

# Restorative Justice as an Instrument for Implementing the Principle of Dominus Litis in Resolving Narcotics Cases: A New Paradigm for Humanistic Prosecution

Mulyadi Alrianto Tajuddin<sup>1</sup>

1. Fakultas Hukum Universitas Musamus, Indonesia

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## Abstract

This article examines the integration of the dominus litis principle with the restorative justice approach in the prosecution of narcotics cases in Indonesia. The study highlights the persistent reliance on retributive justice, resulting in overcrowded prisons and limited rehabilitation for drug users. Using a normative juridical method with statutory and conceptual approaches, this research analyzes relevant legal frameworks including the Narcotics Law and prosecutorial regulations. Findings show that although restorative justice has normative support through legislation and prosecutorial guidelines, its implementation remains limited due to institutional inertia, lack of technical provisions, and weak prosecutorial discretion. The dominus litis principle, which grants public prosecutors authority over case management, is underutilized as a tool to shift from punitive to rehabilitative approaches. The article proposes a humanistic prosecution model grounded in restorative values and structured prosecutorial discretion. This model emphasizes selective case processing, interdisciplinary assessments, and integrated institutional cooperation. It aims to transform drug case handling from a punitive paradigm to a rehabilitative and socially responsive justice framework. The study recommends the issuance of technical guidelines by the Attorney General to facilitate this shift and enhance prosecutorial legitimacy. This research contributes to the discourse on progressive criminal law reform by offering a normative foundation for sustainable and ethical prosecution policies in narcotics cases.

**Keywords:** Dominus litis; restorative justice; narcotics cases; humanistic prosecution.

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## Introduction

Law enforcement in narcotics cases in Indonesia still prioritizes a retributive approach, where perpetrators of criminal acts, including users, usually receive prison sentences. In fact, many of them are victims of substances who should be considered individuals in need of rehabilitation (Perdana Putra, 2022). The punishment system that focuses on punishment has resulted in exceeding prison capacity and reducing opportunities for social reintegration for perpetrators (Novitasari & Rochaeti, 2021). Indonesia is one of the countries with the highest number of drug convicts. Information from the Directorate General of Corrections of the Ministry of Law and Human Rights shows that more than 50% of prisoners in correctional institutions come from narcotics cases, and the majority are users or addicts. This condition indicates that the repressive criminal system has not efficiently addressed the problem of drug abuse as a health and social issue (Pambudi et al., 2022). The concept of restorative justice emerged as an alternative approach that emphasizes the restoration of losses caused by criminal acts. This approach opens up opportunities for perpetrators, victims, and the community to be involved in the case resolution process. In drug cases, especially those involving first-time users or offenders, restorative justice can serve as a bridge to shift treatment from prison to rehabilitation (Karmana et al., 2023).

The application of restorative justice in drug cases actually has a normative basis in the Indonesian

Correspondence regarding this article should be addressed to:

Mulyadi Alrianto Tajuddin, Fakultas Hukum Universitas Musamus, Indonesia

Email address: [alriantotajuddin@gmail.com](mailto:alriantotajuddin@gmail.com)



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legal system. Law No. 35 of 2009 concerning Narcotics, especially Article 54 and Article 103, provides a legal basis for implementing medical and social rehabilitation for abusers (Rodhi et al., 2024). In the Circular of the Supreme Court Number 4 of 2010 and the Regulation of the Attorney General Number 15 of 2020, it is also emphasized regarding the importance of resolving certain cases outside the court using a restorative justice approach (Jainah & Suhery, 2022). However, in its implementation, this method has not been carried out optimally. Many prosecutors still follow the formal litigation process even though the perpetrator meets the criteria for rehabilitation. This happens because the principle of dominus litis, which is a key principle in the prosecution system, has not been integrated with the values of restorative justice. In fact, this integration could be the key to realizing more just law enforcement (Rodhi et al., 2024).

The principle of dominus litis legally places the Public Prosecutor as the main party controlling the criminal case process. (Dwi Agus Arfianto et al., 2024) This authority is stated indirectly in Article 1 number 1 and Article 30 paragraph (1) letter a of Law Number 16 of 2004 in conjunction with Law Number 11 of 2021 concerning the Attorney General's Office of the Republic of Indonesia (Sudiadi, 2024). This principle gives the prosecutor discretionary rights to decide whether a case is appropriate to be forwarded to court or can be resolved in another way in order to achieve substantive justice. Therefore, the prosecutor plays an important role in determining the direction and form of prosecution (Mazjah, 2024). Unfortunately, the understanding of the principle of dominus litis in the context of resolving narcotics cases still tends to be formal. This authority is more often used to support the traditional prosecution process rather than seeking more constructive alternative solutions. This is ironic, because dominus litis should provide an opportunity for prosecutors to implement adaptive and progressive prosecution policies, including through a restorative justice approach.

Various previous studies have discussed restorative justice in the context of handling criminal acts, but there are still very few that directly link it to the authority of the prosecutor as the holder of the dominus litis principle. The study by (Sinaga, 2021) emphasizes the effectiveness of restorative justice in overcoming overcriminalization of drug abuse, while (Kania & Anggraeniko, 2023) discuss the role of the state in ensuring rehabilitation for drug abuse. However, no study has been found that explicitly formulates how dominus litis can be a normative framework in encouraging the resolution of drug cases in a restorative manner. Thus, this study serves to fill the gap in the literature that discusses the relationship between the principle of dominus litis and restorative justice in the prosecution policy of drug cases. This idea also presents an innovative approach in the form of a humanitarian-oriented prosecution, focusing on the recovery of the perpetrator, empowerment of prosecutors, and protection of human rights. By combining the two, it is hoped that a more just, effective, and sustainable prosecution model can be created.

Humanistic prosecution does not only mean avoiding imprisonment, but also inviting law enforcement officers to consider the social context of the perpetrator, the reasons behind the crime, and the possibility of rehabilitation. In this framework, the principle of dominus litis is not only seen as a tool of administrative control, but also as an ethical and legal instrument to achieve substantive justice (Riyanto, 2021). In addition, the enforcement of restorative justice through the judicial system will also have a positive impact in reducing the burden on the courts and correctional institutions. Drug users who have access to rehabilitation will have a greater chance of recovering and returning to society without the burden of stigma. This supports the long-term goals of the criminal justice system which focuses on protecting society and restoring individuals (Budiyasa et al., 2022). With the absence of a systematic and in-depth study discussing how the principle of dominus litis can be used as a normative framework to legitimize the application of restorative justice in the policy of prosecuting narcotics cases, this study is important to conduct. This is the core of the novelty offered: bridging two important principles in the Indonesian criminal law system, namely the authority to prosecute by the Public Prosecutor through the principle of dominus litis and restorative justice as a method of law enforcement that is fair, proportional, and oriented towards recovery. This study aims to answer several important questions: why the authority of dominus litis has not been optimized in narcotics cases; what is the urgency of implementing restorative justice in the context of a more humanistic prosecution; and how to formulate an integrative conceptual model between dominus litis and restorative justice as a new paradigm in the policy of prosecuting narcotics cases. Thus, this study is expected to enrich legal discourse, contribute to the development of criminal prosecution theory and practice, and meet the need

for a model for handling narcotics cases that is more responsive to social realities and human rights in Indonesia.

## Method

This study applies a normative legal method with a statutory regulatory approach and a conceptual approach. The legal materials studied include primary legal materials, namely related regulations such as Law Number 35 of 2009 concerning Narcotics, Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia, and implementing regulations relating to the application of restorative justice in the criminal law system. Secondary legal sources are obtained from literature, journals, doctrines, and previous research that discuss the principle of *dominus litis* and restorative justice. The analysis is carried out in a structured manner to assess the alignment of legal norms with the needs of humane prosecution policies, as well as to formulate an ideal normative construction regarding the integration of the principle of *dominus litis* with a restorative justice approach in handling narcotics cases.

## Discussion

### The Principle of *Dominus Litis* in the Criminal Prosecution System in Indonesia

The principle of *dominus litis* is a basic principle in the criminal law enforcement system, which places the Public Prosecutor in full control of the direction and strategy of prosecution. Terminologically, *dominus litis* comes from Latin which means "master of the case", indicating that the prosecutor has the authority to determine whether a case should be referred to court or can be stopped on the basis of law, public interest, or substantial justice (Hermawan, 2023). In Indonesia, the legal basis for this principle is not explicitly stated in a single norm, but can be found systematically in various laws and regulations. Article 1 number 1 of the Criminal Procedure Code states that the public prosecutor is the prosecutor who is authorized by law to prosecute and implement the judge's decision. Furthermore, Article 14 letter b of the Criminal Procedure Code provides the opportunity for the prosecutor to stop the prosecution process under certain conditions. This shows the freedom that the prosecutor has as part of the principle of *dominus litis*.

This basic strengthening can be seen in Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia, especially Article 30 paragraph (1) letter a, which states that the prosecutor's office has duties and authorities in the criminal field to carry out prosecution. In addition, in Article 8 paragraph (3) of a similar law, it is emphasized that in carrying out their duties and authorities, prosecutors must prioritize justice, legal certainty, and benefits. This formula emphasizes that the position of the prosecutor is not only as a technical implementer of law enforcement, but also as an active entity in determining the direction and form of prosecution. In current criminal law practice, the principle of *dominus litis* is a crucial basis for prosecutors to implement responsive and contextual prosecution policies. Not all issues need to be resolved through formal meetings if there are other options that better ensure justice and utility. In a number of countries that implement continental legal systems such as Indonesia, this principle is the basis for prosecutors in implementing restorative justice, deponering, and diversion approaches.

This discretionary authority, according to (Sudarto, 1981) , is an element of criminal law policy that provides an opportunity for prosecutors to be the "last filter" in the criminal justice system. In other words, prosecutors not only function as a liaison between investigations and courts, but also have ethical and normative obligations in determining how to resolve cases in accordance with the principles of proportionality and substantial justice. Thus, the application of the *dominus litis* principle cannot be separated from the values of social justice that are the foundation of the Indonesian legal state. Although normatively this principle has obtained legal legitimacy, in practice it often experiences a reduction in meaning. Prosecutorial discretion is usually focused on sending cases to court, without considering other settlement options such as rehabilitation or restorative justice, especially in drug cases involving users (Kristiyawan & Munawar, 2023) . As a result, the principle of *dominus litis* has not fully played a role as an instrument of control over the process of excessive criminalization, and has not been maximized to

prioritize the principle of legal benefit. Understanding of the principle of dominus litis needs to be directed back to its original spirit, namely as a legal instrument that allows prosecutors to use prosecutorial discretion progressively and responsively to the social context of the perpetrator and the purpose of punishment. This is where the importance of building a link between this principle and the restorative justice approach lies, which will be discussed in the next sub-chapter.

### **The Potential and Urgency of Implementing Restorative Justice in Narcotics Cases**

The restorative justice approach in drug cases is the answer to the impotence of the conventional punishment system which has so far focused more on penalties through imprisonment. This paradigm positions drug abusers as individuals who need rehabilitation, not just lawbreakers who must be punished. In many situations, drug users are victims of addiction, pressure from the environment, or weak social protection systems. Therefore, the restorative method that emphasizes the restoration of social relations, rehabilitation, and community participation is important to be applied in the context of a humanist prosecution policy. Normatively, the restorative justice approach has gained a position in the Indonesian legal system. Article 54 and Article 103 of Law Number 35 of 2009 concerning Narcotics state that drug users who abuse must undergo medical and social rehabilitation. This provision shows legal recognition of abusers as individuals who must be restored, not punished in a repressive manner. The Supreme Court has even issued Circular Letter Number 4 of 2010 which provides technical guidance that drug users with certain levels can be advised to undergo rehabilitation, not sentenced to prison.

The restorative justice approach has also been strengthened by the Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice. Although this regulation does not specifically regulate narcotics, the contents therein can be used as a basis for expanding the application of restorative justice in cases of drug abuse that meet certain criteria, such as not being a dealer, not a recidivist, and having the intention to be rehabilitated. The need to implement this approach is increasingly apparent when associated with the phenomenon of overcrowding in correctional institutions. Data from the Directorate General of Corrections shows that more than 50% of prisoners in Indonesia are from drug crimes, with a significant proportion being drug users (Nanci Yosepin Simbolon et al., 2025). This shows that the detention of drug abusers is not only inefficient, but also burdens the state budget, increases the risk of secondary criminalization, and increases the possibility of recidivism due to the lack of significant rehabilitation programs. This approach is in line with the principle of human rights protection, as stated in General Comment No. 32 by the UN Human Rights Committee, which emphasizes that the criminal justice system needs to pay attention to the vulnerability of perpetrators, including those who abuse drugs. In this context, the prosecution policy should be aimed at providing space for prosecutors to determine the type of case resolution that best reflects justice.

From a criminal law policy perspective, restorative justice in drug cases supports a change in sentencing towards a more productive and balanced direction. The principle of justice in criminal law is not only understood as a sanction, but also as a restoration of social and individual losses. According to Braithwaite (2002), restorative justice emphasizes the values of dialogue, responsibility, and social reintegration, all of which are very important for drug users who want to be free from dependence and return to being productive members of society. This approach is in line with the principle of human rights protection, as stated in General Comment No. 32 by the UN Human Rights Committee, which emphasizes that the criminal justice system needs to pay attention to the vulnerability of perpetrators, including those who abuse drugs. In this context, the prosecution policy should be aimed at providing space for prosecutors to determine the type of case resolution that best reflects justice.

The implementation of restorative justice in drug cases in Indonesia still faces various challenges, such as the lack of technical regulations, the rejection of a legal culture that prioritizes retribution, and concerns about abuse of discretion by law enforcement. This is where a systemic effort is needed to combine the principle of dominus litis as a normative basis that can legitimize the implementation of a restorative approach legally and responsibly in drug cases. The implementation of restorative justice in drug cases is not only urgent from a legal perspective, but also strategic in the context of social, humanitarian, and efficiency of law enforcement. By integrating the principle of dominus litis, this

approach has a great opportunity to change the face of prosecution to be more responsive and fair.

### **Limitations of Implementing Dominus Litis as a Restorative Instrument**

The implementation of restorative justice in drug cases is not only legally important, but also strategic in terms of social, humanitarian, and the effectiveness of law enforcement. By combining the principle of dominus litis, this approach has significant potential to revolutionize prosecution to be more responsive and fair (Nefri & Faniyah, 2024). Although the principle of dominus litis gives full rights to the Public Prosecutor to direct the handling of cases, the reality on the ground shows that this right has not been utilized optimally to support the restorative justice approach, especially in drug cases. Prosecution practices are still dominated by a retributive approach, where almost all cases that have been declared complete (P-21) are still submitted to the court, including for drug abusers who can actually be cured through rehabilitation programs. This shows the existence of structural and cultural resistance to the application of discretion by prosecutors in the interests of social recovery.

One of the normative obstacles that hinders the implementation of restorative justice in narcotics cases is the limited scope of the Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice. This regulation clearly only regulates the termination of prosecution for minor crimes, with a sentence of less than five years, a maximum loss of IDR 2.5 million, and there must be reconciliation between the perpetrator and the victim. Narcotics crimes, even if committed by users who do not cause direct harm to the victim, are still not covered by the regulation. As a result, prosecutors hesitate to use the dominus litis discretion to take a restorative approach in narcotics cases, even though it should be morally and socially possible. In practice, prosecutors' prosecutorial authority is often hampered by administrative factors, concerns about internal oversight, and potential pressure from the public or media. Law enforcers, including prosecutors, often prefer to submit cases to the courts in order to be considered "successful" in handling crimes, without considering other approaches that are more socially beneficial. This indicates that the principle of dominus litis has not fully functioned as a substantive mechanism that supports restorative justice.

Empirical facts show that although drug abusers often meet the rehabilitation requirements stipulated in Articles 54 and 103 of Law No. 35 of 2009 concerning Narcotics, the assessment process and the incorporation of its results into prosecution policies still face various technical challenges. Assessments from the Integrated Assessment Team (IAT) often come too late or are not given priority by prosecutors. In some situations, assessment results that recommend rehabilitation are still not used as a reason to stop prosecution, due to the absence of clear technical norms governing discretion in the context of drugs (Dian Prayoga et al., 2024).

In addition, the absence of internal prosecutorial guidelines that specifically regulate the implementation of restorative justice in narcotics cases is also a significant obstacle. The absence of regulations that link the discretion of dominus litis with the needs of the perpetrator's recovery results in limited room for prosecutors to maneuver. On the other hand, training and education in the prosecutor's office still prioritize formal procedural technical aspects, and have not yet internalized the values of substantive justice and a more humane approach in the prosecution process. The absence of an integrated national reporting system on drug abuse cases that have been stopped from being prosecuted or referred to rehabilitation also results in the evaluation of prosecutors' performance in carrying out restorative functions being unmeasurable. This hinders institutional reform within the prosecutor's office to seriously develop an alternative prosecution model based on valid and accountable restorative justice.

The limitations of the implementation of the dominus litis principle in narcotics cases are not only caused by the absence of explicit norms, but also by institutional resistance and the lack of political courage of the prosecutor's internal law. A structured policy update is needed, including by formulating an Attorney General's regulation that explicitly opens up space for terminating the prosecution of narcotics cases based on restorative justice. Without it, the authority of dominus litis will remain reduced to mere formal procedures, not a tool for transformation towards a just and humane prosecution system.

### **Normative Integration of Dominus Litis and Restorative Justice: The Path to Humanist Prosecution**



Efforts to create a just prosecution system in narcotics cases cannot be separated from the need to combine the principle of dominus litis with the restorative justice approach. Both are not conflicting principles, but can complement each other in building law enforcement policies that are more sensitive to human rights, the value of recovery, and efficiency in handling cases. Dominus litis provides a legal basis for prosecutors to apply discretion progressively, while restorative justice offers a framework of values and ways to resolve cases that focus more on the rehabilitation of perpetrators and social balance.

Normatively, prosecutors as holders of dominus litis not only function as an extension of the justice system, but also as strategic decision makers in handling criminal cases. In this situation, prosecutors should not only assess formal aspects when determining prosecution, but must also pay attention to elements of utility and substantive justice, especially in cases of drug abuse that are non-violent and do not cause direct harm to others. In situations like this, a restorative approach can be a logical choice in accordance with the ethical and legal mandates held by prosecutors (Sihombing et al., 2023). The integration of the two principles requires a reinterpretation of the function of dominus litis not only as a means of controlling the prosecution process, but also as a means of paradigm change in criminal law enforcement. In accordance with the principles of corrective justice and proportionality, prosecutors are expected to formulate prosecution policies that do not only focus on punishment, but also restore social relations that have been disrupted by criminal acts. In this context, restorative justice acts as a method of resolving cases, while dominus litis provides a normative and legal basis for implementing these options officially and measurably.

This idea is not without precedent. In some regions such as the Netherlands and Canada, a method called restorative prosecution has been systematically applied in certain cases, including narcotics. Prosecutors receive special training and guidelines to assess whether a case can be diverted to the restorative path based on risk assessment, the character of the perpetrator, and the social impact of the crime. This model indicates that with the appropriate institutional structure, prosecutors can play a strategic role in improving more human-oriented law enforcement without reducing the effectiveness of enforcement. In the Indonesian context, the opportunities for this integration are very broad. The principle of dominus litis stated in the Attorney General's Law provides a basis for prosecutors to adapt prosecution policies according to the principles of justice and benefit. Meanwhile, the provisions in the Narcotics Law that provide opportunities for rehabilitation can be interpreted as a form of support for the restorative approach. So that this integration is not just a discourse, courage is needed from normative institutions and leadership in the prosecutor's office to formulate technical guidelines that clearly link the two principles.

Strengthening the role of prosecutors in the context of restorative justice will also increase the institutional legitimacy of the prosecutor's office as a modern, progressive prosecution institution that supports the values of substantive justice. By implementing the principle of dominus litis, the prosecutor's office can play a role as a driver of the transformation of the criminal justice system towards a more contextual and participatory one. This is not only crucial for building public trust in law enforcement institutions, but also for alleviating structural pressures on the justice and correctional systems due to the excessive burden of crime (Ilham Saputra Machmud et al., 2023). To avoid abuse of discretion, this normative integration can be designed in the form of implementation guidelines or internal regulations of the prosecutor's office, which regulate the procedures, criteria, and supervision of the implementation of the termination of prosecution of narcotics cases based on the principle of restorative justice. These criteria can include the category of perpetrator (user, not dealer), legal history, level of dependency, results of an integrated assessment, and willingness to participate in a rehabilitation program. In this way, dominus litis is not interpreted as absolute arbitrary authority, but as responsible authority that is used to create justice that lives in society.

In addition, increasing the capacity of prosecutors is also an important factor. Continuous training is needed on progressive law, restorative justice, and handling vulnerable perpetrators such as drug users. The prosecutor's office must adopt a new paradigm in the field of legal education by integrating humanistic and reflective values so that prosecutors not only understand the law in a normative context, but also in a social and ethical context. Thus, the integration of dominus litis and restorative justice is not only a written policy, but can be applied in daily law enforcement practices. Normative integration between the principle of dominus litis and the restorative justice approach will be an important basis in

creating a more just, humane, and sustainable prosecution model in narcotics cases. This model not only offers a solution to overcriminalization and overcrowding, but also returns the focus of criminal law to its main objectives: human protection and the restoration of social relations. Therefore, prosecution based on restorative justice based on the principle of dominus litis must be the direction of prosecutorial policy in the future.

### The Ideal Model of Humanistic Prosecution in Narcotics Cases Based on Dominus Litis

The development of a humanitarian-oriented prosecution model related to narcotics cases must be based on the principle of restorative justice and the strategic power of prosecutors as case strengtheners. In this context, the principle of dominus litis can be applied normatively to provide prosecutors with the opportunity to choose a path of social rehabilitation rather than just punishment. This ideal prosecution model not only aims to reduce the burden on the justice and correctional systems, but also to build a case resolution mechanism that is more in line with the objectives of current criminalization (Hastuti et al., 2024).

The expected prosecution model should have the following main elements:

Case selection mechanism based on the category of perpetrator and type of crime;

Utilization of integrated assessment results as a basis for restorative prosecution decisions;

Technical and formal guidelines that ensure transparency and accountability in the use of discretion;

Internal supervision of the prosecutor's office so that the dominus litis principle is implemented proportionally and objectively. This model can be improved by considering the experiences of other countries that have implemented restorative justice, but still adjusted to the Indonesian legal framework.

To clarify the design of the model, Table 1 is presented below, which compares conventional prosecution and restorative dominus litis-based prosecution, while also showing the ideal parameters for implementation in Indonesia:

**Table 1.** Title Comparison of Conventional Prosecution Model and Restorative Prosecution Based on Dominus Litis

No	Aspect	Conventional Prosecution	Restorative Prosecution Based on Dominus Litis
1.	Goal Orientation	Retaliation, deterrent effect	Recovery, social reintegration
2.	Posisi Jaksa	Prosecutor's Position	Controlling the direction of case resolution
3.	Actors Involved	All without distinction	Focus on non-recidivist drug users
4.	Prosecution Considerations	Legal-formal (articles and evidence)	Legal, sosial, psikologis
5.	Termination Instrument	Difficult, except SP3 or depowering	Based on the discretion of the dominus litis and the results of the assessment
6.	Legal Process	Full (litigative, trial to verdict)	Can be stopped, diverted to rehabilitation
7.	The final result	Prison sentence	Rehabilitation, reintegration, participatory resolution
8.	Impact on Prisons	High overcrowding	Reducing density and lowering recidivism rates

This prosecution model needs to be implemented through a formal mechanism based on clear procedures. One concrete action is the creation of an Attorney General Regulation that explicitly includes drug abusers as individuals who can obtain a termination of prosecution on the grounds of restorative justice. In addition, a standard procedure is needed for a comprehensive evaluation, the results of which are the main factor in the prosecutor's decision to prosecute. The prosecutor's office needs to form a special unit or restorative functional prosecutor who has the ability to handle cases with a restorative approach. It is important to ensure that the implementation of the model is not accidental or only dependent on the subjectivity of the prosecutor, but takes place systematically and institutionally.

Prosecution that focuses on recovery does not mean reducing law enforcement, but rather broadening the perspective on fair criminal law. From a long-term perspective, the success of this model will be assessed not based on the number of offenders punished, but how many individuals rehabilitate and do not repeat their actions (low recidivism), and how much the legal system provides real benefits to society. The humanist prosecution model based on dominus litis and restorative justice in narcotics cases is a progressive legal option that is worthy of being developed in the criminal justice system in Indonesia. This model is not only based on valid norms, but also meets the need to change the paradigm of law enforcement from penalties to recovery and community sustainability.

The implementation of the humanist prosecution model also needs to involve participation between sectors. The success of handling narcotics cases based on restorative justice does not only depend on prosecutors, but also requires collaboration with the National Narcotics Agency, rehabilitation institutions, the Police, and the Courts. Therefore, it is crucial to create an integrated coordination system that facilitates the exchange of information, acceleration of comprehensive assessments, and ratification of decisions to stop prosecution based on rehabilitation. This mechanism can be implemented through a memorandum of understanding (MoU) between various agencies, as well as integrated into the case handling system at the Prosecutor's Office.

In addition to cooperation between institutions, the success of this model also requires active participation from the community and the perpetrator's family. In the spirit of restorative justice, case resolution is not only the responsibility of law enforcement, but also a joint process to restore the balance of social relations. Therefore, the involvement of community leaders, religious leaders, counselors, and rehabilitation assistants is very important in the process of criminal mediation and perpetrator recovery. This will strengthen the social and preventive aspects of the humanitarian-oriented prosecution model.

In order for this model to be widely replicated, it is also important to develop measurable indicators of success. These indicators include the number of narcotics cases diverted to rehabilitation through the authority of dominus litis, the level of rehabilitation success, the decrease in recidivism rates, and the increase in public trust in the prosecutor's office. This evaluation must be carried out periodically and openly, so that the prosecution model does not become merely symbolic, but actually has an impact in practice.

In the context of legal development, the success of this model can be the basis for arguments to revise or expand the scope of the Indonesian Attorney General's Regulation No. 15 of 2020, to explicitly include narcotics cases as part of the types of crimes that can be resolved through a restorative justice approach. This regulatory change will provide legal certainty for prosecutors in using discretion, while also providing protection against the potential for excessive criminalization of drug users.

This model should be seen as an initial step towards a major paradigm shift in Indonesian criminal law enforcement. Drug cases are just the entry point; if successful, a similar approach can be extended to other types of cases that have high social and humanitarian dimensions. Such a transformation will encourage the Indonesian criminal justice system to better uphold the values of Pancasila, human rights, and the principles of substantive justice that live in society.

## Conclusion

The principle of dominus litis which places the Public Prosecutor as the controller of criminal cases has not been utilized optimally as a means to implement a restorative justice approach in narcotics cases. The prosecutor's authority to stop prosecution for substantial justice is still influenced by the retributive approach and has not been supported by clear technical regulations, especially in cases of narcotics abuse. However, normatively, narcotics offenders have been given the opportunity to undergo rehabilitation in accordance with the provisions of Articles 54 and 103 of the Narcotics Law, which are also supported by medical-social evaluations. This study identified that the main obstacles come from limited regulations, cultural resistance within the prosecutor's office, and low institutional collaboration with rehabilitation institutions. Therefore, it is necessary to formulate an integration between the principles of dominus litis and restorative justice in the form of a more humane prosecution model, by



considering the criteria of the perpetrator, the results of a comprehensive evaluation, and accountable supervision. The author suggests that the Attorney General of the Republic of Indonesia immediately formulate regulations that clearly provide the opportunity to stop prosecution in narcotics cases through the restorative justice method. In addition, training is needed for prosecutors, improvement of the coordination system between sectors, and evaluation indicators to ensure that this model operates effectively. The implementation of a prosecution model based on dominus litis and restorative justice not only addresses the problems of overcriminalization and overcrowding, but also functions as a step in transforming the criminal justice system towards better, contextual justice that focuses on social recovery.

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