

ABSTRACT

SISWOYO, NIM 200311020071, *Application of Restorative justice in Investigating Narcotics Crimes According to Positive Law and Islamic Law (Study in the Legal Area of the Republic of Indonesia Police, South Kalimantan Region)* under the guidance of I: Prof. Dr. H. Zulfa Jamalie, M.Pd., Ph.D.. and guidance II: Mujiburohman, M.A., Ph.D. at Postgraduate Program at UIN Antasari Banjarmasin (2023).

Keywords: Restorative justice, Drug Crime, Investigation, Rehabilitation

Restorative justice is a new concept of thought that developed as a response to the retributive justice and criminal justice systems which were deemed not to satisfy society's sense of justice. Problems arise when drug crimes which are considered victimless crimes cannot have *restorative justice* applied to them because there are no victims, on the other hand, according to other legal experts, the drug abusers themselves are both perpetrators and victims. Regarding the problems above, research has been carried out to find out how South Kalimantan regional police investigators, especially the Narcotics Directorate, apply *restorative justice* in investigating drug crimes, what obstacles they face and what the perspective of Islamic law and positive law is in implementing *seharusnya restorative justice* in investigating criminal acts. drugs?

This research uses a socio-legal approach, a combination of document study and field study. The data source was obtained from interviews with five informants (four people from the South Kalimantan Regional Police and 1 informant from the South Kalimantan BNNP). The primary legal materials used are all regulations relating to *restorative justice* in the investigation process and case study investigations (using 6 case studies) of drug crimes in the South Kalimantan regional police area.

Based on literature searches and interview results, the application of *restorative justice* in the investigation of narcotics crimes by investigators in the jurisdiction of Police for the South Kalimantan Region has been carried out in accordance with applicable procedures but still faces obstacles originating from its own legal factors, law enforcement factors, facility or facility factors, and community factors.

From a national legal perspective, the normative reference for *restorative justice* in drug crimes is not yet comprehensive, so state consistency through law enforcement officials is really needed in implementing different treatment between drug users and dealers.

Meanwhile, from the perspective of Islamic law, victims of drug abusers who undergo rehabilitation do not deviate from Islamic criminal law because the aim of ta'zir is not only to provide a deterrent effect to the person concerned, but also to provide a positive impact after the law is implemented, namely safety of body and soul as the aim of the main vision and mission. South Kalimantan Regional Police Narcotics Directorate.

Based on the results of this research, the researcher reconstructed three steps that must be taken by investigators in the South Kalimantan Police Legal Area in implementing *restorative justice* for drug convicts, namely by increasing the progressiveness of investigators in law enforcement against narcotics addicts, the synergy of the assessment team towards users. and Socialization of the Priority of Medical Rehabilitation over Legal Rehabilitation.