counselling rooms, weak commitment from patients and parents, and insufficient supervision. The scale of 510 clients in 2023 is also small relative to the 1,620 cases processed by the police in the same year, which indicates a structural shortage of places should diversion expand.

Table 3. *Rehabilitation services and prison population in Medan*

Institution	Year	Indicator	Total	Criminal	Rehabilitation	Rehab. share (%)
BNNP Sumut / BNNK Medan	2021	Addicts in medical and social rehabilitation	420	0	420	100
BNNP Sumut / BNNK Medan	2022	Addicts in medical and social rehabilitation	485	0	485	100
BNNP Sumut / BNNK Medan	2023	Addicts in medical and social rehabilitation	510	0	510	100
Pratama Rehab Clinic, LRPPN BI Medan	2024	Respondents in recovery programme	62	0	62	100
Class I Prison Medan (Tanjung Gusta)	2025	Narcotics residents (overcrowded capacity)	3,100	2,850	250	8.1

Source: Medan dataset; LRPPN data from Silaen and Purba (2023) and Class I Prison data from Bancin et al. (2026). Service-provider records are by definition 100% rehabilitation and are not additive with police data. Because the institutions use different units of count and may overlap (for example, BNNP clients referred by the police), the figures are comparative-indicative and must not be summed arithmetically as one closed population.

The prison data complete the picture. In 2025, Class I Prison Medan housed 3,100 narcotics residents, of whom 2,850 (91.9%) were serving criminal sentences and 250 (8.1%) were participating in rehabilitation. Notably, the 8.1% share of rehabilitation within the prison is almost identical to the 8.0% share that the police achieved in 2021. Bancin et al. (2026) report that the rehabilitation policy in this institution has been implemented through social rehabilitation programmes and contributes to behavioural change and readiness for reintegration, but has not significantly reduced overcrowding because it operates after sentencing, when the inmate has already occupied a cell. Rehabilitation inside a prison is therefore a mitigation of harm that has already been done; the restorative potential lies upstream, where the police and prosecutors decide whether the person enters the prison at all. This supports the argument of Sari et al. (2023) that overcapacity must be addressed by diverting drug abusers through a restorative approach, and of Pulungan et al. (2024) that reform should shift from incarceration to rehabilitation.

Finally, the clinic data supply the human dimension. At the LRPPN BI Medan clinic, 58 of 62 respondents (93.5%) showed a positive self-concept during rehabilitation, yet 34 respondents reported negative stigma from society (Silaen & Purba, 2023). Patients thus arrive at treatment with the psychological capacity to recover but return to a community that labels them. This matters for restorative justice because reintegration, the restorative goal that follows treatment, depends on the receptiveness of the community to which the person returns.

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Medan's trajectory can be placed alongside experiences reported elsewhere in Indonesia. Alifuddin et al. (2024) found that RJ at Polrestabes Makassar was quite effective in terms of the number of drug cases resolved and attributed this to psychological and social support and collaboration among the relevant institutions. Rosidi and Hidayat (2025) report that the West Nusa Tenggara police apply RJ only where the suspect is not involved in a trafficking network, Simamora et al. (2024) note that police in the Riau Islands apply the RJ concept to abuse crimes without submitting them to court, partly because prisons cannot accommodate users, and Munandar et al. (2025) find that application in the Jambi police jurisdiction must follow the criteria of the police regulation and meets obstacles at the investigation stage. Medan therefore resembles these jurisdictions in relying on police-level diversion driven by prison capacity. What distinguishes it is scale. Sagala et al. (2026) report 176 narcotics cases handled by the Rokan Hilir police in 2021, whereas the user caseload of Polrestabes Medan alone was 1,450 in the same year, roughly eight times as many, although the units of count are not strictly identical. A larger caseload makes the assessment bottleneck more severe and raises the stakes of capacity planning.

Why punishment persists: barriers in four dimensions

Table 4 organises the barriers identified in the Medan dataset. They map onto Friedman's three components, applied by Nasution (2026) and Rahmadanty (2026), with oversight and integrity added as a fourth dimension.

Table 4. *Barriers to restorative and rehabilitative policy in Medan, by dimension*

Dimension	Barrier	Condition in Medan	Effect on policy	Reform direction
Legal substance	Ambiguous or overlapping norms	Arts. 112 and 127 overlap; no mandatory nominal threshold	Pure users charged with possession and imprisoned	Mandatory thresholds with rebuttable presumption; revise the Narcotics Law
Legal structure	Limited infrastructure and coordination	Few government rehabilitation places; Polrestabes, Kejari and BNNP not integrated	Slow, costly assessment; detainee build-up in prison	Standard TAT procedure; funded assessment; wider referral network
Legal culture	Retributive paradigm and stigma	Enforcers oriented to incarceration; public stigmatises ex-addicts	Low family and community support; relapse risk	RJ education for enforcers; anti-stigma campaigns
Oversight and integrity	Disparity and misuse of discretion	High variation in District Court rulings on similar cases	Legal uncertainty; perceived discrimination	Binding sentencing guidance; stronger internal supervision

Source: Medan barrier-analysis dataset, organised using the legal-system components applied by Nasution (2026).

Legal substance. The most basic barrier is the overlap between Article 127 and the possession and trafficking provisions. A person arrested with a small quantity can be charged as an abuser under Article 127 or as a possessor under Article 112. Where an officer chooses the latter, the minimum sentence of four years removes the court's room to order treatment. Wardika et al. (2024) call for revising the Narcotics Law for exactly this reason, Sunardi and Amelia (2026) attribute disparity and the use of possession articles against users to the absence of operational criteria, and Ramadhani et al. (2026) identify the lack of benchmarks distinguishing addicts, abusers and victims. The SEMA thresholds are an imperfect substitute because they are optional and were conceived as guidance for

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judges, not as binding criteria at the investigation stage. Surbakti et al. (2025) propose to make nominal limits mandatory, for instance under one gram of methamphetamine and under five grams of marijuana, in order to provide legal certainty. The Medan evidence supports that proposal, but a mandatory threshold must be accompanied by a rebuttable presumption, since traffickers may deliberately carry small quantities.

Legal structure. Assessment is the structural bottleneck. Every route to rehabilitation passes through the TAT, which combines medical and legal expertise, and every route consumes time and money. Alfarisi et al. (2026) found that many offenders receive no assessment recommendation because of differing perceptions among enforcers and high assessment costs, and Susanto et al. (2023) noted that the costs are shared between the state and the suspect. In Medan, the dataset records limited capacity of government rehabilitation facilities and poorly integrated coordination among Polrestabes, Kejari and BNNP. The effect is a queue of detainees in Medan's prison, which then reinforces overcrowding. Nurdin and Utomo (2024) explain why: because the law does not name a leading sector, rehabilitation becomes a sectoral programme and not a shared system. Rivai et al. (2026) demonstrate that clarity, consistency and transmission of communication are decisive for the implementation of RJ policy, and these are precisely the qualities missing when each agency interprets the rules independently. The positive counterexample in Medan is the collaboration between the Social Service and the Medan Plus Foundation, which Nadeak and Sihombing (2025) describe as functioning well through dialogue, trust and commitment. It shows that rehabilitation capacity can be expanded through partnership with community-based providers when leadership is clear.

Legal culture. Officers and communities both retain a retributive orientation. The dataset records that law enforcement in Medan is predominantly oriented towards incarceration and that the public stigmatises former addicts. Uddin et al. (2025) show that stigma narrows employment opportunities and community trust and thereby prolongs marginalisation, in direct contradiction to restorative principles, and the finding that more than half of the LRPPN sample reported negative stigma (Silaen & Purba, 2023) confirms the pattern locally. Ngaisah et al. (2024) identify social stigma, inadequate infrastructure and weak stakeholder coordination as the main gaps between rehabilitation-oriented legislation and practice. A retributive culture also explains why quantitative improvement does not automatically change the logic of the system. Officers measure performance by arrests and seizures, and diversion offers no comparable metric.

Oversight and integrity. The fourth dimension concerns discretion. The dataset records high variation in the decisions of the Medan District Court between rehabilitation and imprisonment for similar cases, which creates uncertainty and a perception of discrimination. Discretion can also be exploited. Wardika et al. (2024) warn that ambiguity between Articles 112 and 127 can be used by unscrupulous officers to obtain illicit gains, and Tampubolon et al. (2024) identify the involvement of certain officers as one of the obstacles to combating narcotics crime at Polrestabes Medan. Sagala et al. (2026) likewise list potential misuse of authority among the main obstacles to rehabilitation-based justice. When an alternative to prison depends on the personal discretion of the officer who decides which article to apply, it can become a bargaining chip. Judicial discretion presents the same risk in the opposite direction, which is why Hendona et al. (2026a) recommend that departures from assessment recommendations be reasoned explicitly.

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Is it restorative justice? A conceptual assessment

The Medan data invite a conceptual question that the policy discourse often skips: is the diversion of users to treatment restorative justice, or merely rehabilitation under another name? The answer depends on which elements of RJ are treated as essential. If RJ requires dialogue between a harmed party and the offender, then the cases discussed here are not restorative in the strict sense, for the reasons given by Susilo and Negara (2025). The offender is also the primary victim, and the communal harm of drug use, such as family distress, neighbourhood insecurity and healthcare costs, is diffuse and has no identifiable claimant. If RJ is understood more broadly as a movement from retribution towards repair of the person, relationships and community, then rehabilitation with family involvement and reintegration support is a legitimate form of it, as Ihsan et al. (2022), Hia et al. (2025) and Sulistyawati (2023) maintain.

This article adopts an intermediate position. Medan's policy is best described as rehabilitative restorative justice, that is, restorative justice adapted to a victimless offence and not one that replicates the classical victim–offender model. It is rehabilitative because the decision turns on medical assessment of dependency, and the suspect is treated as a patient. Restorative elements appear in at least three places. Family and community actors are drawn into the process, as the Medan Plus Foundation collaboration illustrates (Nadeak & Sihombing, 2025). Diversion avoids the stigma and disruption of imprisonment, which is a repair-oriented goal. And reintegration is the declared end of the treatment pathway. What remains largely absent are the communicative and community-accountability elements: structured meetings among the user, family and community representatives, and a community commitment to reintegration. Muljan and Nawawi (2023) treat rehabilitation through the Integrated Assessment Team as the essence of RJ in criminal procedure; this article adds that the assessment itself must give weight to the person's social circumstances if it is to be restorative.

The reasoning behind this label lies in what restoration means when a crime has no external victim. The relationship to be restored is not between the offender and a harmed party but, first, between the person and the law, and the person's own health and social functioning. The user is a self-victimizing victim (Nugraheni, 2024; Kania & Anggraeniko, 2023), so the legal subject whose condition must be repaired is the same person who is held to account. The harms that do reach others, namely family distress, neighbourhood insecurity and lost trust, are diffuse but real, so restoration also extends to reintegration into the family and community to which the person returns. In victimless crimes, then, the restoration of social relations is directed at the recovery of the legal subject himself or herself and at family and community reintegration, and not at victim–offender dialogue. Understood in this way, "rehabilitative restorative justice" is conceptually more accurate than either restorative justice in its classical sense or medical rehabilitation alone, because it keeps the restorative aim of repairing the person and his or her relationships while recognising that the means are therapeutic rather than dialogical. The label is not a licence to rename treatment as restorative justice; it is warranted only where family and community reintegration is actively pursued and the safeguards discussed below are respected.

The label matters for practical reasons. If rehabilitation is branded as RJ but implemented as compulsory treatment, as Cullen and Hoyle (2026) caution, the risk is that coercion is legitimised by a

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benevolent vocabulary and that the safeguards owed to a suspect are weakened. A genuinely restorative orientation would insist on voluntariness where possible, on proportionate duration, on the right to challenge an assessment, and on monitoring after treatment, a gap that Ramadhani et al. (2026) identify. The label also matters for accountability. If RJ is understood as the repair of harm, the system should measure outcomes such as abstinence, employment and family functioning, not only the number of cases diverted. Mulyana (2025) argue that Indonesian criminal policy must balance deterrence, rehabilitation and RJ rather than let one displace the others. That balance is the one needed for the dichotomy in the title of this article.

Punishment *and* rehabilitation: a graduated policy for Medan

The evidence suggests that "punishment or rehabilitation" is a false dichotomy if applied uniformly, but a real choice if applied case by case. The sound policy question is how to sort cases accurately. Sunardi and Amelia (2026) propose a double-track framework in which rehabilitation is mandatory for those who meet objective criteria, while traffickers remain subject to punishment. Building on this proposal and on the Medan evidence, five reforms can be advanced.

First, create a transparent classification at the first point of contact. A person found with a quantity within the one-day-use limit, who tests positive and has no indication of network involvement, should presumptively be treated as an abuser or addict and referred to assessment, consistent with the conditions reported by Rosidi and Hidayat (2025). Nominal limits, as proposed by Surbakti et al. (2025), should be made mandatory in regulation, with a rebuttable presumption allowing prosecutors to show trafficking through other evidence. This resolves the Article 112 and Article 127 overlap in practice before the Narcotics Law is revised.

Second, fund and standardise assessment. The state should bear the cost of assessment for suspects within the presumptive category, set statutory time limits for the TAT to issue recommendations, and adopt a uniform instrument for Medan. This responds to the cost and perception problems documented by Alfarisi et al. (2026) and Susanto et al. (2023). Where a court departs from a recommendation it should state its reasons, following the model of Hendona et al. (2026a).

Third, expand and diversify rehabilitation capacity. Government facilities in Medan are insufficient relative to the caseload, and the 2023 comparison between 510 BNNP clients and 1,620 police-processed cases illustrates the scale of the gap. Capacity can be expanded by accrediting community-based providers on the model of the Medan Social Service and Medan Plus Foundation partnership (Nadeak & Sihombing, 2025), investing in the counselling facilities and supervision that Ginting et al. (2023) find lacking, and ensuring that rehabilitation for those who do enter prison is complemented by post-release continuity, in line with Bancin et al. (2026).

Fourth, align the institutions. A coordinating forum for Polrestabes, Kejari, the court, BNNP Sumut and the Correctional Institution, with a designated lead and shared data, would address the lack of a leading sector identified by Nurdin and Utomo (2024) and the communication failures analysed by Rivai et al. (2026). Performance indicators should include diversion rates, relapse and reintegration outcomes alongside seizures and arrests.

Fifth, change the culture through education, community engagement and oversight. Training for investigators, prosecutors and judges on the *ultimum remedium* principle and the objectives of the Narcotics Law would respond to the paradigm problem named by Nasution (2026). Public campaigns

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should reduce stigma, drawing on the findings of Silaen and Purba (2023) and Uddin et al. (2025), and community commitment to reintegration should become a formal element of the restorative process. Internal supervision and transparent reporting of the grounds on which each article is chosen would reduce the opportunities for misuse flagged by Wardika et al. (2024) and Sagala et al. (2026). Punishment retains its place for organised trafficking, as Zebua (2026) emphasises, and in that sense the policy proposed here is not a retreat from enforcement but a more discriminating use of it.

Reform carries risks that should be acknowledged. A mandatory threshold could be exploited by traffickers who deliberately carry small quantities, which is why the presumption proposed above must be rebuttable and why Sunardi and Amelia (2026) couple objective parameters with strengthened integrated assessment. Expanding diversion without expanding capacity could produce a form of net-widening, in which people who would previously have been released are channelled into treatment they did not seek, and the compulsory character of treatment that Cullen and Hoyle (2026) describe makes that risk real. Finally, as Susilo and Negara (2025) observe, using RJ terminology without aligning it to its philosophical foundations creates confusion, and the same confusion could obscure the safeguards appropriate to a medical model. These risks do not weaken the case for reform; they define its design conditions. Thresholds must be rebuttable, treatment should be proportionate and as voluntary as possible, and every diversion should be monitored and evaluated.

These reforms are consistent with the direction of national debate. Wulandari et al. (2024) call for reformulating RJ for abusers through rehabilitation, Siringoringo et al. (2026) conclude that a rehabilitative form of RJ offers more humane justice, lower costs and potentially lower recidivism, and Pranoto et al. (2024) argue for a construction of law that fulfils the sense of justice for abusers. Medan's experience between 2021 and 2025 shows that the direction is realistic: the share of rehabilitation-based resolution almost doubled in five years without institutional collapse. It also shows the distance still to be covered.

CONCLUSION

This article asked whether Medan's narcotics policy punishes or rehabilitates and whether it can be justified from a restorative justice perspective. The answer is that it does both, in unequal proportions that are slowly shifting. The legal framework allows rehabilitation at every stage, from Articles 54 and 103 of Law No. 35 of 2009 to the TAT mechanism, Perpol No. 8 of 2021 and Attorney General Guideline No. 18 of 2021. In practice, between 2021 and 2025 the share of Polrestabes Medan's user and addict cases resolved through rehabilitation rose from 8.0% to 14.6%, and 46.3% of additional cases were diverted, yet 88.9% of cumulative cases were still processed criminally and 2,850 of 3,100 narcotics residents of Class I Prison Medan in 2025 were serving sentences. Rehabilitation has become a second track that grows beside, but does not yet replace, the first.

The persistence of punishment is explained by four sets of barriers: overlapping possession and abuse provisions without mandatory thresholds; costly, slow and poorly coordinated assessment with scarce rehabilitation capacity; a retributive culture and public stigma; and unchecked discretion, with disparity in judicial decisions and risks of misuse. Conceptually, Medan's policy is more accurately described as rehabilitative restorative justice than as restorative justice in its classical victim–offender sense: in victimless crimes, restoration centres on the recovery of the user as a self-victimizing victim and on reintegration into family and community, while structured dialogue and community

accountability remain largely absent. The distinction matters because it directs reform towards voluntariness, safeguards, post-treatment monitoring and reintegration.

The article therefore recommends a graduated double-track model: mandatory nominal thresholds with a rebuttable presumption; state-funded and time-limited assessment with reasoned departures; expanded and diversified rehabilitation capacity, including community partners; a coordinating forum with a designated lead and outcome-based indicators; and a programme of legal education, stigma reduction and internal oversight. Punishment should remain for trafficking networks, and rehabilitation should become the presumptive response for users.

The study has limits. It relies on compiled institutional data and secondary literature, it does not include interviews with officers, judges or users, and its trend analysis is descriptive. Future research should audit the underlying agency records, follow diverted individuals to measure relapse and reintegration, analyse Medan District Court decisions for sentencing disparity, and test whether community-based restorative dialogue improves outcomes. Such work would show whether the trend documented here becomes a genuine change of paradigm.

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