

The Implementation of the Double-Track Restorative Justice System Starts from the Investigation Process of Narcotics Crime Cases at the Investigation Stage

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Abstract. This research aims to determine legal phenomena that arise as a result of the criminal justice system, as a reflection on the development of criminal law both at the theoretical and practical levels. The findings in the research are based on two approaches, namely the statute approach as an approach based on statutory regulations, and the conceptual approach which is based on a conceptual approach. There are 3 (three) findings of legal phenomena in this research, namely: first, the presence of a double track system in the punishment mechanism in Indonesia. Second, there is a phenomenon of a paradigm shift in the character of punishment in Indonesia, and the last is rethinking restorative justice in the form of a diversion mechanism based on the *Ultimum remedium* perspective. In principle, criminal acts are always closely related to criminal sanctions, but in the double-track system, the punishment is directed at criminal acts. Investigators' considerations in resolving narcotics crime cases using a restorative justice approach at the investigation stage are: the suspect is a victim of drug abuse, the urine result is positive, the suspect is not involved in a network, an assessment has been carried out, the suspect has never been punished and the suspect is willing to cooperate with investigators in eradicating narcotics trafficking and giving rehabilitation for suspects of narcotics abuse will be implemented.

Keywords: Double Tracking System, Restorative Justice, *Ultimum remedium*, Narcotics

1 Introduction

The criminal justice system in Indonesia consists of the Indonesian National Police (Polri). When a pretrial procedure or a series of stages (pretrial process) becomes the official framework of the criminal justice system carried out by the Indonesian National Police (Polri). This process starts from an input, processes it, and then produces an output.[1] Reports made to the police or agencies within the police themselves become initial input in a case. It doesn't matter whether the National Police completes the process there or hands it over to the District Attorney's Office (JPU) for trial, the process will produce results. If the case is handed over to the Public Prosecutor, the output from the Police will become input for the Public Prosecutor. And so on, the process in the criminal justice system continues, until there is an *inkracht* decision and until the convict has finished serving his sentence and returned to society.[2]

This process that prioritizes the formal legal system can result in several cases that weaken society's sense of justice, giving rise to the idea of resolving cases using a restorative justice approach that requires criminals to admit their mistakes, apologize, and ask for

forgiveness to restore the losses and losses suffered by the victim to their original state or at least to a state similar to the original state, which can satisfy the victim's needs.[3]

This thought has been answered by the Top of the Public Police's Criminal Examination Organization (Kabareskrim). STR/583/VIII/2012 dated 08 August 2012, concerning the Execution of Supportive Equity, the message letter is utilized as a reason for specialists in settling criminal cases with helpful equity. Alongside additional turns of events, a Roundabout Letter from the Head of Police of the Republic of Indonesia (Kapolri) No. 8/VII/2018 dated 27 July 2018 concerning the Execution of Helpful Equity in Settling Criminal Cases.[4] " The following improvement was on August 19, 2021, the Public Police Boss, Police General Drs. Listyo Sigit Prabowo, M.Sc. marked the Republic of Indonesia State Police Guideline Number 08 of 2021 concerning Treatment of Criminal Demonstrations in view of Helpful Equity, kept in the State Periodical of the Republic of Indonesia of 2021 Number 947."

Giving assurances of legitimate security and management, this guideline turns into the lawful premise and course for Public Police specialists and examiners in leading examinations. To understand the public premium and a feeling of equity in the public arena is in accordance with the utilization of the standards of helpful equity in the feeling of criminal examinations. This will assist with building norms of information and utilization of helpful equity inside the Public Police. Using restorative justice to eradicate crime. Justice is a step taken by the police in resolving a case by prioritizing a sense of justice that prioritizes restoring the situation before the crime occurred and providing a equilibrium of assurance and interests for the two casualties and criminals without focusing on punishment.

A groundbreaking thought in criminal policing, Police Guideline on Supportive Equity Based Wrongdoing Dealing with obliges cultural standards and values as an answer while giving legitimate sureness, particularly for the advantage and feeling of equity of the local area, to answer cultural turns of events and lawful requirements that fulfill everybody's feeling of equity. In accordance with Articles 16 and 18 of Regulation Number 02 of 2002 concerning the State Police of the Republic of Indonesia, the party addressing the State Police of the Republic of Indonesia.[5]

As indicated by Article 1 Number 3 of Public Police Guideline Number 8 of 2021, "Helpful Equity is the goal of a crook act by including the culprit, casualty, culprit's family, casualty's family, local area pioneers, strict pioneers, customary pioneers, or partners to cooperate to track down a satisfactory arrangement equity through harmony by underlining the appointment of getting back to the nation of beginning."

Furthermore, Article 3 states that:

- (1) "Treatment of criminal demonstrations in view of supportive equity as expected in Article 2 should meet the accompanying necessities: a) general; as well as b) exceptional.
- (2) The general necessities as alluded to in passage (1) letter a, apply to the treatment of criminal demonstrations in light of Helpful Equity in the exercises of completing criminal examination capabilities, examinations, or examinations.
- (3) The unique prerequisites as alluded to in passage (1) letter b, just apply to the treatment of criminal demonstrations in light of supportive equity in request or analytical exercises."

Article 7 further states that:

" The exceptional prerequisites as expected in Article 3 section (1) letter b, are extra necessities for criminal demonstrations:

- a) Electronic data and exchanges;
- b) Drugs; Also,

c) traffic.”

Settling criminal cases in light of supportive equity should stick to general principles and explicit norms. Exceptional prerequisites just apply to criminal demonstrations in view of supportive equity in investigative or inquiry activities, while general requirements apply to activities that carry out investigative, investigation, or investigation responsibilities. Currently, drug crime has spread internationally and is carried out using the latest technology. To improve the morale and quality of Indonesia's human resources, especially the younger generation, law enforcement officials want to be able to prevent and eradicate these crimes.

A condition involving the Maluku Regional Police's Narcotics Research Directorate involving defendants Rommy Elkel as Aya and Johansen Marthines Luhukay known as Jones known as Apin which based on Regulation Number 35 of 2009 concerning Opiates, Article 127 passage (1) letter expresses that each individual who misuses class I opiates involves them for themselves, the two suspects committed a drug offense. Rommy Elkel als Aya, the suspect, was arrested while eating or using 1 (one) pack of methamphetamine. No evidence (BB) was found during the arrest. Johansen Marthines Luhukay als Jones als Apin, suspects, were caught on camera using or consuming 1 (one) package of methamphetamine. When arrested, no evidence was found (BB).

To improve morale and the level of human resources in Indonesia, especially the younger generation, law enforcement officials are expected to be able to prevent and eradicate these crimes. Narcotics and dangerous substances/narcotics are very complex problems that require comprehensive mitigation efforts involving multidisciplinary, multisectoral cooperation as well as the active role and activities of the community which are carried out continuously, consistently, and consistently. This problem is known as the abuse of Narcotics, Psychotropics, and Other Addictive Substances (NAPZA), or the term commonly known by the public as narcotics (narcotics and their dangerous substances/drugs). Investigation is the initial stage of examining a criminal case carried out by investigators and is important in searching for and collecting evidence with that evidence, it becomes clear about the criminal act and plays a role in resolving narcotics crimes and in resolving them in collaboration with other agencies. This research aims to analyze and discuss the mechanisms and procedures for resolving narcotics crime cases using the Helpful Equity approach at the examination stage and to break down and talk about specialists' contemplations in settling opiates wrongdoing cases utilizing the Supportive Equity approach at the examination stage.

2 Method

The exploration technique utilized is a standardizing juridical examination type.[6] The issue approaches utilized are the legal methodology, idea investigation, and case approach. The lawful materials utilized are essential legitimate materials and auxiliary lawful materials.[7] Strategies and Assortment of Legitimate Materials through writing study and Handling and Examination of lawful materials which are then broke down through portrayal utilizing subjective techniques.

3 Results and Discussion

3.1 The phenomenon of the presence of the double track system in the justice system in Indonesia

Legal phenomena are facts or realities resulting from certain legal events; their name is Greek for "that which appears" (something that appears). However, the character of the idea or conception that caused the emergence of this legal phenomenon is highlighted in this essay. The existence of a two-track framework in the law enforcement framework is the first phenomenon that will be discussed in this research.

Criminal sanctions policies in Indonesia are regulated based on the provisions of applicable laws and regulations, in particular Article 10 of the Criminal Code, which divides criminal sanctions into two categories: Types of basic criminal acts include the death penalty, imprisonment, and other forms of detention. In addition, there are further forms of punishment, such as losing certain privileges, taking specific things, and reporting the appointed authority's choice.

The legal provisions mentioned above have described the existence of two different criminal systems, one centered on criminal punishment and the other centered on criminal activities. Conceptually, the advancement of the criminal framework — particularly the old style school, the cutting edge school, and the neoclassical school— can be used to explain the phenomenon of a dual-track system. First, the classical school has nuances of legism because, on the one hand, the classical school is based on the doctrine of the machstaat state, namely the orientation of the state which only prioritizes absolute power and only applies "bouce de la loi" laws (sheer trumpet of the law).[8] According to Muladi and Barda, as quoted by Muhammad Deniardi, the criminal system focuses on actions, and the punishment system is applied with certainty.[9]

The classical school of thought which only demands criminal punishment based on actions alone (daadstrafrech) and has a retrograde mindset, does not reflect society's sense of justice. Modern schools, on the other hand, aim to change these shortcomings. Third, the neo-classical school is one of the formulations of the neo-classical school in the criminal system, namely the existence of minimum and maximum sentences and recognizing the principle of mitigating circumstances. According to the author, various fresh ideas can be obtained as a manifestation of the benefits of a two-way system after understanding the phenomena that cause a double-way system, including the following:

- a. Whereas the existence of a double track system provides proportionality in the application of criminal sanctions decided by the judge in court because the existence of this system makes the judge give considerations not only as a mouthpiece for the law but also from an individualist aspect of the crime;
- b. Whereas the implementation of the double track system provides equality between criminal acts and criminal sanctions, to achieve effectiveness in the criminal accountability of a perpetrator of a criminal act; And
- c. That the double track system is considered capable of encouraging the quality of judges' decisions that are not limited to being based solely on the text of the law.

3.2 The phenomenon of the shifting character of punishment in Indonesia

Criminal offenses are sometimes described with the word “straf”, which means “punishment”, that is, the punishment resulting from a court decision. On the other hand, there are two meanings of criminal law, namely criminal law as *ius poenale* and criminal law as *ius constituendum*. To Mezger's assertion that objective criminal law is a legal regulation that binds certain actions that fulfill certain conditions, thereby giving rise to criminal consequences - criminal law with the words "our constitution" known as objective criminal law is a statutory regulation made by the government which regulates what actions are prohibited and result in criminal consequences.[10] Meanwhile, the *ius constituendum* crime has (2) two meanings, firstly the rights of the state and its instruments of power to punish, namely the rights that have been obtained from statutory regulations; and secondly, the right of the state to attribute violation behavior to its applicable regulations. Based on the description above, the concept of criminal law provides an understanding of what acts or actions are then prohibited from being carried out and an understanding of the application of legal procedures if the provisions of the criminal rules are violated.

On the other hand, punishment theoretically is a suffering imposed by the state on every person who commits a criminal act, but it also has a goal to be achieved through criminal imposition. So, a frequently asked question is: What is the real intention behind punishment? On the other hand, the state and its officials seek to safeguard human rights through legal requirements. To better understand why this phenomenon occurs, it is necessary to use the notion of intentional punishment.

The first is an investigation through the theory of retribution, this theory states that legal consequences must remain as a form of retribution to people who have committed crimes. It means that the imposition of a criminal sentence becomes a consequence when a crime occurs, or by illustration that the victim of the crime has experienced suffering, so that it is also normal for the perpetrator of the crime to feel this suffering. Talking about retribution, one of the popular classical teachings on the theory of retribution states that "eyes of eyes, life for life, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, strife for strife".[11]

Secondly, exploring through restorative theory, the approach from the perspective of restorative theory is the purpose of punishment which tends to focus more on the desire to restore a person's condition. For example, in the juvenile criminal justice system, the procedural mechanism is full of dialogue and mediation to create an agreement on the resolution of criminal cases which is beneficial for both the perpetrator and the victim of the crime.[12]

3.3 Legal Basis for Implementing Restorative Justice in Resolving Narcotics Crime Cases

"A change in discipline in the law enforcement framework that focuses on equity for casualties and culprits of criminal goes about as well as elective disciplines like social work and others," as per the Helpful Equity Foundation. As per Bagir Manan, the center standards of supportive equity include: cultivating cooperative support between culprits, casualties, and local gatherings in settling an episode or criminal demonstration; selecting culprits, casualties, and the local area as "Partners" who cooperate and promptly attempt to find an answer that is viewed as fair for all gatherings (mutual benefit arrangement)."

That's what hutauruk expressed "Helpful Equity centers around the course of direct criminal obligation from the culprit to the person in question and the local area.

On the off chance that the culprits and casualties as well as the local area whose privileges have been disregarded feel that equity has been accomplished through joint deliberative endeavors, then it is trusted that discipline can be kept away from. This shows that the culprit isn't the fundamental object of the Helpful Equity approach, yet rather the feeling of equity and reclamation of the actual contention is the primary article."[13]

Helpful Equity plans have so far been managed in different guidelines, including:

- a) Circular Letter from the Head of Police of the Republic of Indonesia Number SE/8/VII/2018 of 2018 concerning the Execution of Steady Value in the Settlement of Criminal Cases;
- b) Republic of Indonesia Police Boss Guideline Number 6 of 2019 concerning Criminal Examination and Republic of Indonesia Investigator's Guideline Number 15 of 2020 concerning End of Arraignment In view of Helpful Equity;
- c) Joint Guideline of the Central Equity, Clergyman of Regulation and Basic liberties, Priest of Wellbeing, Pastor of Parties, Head legal officer, Head of Police, Top of the Public Opiates Organization Number 01/PB/Mama/111/2014, Number 03 of 2014, Number 11 of 2014, Number 03 of 2014, Number Per005/A/JA/03/2014, Number 1 of 2014, Number Perber/01/111/2014/BNN concerning Treatment of Opiates Junkies and Casualties of Opiates Maltreatment in Restoration Establishments;
- d) Decree of the Chief General of the Overall Equity Organization of the High Court of the Republic of Indonesia Number 1691/DJU/SK/PS.00/12/2020 concerning the Execution of Rules for the Execution of Supportive Equity in the General Court climate on 22 December 2020.
- e) Joint Guideline of 2014 Concerning Treatment of Opiates Junkies and Survivors of Opiates Maltreatment in Restoration Organizations.
- f) Prosecutor's Guideline Number 15 of 2020 concerning End of Indictment In light of Supportive Equity.
- g) National Police Boss Guideline Number 8 of 2021 concerning Supportive Equity Treatment of Criminal Demonstrations.

In light of this, incidentally, the State is beginning to contemplate how to make strides that can reestablish or potentially create the physical, mental, and social improvement of suspects, respondents, or convicts in opiates cases utilizing treatment, care and recuperation programs by giving a Joint Guideline with the Central Equity of the High Court. , Clergyman of Regulation and Common freedoms, Pastor of Wellbeing, Priest of Parties, Principal legal officer, Head of Police, Top of the Public Opiates Organization Number 01/PB/Mama/111/2014, Number 03 of 2014, Number 11 of 2014, Number 03 of 2014, Number Per005/A/JA/03/2014, Number 1 of 2014, Number Perber/01/111/2014/BNN concerning Treatment of Opiates Fiends and Survivors of Opiates Maltreatment in Recovery Foundations.

This Joint Guideline expects to understand the best coordination and participation in taking care of ongoing drug habits to diminish the quantity of junkies and casualties of chronic drug use through therapy, care, and recuperation programs in managing drug fiends and survivors of substance addiction as suspects, litigant, or convict, who is completing the destruction of illegal medication dealing. Aside from that, it likewise fills

in as a specialized rule for taking care of medication junkies and survivors of illicit drug use as suspects, respondents, or detainees who should go through clinical or potentially friendly restoration. It is also hoped that the social rehabilitation process at the investigation, prosecution, trial, and punishment levels will be carried out in a synergistic and integrated manner.

However, shared regulations alone are not enough. The Supreme Court views the need to implement Restorative Justice in several cases, one of which is narcotics cases which must be carried out by all district court judges and heads of high courts through the Announcement of the Chief General of the Overall Legal Body of the High Court of the Republic of Indonesia Number 1691/DJU/SK/PS.00/12/2020 concerning the Execution of Rules for the Execution of Helpful Equity in the General Court Climate (shortened as "Choice") on 22 December 2020. The fundamental choices are: 1) Requesting all locale court judges to carry out the rules for executing helpful equity in a systematic and capable way; also, 2) The Executive of the Great Court is obliged to regulate, screen, and assess, as well as report on the execution of supportive equity in the purview of the Great Court concerned.

This choice characterizes Supportive Equity as the goal of criminal demonstrations by including the culprit, casualty, group of the culprit/casualty, and other related parties, to mutually look for a fair arrangement by underscoring rebuilding to the first condition, not reprisal (detainment). In the connection to this Declaration, it is expressed that supportive equity in settling cases can be utilized as an instrument for reestablishing equity and has been executed by the High Court through carrying out strategies (PERMA and SEMA). Nonetheless, up to this point its execution in the law enforcement framework is as yet not ideal.

This choice is expected to empower advancement of the execution of PERMA, SEMA, and the Announcement of the Central Equity of the High Court which controls the execution of Helpful Equity, in particular improving the law enforcement framework which actually focuses on detainment. The advancement of the law enforcement framework no longer depends on the culprit, however has prompted the arrangement of the interests of the recuperation of the person in question and obligation regarding criminal demonstrations. Then, the reason for giving this Announcement is to make it more straightforward for courts in the overall equity climate to comprehend and carry out the utilization of High Court Guidelines, Roundabout Letters of the High Court, and Pronouncements of the Main Equity of the High Court which direct the execution of Supportive Equity, empowering expanded execution of Helpful Equity which has been controlled by the Court. Preeminent in the choice of the board of judges, and satisfying the standards of equity that is quick, straightforward, and minimal expense.

Helpful Equity in opiates cases can be applied assuming that the prerequisites are met when discovered in the act by Public Police specialists or potentially BNN examiners, proof of one day's utilization is tracked down as:

- a) Maximum 1 gram of methamphetamine.
- b) Maximum 8 Ecstasy Items.
- c) Maximum heroin 1.8 grams.
- d) Cocaine maximum 1, gram.
- e) Maximum marijuana 5 grams.
- f) Coca leaves maximum 5 grams.
- g) Mescaline maximum 5 grams.
- h) Maximum 3 grams of psilocybin group.

- i) Maximum LSD group 2 grams. 10) PCP group maximum 3 grams.
- j) Fentanyl group maximum 1 gram.
- k) Maximum methadone group 0.5 grams.
- l) Maximum morphine group 1.8 grams.
- m) Maximum pethidine group 0.96 grams.
- n) Maximum codeine group 72 grams.
- o) Bufrenorphine group maximum 32 grams.

The Recorder should guarantee that the Investigator has joined the consequences of the appraisal from the Coordinated Evaluation Group to every accommodation of case documents charged by Article 103 passage (1) and Article 127 of the Opiates Regulation. In the event that the submitted case document does exclude the consequences of the evaluation, the appointed authority during the preliminary can arrange the Examiner to join the aftereffects of the appraisal from the Coordinated Evaluation Group. The adjudicator can likewise request that the respondent present his family and related gatherings to hear their assertions as relieving observers to seek after a Helpful Equity approach.

3.4 Mechanisms and Procedures for Resolving Narcotics Crime Cases Using a Restorative Justice Approach at the Investigation Stage

Resolving narcotics crime cases with Restorative Justice takes into account the instructions and directions of the National Police Criminal Investigation Unit, as follows:

- 1) Political regulations do not apply retroactively
- 2) Handling restorative justice cases, equipped with mink, etc
- 3) Do a urine/hair/blood test
- 4) Take the suspect's statement (BAP), and the BAP of related witnesses, celebrate communication tools to determine network involvement
- 5) Submit a search and confiscation request to the local prosecutor (Guidelines for Article 140 of Law No. 35 of 2009)
- 6) Cap time 3x24 hours, period 3x24 hours, 3rd day submit request for assessment to TAT
- 7) Submission of assessments through case titles: a) The regional police level is led by the director/water, the lowest is the head of the wassidik division, b) The police level is led by the police chief/deputy police chief, the lowest is the narcotics chief
- 8) Due to limited arrest time, investigators must coordinate with TAT BNNT, BNNK, to immediately publish the results of the TAT assessment/recommendation on the 6th day, then based on the results of the TAT recommendation, investigators immediately send the suspect to the designated rehabilitation center.
- 9) There is no government rehabilitation center, they are placed in a private rehabilitation center where the costs are borne by the suspect/family
- 10) Sending the suspect to a rehabilitation center is stated so that the rehabilitation center will provide a report to investigators regarding the implementation of treatment for the suspect
- 11) After the suspect is in a rehabilitation center, the case is stopped by law
- 12) Termination of the case through case title

- 13) Complete the administration of stopping the case by attaching the TAT recommendation, Minutes of handing over the suspect to the rehabilitation center, and the results of the case title
- 14) Destruction of BB is carried out 7 (seven) days after receiving the TAP status of confiscated BB for narcotics from the local prosecutor (so that investigators are guided by Article 91 of Law No. 25 of 2009 concerning Narcotics)
- 15) For addicts and victims of narcotics abuse who have repeatedly committed criminal acts and are rehabilitated so that they are legally processed
- 16) Report periodically regarding the termination of the case (restorative justice) to the Head of Criminal Investigation Unit of the National Police and the Directorate of Narcotics, Bareskrim of the National Police
- 17) that the Narcotics Directorate opens a channel for public complaints if there are complaints regarding the case process carried out using restorative justice.

Overall necessities, the treatment of criminal demonstrations in view of supportive equity incorporates material and formal. Material necessities incorporate:

- 1) does not cause distress and additionally dismissal from the local area;
- 2) does not influence social struggle;
- 3) does not can possibly separate the country;
- 4) no radicalism and rebellion;
- 5) not a recurrent culprit of a lawbreaker act in view of a court choice; What's more,
- 6) not a lawbreaker demonstration of illegal intimidation, a crook act against state security, a lawbreaker demonstration of defilement, and a lawbreaker act against individuals' lives.

In the mean time, general necessities as formal prerequisites include:

- 1) peace between the two gatherings as proven by a nonaggression treaty endorsed by the gatherings, with the exception of Opiates wrongdoings.
- 2) fulfilling the privileges of casualties and the obligations of culprits, through returning merchandise, making up for misfortunes, making up for costs brought about because of criminal demonstrations, as well as making up for harm caused because of criminal demonstrations. Demonstrated by a proclamation letter by the understanding endorsed by the person in question (with the exception of opiates violations),

Extraordinary Necessities, in taking care of criminal demonstrations in light of Helpful equity, are extra prerequisites for other crook acts, including drug wrongdoings. Extraordinary Necessities for Taking care of criminal demonstrations in light of Helpful equity for Medication wrongdoings, including:

- 1) Drug junkies and survivors of illicit drug use who apply for recovery;
- 2) when caught red-handed, evidence of 1 (one) day's use of narcotics was found, classified as narcotics and psychotropics by statutory provisions, and no evidence of a drug crime was found, but the urine test results showed positive for drugs;
- 3) not involved in drug crime networks, dealers, and/or bookies;
- 4) an assessment has been carried out by an integrated assessment team; And

- 5) the perpetrator is willing to cooperate with National Police investigators to carry out further investigations.

Article 9 states that: Special requirements for Drug Crimes as referred to in Article 7 letter b, include:

- a) drug addicts and victims of drug abuse who apply for rehabilitation;
- b) when caught red-handed: 1) evidence of narcotics used for 1 (one) day is found classified as narcotics and psychotropics by statutory provisions, and 2) no evidence of a drug crime was found, but the urine test results showed positive for drugs;
- c) not involved in drug crime networks, dealers, and/or dealers;
- d) an assessment has been carried out by an integrated assessment team; And
- e) the culprit will help out Public Police agents to complete further examinations.

The procedures for terminating an investigation or inquiry are regulated in Articles 15 to 18 of the PerPol. No. 8 of 2021 which states that: Article 15 1) This is done by submitting a written application to:

- a) Head of the National Police Criminal Investigation Agency, at the National Police Headquarters level;
- b) Regional Police Chief, for Regional Police level; or
- c) Head of Resort Police, for Resort Police and Area Police levels. 2) Made by the culprit, casualty, culprit's family, casualty's family, or other related parties.

Article 16:

- 1) Based on the application letter as intended in Article 15 paragraph (1), investigators in Investigation activities carry out:
 - a) examine the completeness of the documents as intended in Article 15 paragraph (3);
 - b) clarification to the parties and stated in the minutes;
 - c) if the research results as intended in letter a and the results of clarification as intended in letter b are fulfilled;
 - d) preparation of a report on the results of a special case title;
 - e) issuance of an order to terminate the investigation and a decree to terminate the investigation for legal reasons;
 - f) recording in the Restorative Justice register book the termination of the investigation and counting it as settlement of the case; And
 - g) enter data into the electronic Investigation management system.
- 2) Based on the application letter as intended in Article 15 paragraph (1), the investigator in the investigation activity carries out:
 - a) additional examinations as outlined in the minutes;
 - b) clarification to the parties and stated in the minutes;
 - c) submission of a request for approval to carry out a special case title, if the results of the additional examination as intended in letter a, and the results of clarification as intended in letter b, are met;
 - d) preparation of a report on the results of a special case title;

- e) issuance of an order to terminate the investigation and a decree to terminate the investigation for legal reasons;
- f) recording in the Restorative Justice register book the termination of the Investigation and counting it as case settlement;
- g) sending a letter of notification of the termination of the Investigation by attaching a letter of determination of termination of the Investigation for the case for which the notification letter of the commencement of the Investigation has been sent to the public prosecutor; And
- h) enter data into the electronic Investigation management system.

Article 17 that:

The implementation of the special case title as intended in paragraph (1), was attended by:

- a) the investigator in charge, supervisory investigator, internal supervisory function, and legal function; And
- b) the announcing party as well as the detailing family, the revealing party or potentially the detailing party's family and additionally delegates of local area pioneers, strict pioneers, conventional pioneers, or partners.

Article 18

- (1) If coercive measures are taken, in carrying out the termination of an Investigation or Investigation based on Restorative Justice, the investigator or investigators shall immediately:
 - a. return the confiscated goods/objects to those most entitled to them, after a decree to terminate the investigation or inquiry is issued, if there is confiscation of goods/objects related to a criminal act;
 - b. destroy confiscated goods/objects in the form of narcotics or other dangerous goods after a decree to terminate the investigation or investigation is issued; and/or
 - c. release the perpetrator/suspect after a decree to terminate the investigation or inquiry is issued, if the perpetrator/suspect is arrested/detained.
- (2) The return and destruction of confiscated goods/objects as well as the release of the perpetrator/suspect as intended in paragraph (1) letters a and c, a warrant, and an official report shall be made.
- (3) In the case of a Narcotics Crime, the release of the suspect is carried out by attaching a recommendation from the appraisal results from the coordinated evaluation group

Mechanisms and procedures for resolving narcotics crime cases using a Restorative Justice approach at the investigation stage are carried out over 6 (six) days, as follows:

- a. First Day Investigators created an Investigation Administration and the Suspect submitted a letter of application to the Regional Police Chief.
 - 1) Investigators carry out administrative investigations: a) Initial interrogation b) Urine examination c) Celebrate communication tools d) Hold the case, carried out for Hold the case to determine whether Restorative Justice can be carried out to determine if there is a BB brought by sema, positive urine for implementation of the legal process

- e) Make a Police Report f) Investigation Order g) Minutes of Witness Examination h) Test Evidence
- 2) The suspect submitted a letter of application to the Regional Police Chief.
- b. The second day
 - 1) Making administration by the Investigator, including a) Request for Assessment b) Determination of the status of Evidence c) Determination of approval for confiscation
 - 2) Minutes of suspect investigation
- c. Third day of assessment implementation at BNN
- d. Fourth-day Coordination with POM Center and other agencies
- e. Fifth day: Regional Police Chief's Assessment Results and Recommendations
- f. On the sixth day of the case title (SP3), the legal process was not continued

The mechanisms and steps for implementing the Restorative Justice strategy in drug crime cases at the investigation stage include carrying out investigation administration (initial interrogation, use of communication tools, naming the case, making a police report, investigation warrant, witness examination report, and urinalysis), the suspect submits a letter of application to the Regional Police Chief/Kapolres, making an administrative investigation (request for assessment, determination of the status of evidence, determination of confiscation agreement, and Minutes of Investigation). Investigators should remain professional and improve their performance in resolving narcotics crime cases utilizing a Supportive Equity approach for lawful reasons in view of helpful equity. In the handling of narcotics crime cases by investigators from the Maluku Regional Police's Narcotics Research Directorate with suspects Rommy Elkel als Aya and suspects Johansen Marthines Luhukay als Jones als Apin, the resolution of the cases was by procedures based on Republic of Indonesia State Police Guideline Number 8 of 2021 concerning Dealing with Wrongdoings In light of Equity Supportive.

4 Closing

The presence of the twofold track framework peculiarity can be followed to the way that there is a contention between the craving to apply authorizations and treatment. Then again, there is a peculiarity of a change in the personality of discipline in Indonesia from retributive equity towards supportive equity, as in the context of a better solution, it can be shifted from the prosecution process in court to the *ius constituendum* process to determine the decision.

Mechanisms and procedures for resolving narcotics crime cases using a restorative justice approach at the investigation stage, as follows: making investigation administration (initial interrogation, celebrating communication tools, case title, making a police report, investigation warrant, witness examination report, urine test), the suspect submits a letter of application to the Regional Police Chief/Kapolres, the investigator makes the administration of the investigation (request for assessment, determination of the status of evidence, determination of consent to confiscation, Minutes of Investigation of the Suspect), implementation of the assessment, coordination with the POM Center, results and recommendation of the Regional Police Chief/Kapolres, case title (Order to Stop Investigation). Investigators' considerations in resolving narcotics crime cases using a restorative justice approach at the investigation stage are: the suspect is a victim of drug abuse, the urine result is positive, the suspect is not involved

in a network, an assessment has been carried out, the suspect has never been punished and the suspect is willing to cooperate with investigators in eradicating trafficking. narcotics

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