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Legal Problems in The Construction of Law Enforcement in Dealing With Narcotics Crimes in Indonesia

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This research is motivated by law enforcement against narcotics crimes which has been more focused on criminalization, on the other hand the purpose of public health in this case the rehabilitation of drug abusers is less considered. Therefore, the author examines legal problems in the construction of law enforcement against narcotics crimes in Indonesia. The research method used is a normative juridical method with a legal approach and a concept approach.

The results showed that legal problems in the construction of law enforcement in dealing with narcotics crimes in Indonesia are caused by the construction of laws in law enforcement against narcotics crimes that are currently not progressive and integrative due to several weaknesses in the Criminal Sanctions Policy in Law Enforcement to Counter Drug Crimes in Indonesia, including the following: 1) Law enforcement only focuses on criminalization, 2) Punitive Rehabilitation and Failure to Achieve Public Health Goals, 3) Prison Overcrowding: High Costs of Criminalization and Lack of Results, 4) Unclear Distinction between Drug Abusers, Users, Addicts and Victims of Narcotics Abuse, 5) Ambiguity of Unlawful Norms and Intentional Elements in Narcotics Abuse

Keywords: legal problems, legal construction, law enforcement, narcotics crime, Indonesia

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INTRODUCTION

Background

Indonesia's vast territory, some of which is directly adjacent to neighboring countries, has also become an attractive "gateway" for international syndicates to smuggle narcotics into the country. One of them is through the Riau Islands Province (Riau Islands) and West Kalimantan Province (West Kalimantan) which are directly adjacent to Malaysia. For the Riau Islands region, the Riau Islands Regional Police (Polda) revealed that narcotics smuggling in this region cannot be separated from the increasing narcotics circulation, the Riau Islands itself is recorded as the second most narcotic users in Indonesia after DKI Jakarta, and most narcotics are smuggled from Malaysia.[1]

For the West Kalimantan region, narcotics smuggling cases also tend to increase. Based on data from the West Kalimantan Regional Police, in 2012 three major cases were revealed, and in 2013 there were at least 12 major cases of narcotics smuggling in this province bordering the Sarawak region, Malaysia. All of the contraband goods came from Malaysia, were carried out by cross-border networks, and allegedly entered through the Entikong Cross-Border Checkpoint (PPLB) in Sanggau Regency, in addition to some entering through the Jagoibabang Cross-Border Post (PLB) in Bengkayang Regency.[2]

These problems show that international narcotics syndicates, with their cross-border networks, cannot be ignored and need maximum supervision and prevention from law enforcement officials, in addition to

[1] "Narkoba Banjiri Batam", Tempo.co.id, 15 November 2013, http://www.tempo.co/read/news/2013/11/15/058529802/ Narkoba-Banjiri-Batam - accessed 2 February 2019.

[2] Simela Viktor Muhammad, *(Transnational Crime of Narcotics and Drugs Smuggling from Malaysia to Indonesia: Cases in the Province of Riau Islands and West Kalimantan*), Journal of Politics, Vol. 6 No. 1 March 2015, p. 43

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the need for stricter regulations and law enforcement in an effort to eradicate narcotics trafficking.

The occurrence of narcotics smuggling carried out by international syndicates through the Riau Islands and West Kalimantan which borders Malaysian territory shows that there are still weaknesses of the apparatus that supervises cross-border checkpoints, one of the weaknesses is the limited use of technology such as narcotics detection devices if smuggling is carried out through official channels both airports and ports of detection devices such as GT 200 can be used to detect several types of narcotics namely heroin, opium, cannabis and ecstasy.

The main problem in uncovering narcotics networks is cooperation with international networks. This is because narcotics crime is an organized transnational crime which in practice often involves not only one country, but several countries. Cooperation with the international network can be seen from couriers who get illegal goods from dealers and dealers who get illegal goods from international syndicates[3].

The illicit circulation of narcotics and illegal drugs is an extraordinary crime that can damage the order of family life, the community environment, and the school environment, and even directly or indirectly it is a threat to the continuity of development and the future of the nation and state. In recent years, Indonesia has become one of the countries that has become the main market for the international narcotics trafficking syndicate network for commercial purposes. For narcotics trafficking networks in Asian countries, Indonesia is considered the most commercially prospective *market-state* for international syndicates operating in developing countries.

[3] *Ibid*., p. 120

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The problem of narcotics abuse is not only a problem that needs attention for the Indonesian state, but also for the international world[4].

As a manifestation of the seriousness of the Indonesian government to together with other members of the world community actively take part in efforts to eradicate the illicit circulation of narcotics and psychotropics, therefore it has signed the United Nations Convention Against Illicit Traffic In Narcotic Drugs and Psyichotropic Substances, 1988 in Vienna, Austria on March 27, 1989 and has also ratified the single convention on narcotics 1961 with law number 8 of 1976 and the convention Psychotropic Drugs in 1971, with Law Number 8 of 1996 and establishing Law Number 9 of 1976 concerning Narcotics.

Furthermore, the Indonesian government issued law number 7 of 1997 concerning the ratification of *the United Nations Convention Against Illicit Traffic In Narcotic Drugs and Psyichotropic Substances* 1988 (United Nations Convention on the Eradication of Illicit Circulation In Narcotic Drugs and Psychotropic Substances, 1988), Furthermore, for the implementation of efforts to eradicate illicit circulation of narcotics and psychotropic substances within the territory of Indonesia, the government issued law number 5 of 1997 concerning psychotropics and Law Number 22 of 1997 concerning narcotics. Because law number 22 of 1997 concerning narcotics is considered not in accordance with the times, considering that the illicit circulation of narcotics has been transnational which is carried out using a high modus operandi, advanced technology, supported by a wide network of organizations, and has caused many victims, especially among the nation's young generation which greatly endangers the life of society,

[4] Kusno Adi, *Criminal Policy in Countering Narcotics Crimes by UMM Children* , UMM Press, Malang, 2014, p. 30

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nation, and state[5] So that Law Number 22 of 1997 concerning Narcotics was declared invalid and replaced by Law Number 35 of 2009 concerning Narcotics, while Law Number 5 of 1997 concerning Psychotropics, the attachment regarding the types of psychotropic drugs class I and group II has been revoked, because it has been designated as a class I narcotic in the attachment to law number 35 of 2009 concerning narcotics.

This law is expected to suppress the crime of drug abuse in Indonesia, that is why in the provisions of the laws and regulations the criminal sanctions are very heavy compared to the sanctions in other criminal laws, especially against those who are in the category of producing, planting, exporting, importing, possessing, storing, controlling, offering to sell, selling, buying, receiving, being an intermediary in the sale and purchase of class I narcotics, both plants and non-plants and, while those who are in the category of abusers, victims of abuse and addicts can be rehabilitated through a process of specified stages. [6]

In Indonesia, narcotics are already at an alarming level and can threaten the security and sovereignty of the country. Many criminal cases are committed by narcotics abusers. Areas that had never been touched by narcotics trafficking were gradually turning into narcotics trafficking centers. Similarly, children under the age of 21 who should still be taboo about these illegal goods, have recently turned into addicts who are difficult to let go of their dependency.

Problem Statement

1. Why is the legal construction in law enforcement against narcotics crimes currently not progressive and integrative?

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[5] Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics Consideration Letter e

[6] Dikdik M. Arief and Elisatris Gultom, *Urgency of Crime Victim Protection,* PT. Raja Grafindo Persada, Jakarta, 2013, p. 101.

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2. How is the reconstruction of the law in law enforcement against narcotics crimes that is progressive and integrative?

THEORETICAL FRAMEWORK

Grand Theory: The Mind of Law

The Grand Theory or the main theory that is the basis for the analytical knife in this study is the Legal Theory of Mind. The ideals of Indonesian National Law based on Pancasila have been distorted to the point of failure to manifest in the rules, culture, and legal structure. The strong current and paradigm of legal positivity in the Indonesian legal tradition after independence, and the uncontrolled implementation of the arrangement of values, morals and cultural norms of Indonesia's indigenous culture, has made the law run on its own and carry out its arbitrariness against the legal society itself. When many countries and academics declare the failure of the Cartesian-Newtonian building of reasoning which is a reference for the paradigm and theory of science in the 19th century, aka the building of the Indonesian National Law Ideal, it must be penetrated with a transcendental conception and paradigm that contains normative rules of religion, morals and social ethics so that the construction of legal regulations that are born is really able to humanize the law, not punish humans.[7]

One of the ideals of law is legal certainty, through certainty it is expected to be able to bring justice to the ideals of the law. Certainty is a characteristic that cannot be separated from the law, especially for written legal norms. Laws without the value of certainty will lose their meaning because they can no longer be used as a guide of behavior for everyone. Certainty itself is referred to as one of the goals of the law. The order of society is closely related to certainty in the law, because order is the essence

[7] Yunaldi, *op.cit*

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of certainty itself. According to Sudikno Mertokusumo[8], legal certainty is a guarantee that the law is carried out, that those who are entitled according to the law can obtain their rights and that the verdict can be implemented.

Legal certainty is the implementation of the law according to its sound, so that the public can ensure that the law is implemented. The creation of legal certainty in laws and regulations requires requirements related to the internal structure of the legal norms themselves.[9] Guarantee for citizens for the emergence of justice in matters related to the law. Make no difference in the eyes of the law so as to make law enforcers obey the rules that have been made.[10]

Middle Theory: Hierarchy of Legal Norms

Theory of Legislative Hierarchy. Hans Kelsen in his "General Theory of Law and State" translation of the general theory of law[11] and the state described by Jimly Assihiddiqie[12] under the title Hans Kelsen's theory of law includes that legal analysis, which reveals the dynamic character of the system of norms and the function of basic norms, also reveals a further peculiarity of law: law regulates its own formation because one legal norm determines the way to create another legal norm. and also, to a certain degree, determine the content of the other norms. Because, one legal norm is valid because it is made in a way determined by another legal norm, and

[8] Sudikno Mertokusumo, *Getting to Know the Law of an Introduction* (Yogyakarta: Liberty Press, 2007), p. 150.

[9] Fernando M Manulang, *Law in Certainty* (Bandung: Prakarsa Media, 2007), p. 95.

[10] Moh. Mahfud MD., "Law Enforcement and Good Governance," *National Seminar "It's Time for Conscience to Speak", January 8, 2009*, 2009.

[11] Hans Kelsen, *General Theory of Law and State Translated by Rasul Muttakin* (Bandung: Nusamedia, 2010), p. 179.

[12] Jimly Asshiddiqie, *Hans Kelsen's Theory of Law* (Jakarta: Constitution Press, 2009).

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this other legal norm is the basis for the validity of the first so-called legal norm.

According to Hans Kelsen, the norm is layered in a hierarchical order. In other words, the legal norms below apply and are sourced, and are based on higher norms, and higher norms are also sourced and based on higher norms and so on until they stop at a highest norm called the Basic Norm (*Grundnorm*) and still according to Hans Kelsen is included in a dynamic norm system. Therefore, the law is always formed and abolished by the institutions of its authorities that are authorized to form it, based on higher norms, so that lower norms (*Inferior*) can be formed based on higher norms (*superior*), in the end the law becomes tiered and layered to form a hierarchy.[13]

Hans Kelsen in his book *allegemeine Rechtslehre* states that according to Hans Kelsen's theory, a legal norm of any country is always multi-layered and multi-layered, where the norm a below applies, based on and sourced from a higher norm, the higher norm applies, based on and sourced from a higher norm, until a highest norm is called the Basic Norm.

Hans Nawiasky[14] also grouped the legal norms in a country into four major groups consisting of:

1) Group I: *staatspundamentalnorm* (Fundamental Norms).
2) Group II: *Staatgrundsetz* (basic rules/state principals)
3) Group III: *Formell Gesetz* (Formal law)
4) Group IV: *Verordnung* and *autonome satzung* (implementing rules and autonomous rules)

[13] Aziz Syamsuddin, *The Process And Techniques Of Drafting Laws, First Edition* (Jakarta: Sinar Grafika, 2011), p. 14.

[14] *See* Hans Nawiasky, *Hans Nawiasky, Allgemeine as Recht System lichen Grundbegriffe* (Zurich: Benziger Perss, 1984), p. 31.

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Applied Theory: Progessive and Integrative Law

Progressive law is a concept of legal means. The way to rule progressively is not just to apply legalistic positive laws, then apply laws, then read and spell laws and apply them like machines, but an action or effort (*effort*). The construction of philosophical thinking is based on 3 (three) foundations of thinking which include the foundations of ontological, epstemological and teleological thinking.[15] The ontological foundation is related to the reality or reality that is the object of study. The epistemological foundation is related to methods that can and are appropriately applied in the context of developing thinking related to the object of study to the future. The axiological and teleological foundations are related to the problem of values contained in thoughts, concepts, theories and goals to be realized through the use of thoughts and concepts.[16] Progressive law is a concept of legal methods by paying attention to ontological, epstemological and teleological as well as legal sources that develop in society.

The term Integration comes from the English language, namely *integration* which means blending into a complete and round unit. Integrating means perfecting by uniting elements that were originally separated into a complete unity so that harmony and harmony are created. Integration in this case is combining or uniting legal sources into the positive legal system and laws and regulations that apply in Indonesia.[17] The integration of legal sources that are developing in Indonesia includes

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[15] Satjipto Muhammadiyah Rahardjo and University Press, *Science, Search, Liberation and Enlightenment* (Surakarta: Muhammadiyah University Press, 2004), p. 42.

[16] Qur'ani Dewi Kusumawardani, "Progressive Law and the Development of Artificial Intelligence Technology," *Veritas and Justitia* 5, no. 1 (2019): 166–90, https://doi.org/10.25123/vej.3270.

[17] Wafdah Vivid, "Integrating Social Work Crimes in the National Legal System," *Justitia Legal Journal* 1, no. 2 (2017), https://doi.org/10.30651/justitia.v1i2.1148.

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western law, Islamic law, customary law and other developments such as information and technological advancements.

RESEARCH METHODOLOGY

Types of Research

This research is included in the type of collaborative research, where the approach method used is normative as well as empirical, namely normative juridical and empirical juridical collaboration. Normative legal research method, which is a study conducted by reviewing laws and regulations that apply or are applied to a particular legal problem. Normative research is often referred to as doctrinal research, which is research whose object of study is statutory documents and library materials.

This research uses various approaches, with the aim of obtaining information from various aspects of the issue under study. Therefore, to solve the problems that are the subject of discussion in this study, the following approaches are used:

1. Statute *approach* is an approach taken by reviewing laws and regulations related to the legal issue being raised.[18]
2. The conceptual *approach* is an approach that departs from the views and doctrines that develop in the science of law.[19] Philosophically, a concept is a mental integration of two or more units isolated according to characteristics
3. The case study approach is used with regard to legal cases that discuss about problems.

[18] Johnny Ibrahim, *Theory and Methodology of Normative Legal Research* (Malang: Banyumedia Publishing, 2006), p. 101.
[19] Peter Mahmud Marzuki, *Legal Research* (Jakarta: Kencana Prenada Media Group, 2008).

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Research Data Sources

The data source of a study is primary data and secondary data. Because this research is empirical and normative legal research, the sources studied are primary data sources, secondary data, and tertiary data.[20]

Primary legal materials are data that are materials in binding legal research sorted based on the hierarchy of legislation.[21]

Secondary legal materials, namely legal materials that can provide explanations to legal materials that can provide explanations to primary legal materials, which can be in the form of draft legislation, research results, textbooks, scientific journals, newspapers (newspapers), *pamphlets*, *lefleats*, brochures, and internet news.[22]

Tertiary legal material, also is a legal material that can explain both primary legal material and secondary legal material, in the form of dictionaries, encyclopedias, lexicons and others related to the problem under study.[23]

Technical Data Collection

The studies conducted are field studies (*field research*) and literature studies (*library research*) which use primary data and secondary data. Perimer data through field studies, secondary data in this study were obtained through literature studies, by finding information as complete and as much as possible with journal literature, newspapers, articles, scientific papers and laws and regulations related to the research theme.

[20] Soekanto and Mamudji, *Normative Legal Research, A Brief Review*.
[21] Mahmud Marzuki and Peter Mahmud, "Legal Research," *Journal of Legal Research* (Jakarta: Kencana Prenada Media Group, 2011), p. 25.
[22] Satjipto Rahardjo, *The Science of Law: The Search, Liberation and Enlightenment.* (Semarang: Diponegoro University, 2003).
[23] Marzuki, *Legal Research*.

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Data Analysis

The research technique in this study is descriptive analytical, where the analysis is carried out critically. The data collected in this study will be analyzed descriptively with a *qualitative approach*, namely by providing a thorough and in-depth explanation and explanation (*holistic* / *verstelen*).[24]

RESEARCH RESULTS

Legal problems in the construction of law enforcement in dealing with narcotics crimes in Indonesia are caused by the construction of laws in law enforcement against narcotics crimes that are currently not progressive and integrative due to several weaknesses in the Criminal Sanctions Policy in Law Enforcement for Drug Crime Prevention in Indonesia, including the following:

Law Enforcement Only Focuses on Criminalization

In Indonesia, it is estimated that the number of narcotics abusers in the period 2013 to 2014 is around 3.1 million to 3.6 million people or equivalent to 1.9% of the population aged 10-59. The results of the projection of the prevalence of narcotics abusers increased by around 2.6% in 2013. BNN data in January 2016 showed that the number of narcotics users until June 2015 was recorded at 4.2 million and in November increased significantly to 5.9 million people. [25] As of September 2016, the number of users in custody and prisons amounted to 24,914 people.[26] Each year, the number of inmates and prisons identified as users has not changed much despite the state's strict criminal laws.

These data are actually enough to explain in full that the use of criminal drugs does not provide many significant changes in reducing the number of narcotics users in Indonesia. The assumption that criminality and the

[24] Sugiyono, "Quantitative, Qualitative and R&D Research Methods," *26th* (Bandung: Cv. Alfabeta, 2018), p. 34.

[25] BNN, Final Report of the National Survey on the Development of Drug Abuse for Fiscal Year 2016, Jakarta: National Narcotics Agency of the Republic of Indonesia

[26] This data is taken from the Database of the Director General of PAS, the qualifications of users are determined based on court decisions identified by the use of the use articles in the Narcotics Law, meaning that this number does not include users who cannot be identified because they are qualified as "people who control, store and possess", http://smslap.ditjenpas.go.id/public/krl/current/monthly/year/2016/month/9

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imposition of penalties for users will have a deterrent effect has not been proven since the Narcotics Law was issued in 2009.[27]

Punitive Rehabilitation and Failure to Achieve Public Health Goals

The construction of the 2009 Narcotics Law positions the placement of narcotics users in rehabilitation institutions, both medical and social, mandatory. However, even though it is mandatory, in its implementation, access to this rehabilitation is still low. These findings further strengthen the premise that if the number of investigations against narcotics users is high while the use of rehabilitation is low, then the approach of the criminal justice system through detention in state prisons and imprisonment in correctional institutions is still the main priority.[28]

In addition, the positioning of the regulation of compulsory rehabilitation can be argued that even if there is an encouragement for other mechanisms besides imprisonment, namely rehabilitation, it is still within the framework of punishment. In other words, rehabilitation placement is still equivalent to criminal justice as a unit of the sanction system in criminal law. As is known, the sanction system in criminal law consists of criminal and action. Likewise, before the verdict is handed down, rehabilitation is placed within the framework of law enforcement in the criminal justice system. Thus, rehabilitation is defined as the placement of a narcotics user in a place other than a state prison, but still within the framework of detention.[29]

This mechanism is known as *incarceration-based rehabilitation*. For both rehabilitation bases, the findings of Bosma et al (2014) are relevant and interesting, the effectiveness of the success of mandatory rehabilitation and based on detention and/or punishment approaches is highly dependent on the participation of narcotics users to participate in the program.

Thus, even in a punitive approach, the rehabilitation approach must obtain the willingness of narcotics users to participate in order to support the effectiveness of their rehabilitation. It is also worth emphasizing that this rehabilitation should reflect the avoidance of a punitive approach. At the same time, it replaces the position of narcotics users in the public health

[27] Huda et al., "Integrated Assessment: Implementation of Restorative Justice to Countermeasure Drugs Crime in Indonesia."
[28] Sinjar and Sahuri, "The Dangers of Drugs to the Future of the Younger Generation."

[29] Juhrin Pasaribu, "Reconstruction of Rehabilitation Regulations for Children of Drug Users Based on Justice Values - ProQuest," *Unissula Law Journal*, 2022, https://www.proquest.com/openview/d784e9a5376d0c02676ae721c6aaaee7/1?pq-origsite=gscholar&cbl=2026366&diss=y.

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framework and approach. For this reason, this rehabilitation mechanism must be ensured that it is not another name for detention and/or imprisonment If it remains detention and/or imprisonment, it can be stated that the rehabilitation is a form of torture within the framework of human rights as prohibited by various international human rights instruments, such as the Covenant on Civil and Political Rights and the Convention against Torture.

The mandatory rehabilitation approach within the framework of the criminal justice system is very clear in the formulation of Article 103 of the Narcotics Law above. That the placement of narcotics users in rehabilitation institutions medically and socially, during the judicial process is counted as the process of serving punishment.

Article 103 paragraph (2) The period of treatment and/or treatment for Narcotics Addicts as intended in paragraph (1) letter a is considered as the period of serving the sentence. In addition, as a sanction system, after a narcotics user undergoes a criminal justice process, the provisions of Article 103 of the 2009 Narcotics Law state that narcotics users can be placed in rehabilitation institutions, even if they are not proven guilty of committing narcotics crimes.

Article 103 paragraph (1) letter b The judge who examines the case of a Narcotics Addict can: .... stipulate to order the person concerned to undergo treatment and/or treatment through rehabilitation if the Narcotics Addict is not proven guilty of committing a Narcotics crime.

Provisions on limited rehabilitation and vis a vis with a criminal approach also give rise to limited reach. For example, the use of the right mechanism for beginner narcotics users (first users) or recreational. With this system, treatment for such narcotics users will be a binary option: a criminal justice system or mandatory rehabilitation.

In fact, the ideal narcotics policy response is not dichotomous, which presents a person only with the choice of legal sanctions or mandatory rehabilitation. Because, depending on the type of narcotics that a person consumes, dosage, method, and history of use, it is possible that the person concerned does not need to be subjected to any response (which is mandatory).

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***Prison Overcrowding*: The High Cost of Criminalization and the Lack of Results**

The cost of criminalization is not cheap, the US spent $26 billion equivalent to Rp.338 trillion in 2015 and proposed an additional $25 billion in 2016. Just for law enforcement in cases of Marijuana-type narcotics, the US spends $3.6 Billion per year. States like Minnesota spend about $42 Million just on marijuana possession law enforcement.[30] The picture of the magnitude of the cost of criminalization is actually illustrated in almost all countries in the world. [31]

Indonesia budgeted Rp. 3.3 million for one case handling process in 2015.[32] Imagine if all users totaling 5.9 million people are criminally charged, there will be such a huge swelling. Surprisingly, there is no significant form of reduction in problems arising from law enforcement against narcotics users, in fact the number of users continues to increase. The most obvious impact of criminalization is the shift of the government's focus from initially health to criminal justice instruments, the elimination of the health budget in prisons/prisons, for example, is an important example of this shift in focus. Research from the ICJR, Center for Detention Studies (CDS), and the Overseas Development Institute (ODI) in 2015 noted that the criminalization approach has resulted in an increase in the budget for handling cases, especially in terms of detention. For detention costs only, the state budgets Rp. 35,000 in the Detention Center which is managed by the police per day only for consumption.[33] Unfortunately, there is no official data from the police on how many prisoners are identified as narcotics users in the police-managed detention center.

In 2014, the Detention Center/Prison budgeted Rp. 6,500 for each inmate every day just for consumption.[34] So, with the number of residents using narcotics in Prisons and Prisons reaching 24,914, every day the state spends Rp. 161,941,000 just for the consumption of narcotics users in Prisons/Prisons. This figure is inversely proportional to be very significant

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[30] American Civil Liberties Union, Report: The War on Marijuana in Black and White, 2013, https://www.aclu.org/report/report-war-marijuana-black-and-white

[31] *Ibid*

[32] MaPPI-FHUI, Improving the Budgeting System for Dignified Law Enforcement http://mappifhui.org/2016/03/06/benahi-sistem-penganggaran-untuk-penegakan-hukum-bermartabat/

[33] Pilar Dominggo and Leopold Sudaryono, *Op. Cit*.

[34] *Ibid*

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compared to the budget of Rp. 0,- provided by the state for medical treatment for them. The amount of the budget above is only seen in terms of detention consumption, not to mention other factors such as case handling costs and other technical costs. Another thing that needs to be highlighted is that the above costs are only costs incurred from the state financial side, not including costs incurred by suspects and convicted narcotics users and their families.

This policy that uses a punitive approach to narcotics users does not actually solve the narcotics problem. One of the problems that arises from this is the *overcrowding of* state prisons (rutan) and prisons for narcotics cases that contribute greatly to the overcrowding situation.[35]

Prison overcrowding is one of the most serious problems in Indonesia. There are two most important elements of the large number of prison inmates, namely the large number of inmates (20% of the total inmates) and the high crime rate that leads to incarceration. This condition also applies to narcotics users who are convicted by the state. The Supreme Court Circular Letter and the Attorney General's Circular Letter related to the placement of narcotics users and addicts in rehabilitation places are not running. From data from the Directorate General of Corrections via http://smslap.ditjenpas.go.id/ dated July 13, 2020, the total number of prison inmates reached 231,978 with a capacity throughout Indonesia only able to accommodate 132,107, while narcotics cases amounted to 124,618 (the data has not been identified as users).

The number of inmates in prisons and prisons identified as narcotics cases has not changed much despite the state's strict criminal laws. This data is actually enough to explain in its entirety that the use of criminal drugs does not provide many significant changes in reducing the number of narcotics users in Indonesia. The assumption that criminality and the imposition of penalties for users will have a deterrent effect has not been proven since the Narcotics Law was issued in 2009.

Unclear difference between Abusers, Users, Addicts and Victims of Narcotics Abuse

One of the things that is a problem point in the Narcotics Law is the lack of clarity in the understanding and status between addicts, abusers, and victims of narcotics abuse. Because of the lack of clarity in the meaning and status, the other arrangements become biased and confused. At the practical level, this directly has a big impact, especially for narcotics users.

[35] Siswanto Sunarso, *Legal Politics in Narcotics Law* (Jakarta: Rineka Cipta, 2012).

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Therefore, it is necessary to affirm the term narcotics abuser in future policy formulation, this is necessary so that there is no ambiguity in the formulation of the law that can be confusing.

According to Article 127 paragraph (1) of Law No. 35 of 2009, every Abuser of Class I Narcotics for himself is sentenced to a maximum of 4 (four) years in prison; Each Class II Narcotics Abuser for himself is sentenced to a maximum prison sentence of 2 (two) years; and Each Misuser of Class III Narcotics for himself is sentenced to a maximum prison sentence of 1 (one) year. What is meant by an Abuser is a person who uses narcotics without rights or against the law.[36] From this understanding, it can be said that the Abuser is a user. However, the law does not contain what is meant by "narcotics user" as a subject (person), which is widely found as a verb.

When associated with the definition of Narcotics as mentioned in Article 1 number 1 of Law No. 35 of 2009, then Narcotics Users are people who use substances or drugs derived from plants, both synthetic and semi-synthesized which can cause a decrease or change in consciousness, loss of taste, reduce to eliminate pain, and can cause dependence, which are distinguished into the groups as attached to this Law.

The use of the term "Narcotics User" is used to facilitate the designation for people who use narcotics and to distinguish it from growers, producers, distributors, couriers and distributors of narcotics. Although growers, producers, distributors, couriers and distributors of narcotics sometimes also use narcotics, in this article the narcotics user is a person who uses narcotics for himself, not a grower, producer, distributor, courier and distributor of narcotics. If it is associated with people who use narcotics, in Law No. 35 of 2009 various terms can be found, namely:

a. Narcotics addicts are people who use or abuse narcotics and are in a state of dependence on narcotics,[37] both physically and psychologically.[38]
b. A misuser is a person who uses narcotics without rights or against the law.[39]

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[36] Article 1 number 15 of Law No. 35 of 2009

[37] Narcotics Dependence is a condition characterized by the urge to use Narcotics continuously with increased doses to produce the same effect and if the use is reduced and/or stopped suddenly, causing typical physical and psychological symptoms (Article 1 number 14).

[38] Article 1 number 13 of Law No. 35 of 2009.

[39] Article 1 number 15 of Law No. 35 of 2009.

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c. A victim of Narcotics abuse is someone who accidentally uses Narcotics because they are persuaded, deceived, deceived, forced, and/or threatened to use Narcotics.[40]
d. A former narcotics addict is a person who has recovered from dependence on narcotics physically and psychologically.[41]

The diversity of terms for narcotics users causes ambiguity in the formulation of the law. This can confuse law enforcement officials in its implementation. One of the problems that may arise due to the many terms is the confusion of regulations, where in Article 4 letter d of Law No. 35 of 2009 it is said "The Narcotics Law aims to: Ensure the regulation of medical and social rehabilitation efforts for drug abusers and addicts", but in Article 54 of the Law it is stated that "Narcotics Addicts and Victims of Narcotics Abusers are obliged to undergo medical rehabilitation and social rehabilitation". Based on Article 54, the abuser's right to rehabilitation is not recognized.

The formulation of the Criminal Provisions in article 127 of the Narcotics Law reads as follows:

(1) Every Abuser:

(a) Class I narcotics for oneself are punished with a maximum prison sentence of 4 (four) years;
(b) Class II narcotics for oneself are sentenced to a maximum of 2 (two) years in prison; and
(c) Class III narcotics for oneself are punished with imprisonment for a maximum of 1 (one) year.

(2) In deciding the case as intended in paragraph (1), the judge pays attention to the provisions as intended in Article 54, Article 55, and Article 103.
(3) In the event that the Abuser as referred to in paragraph (1) can be proven or proven to be a victim of Narcotics Abuse, the Abuser

[40] Explanation of Article 54 of Law No. 35 of 2009.

[41] Explanation of Article 58 of Law No. 35 of 2009.

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is obliged to undergo medical rehabilitation and social rehabilitation.[42]

The formulation of the Criminal Provisions in article 127 above in the criminal application of abuse against abusers who consume narcotics does not distinguish between beginners, addicts, victims of abuse and abusers involved in networking. In practice, from the investigation process to the court decision, no distinction is made. This is because the Narcotics Law has not yet regulated these provisions.

One of the problems due to the many terms for narcotics users is the lack of regulation where Article 4 letter d of the Narcotics Law states that the purpose of the Narcotics Law is "Ensuring the regulation of medical and social rehabilitation efforts for drug abusers and addicts", but in Article 54 of the Narcotics Law it is stated that "Narcotics Addicts and Victims of Narcotics Abuse are obliged to undergo medical rehabilitation and social rehabilitation" so that the rights of abusers to receive rehabilitation as stipulated in Article 54 becomes unrecognized by the threat of criminal sanctions for narcotics users as stipulated in Article 127

Medical Rehabilitation in question is a process of integrated treatment activities to free addicts from narcotics dependence. Meanwhile, the Social Rehabilitation in question is a process of integrated recovery activities, both physical, mental and social, so that former narcotics addicts can return to socializing in people's lives.[43]

Based on the provisions of Article 4 of the Narcotics Law and Chapter IX Part II concerning Rehabilitation, it can be obtained that the rehabilitation of narcotics users is one of the main objectives of the promulgation of the Narcotics Law. The provisions of Article 54 of the Narcotics Law are closely related to Article 127 of the Narcotics Law. There it is stated that the judge is obliged to pay attention to the provisions of Article 54, Article 55, and Article 103 of the Narcotics Law in making a decision. However, even though it is mandatory, its implementation is highly dependent on the will of investigators, public prosecutors, and judges.

Another problem is the use of various terms for a subject who uses narcotics which has implications for the reporting mechanism and rehabilitation measures and the criminal impact. Therefore, an integrated assessment for addicts and drug abusers is the key to the successful implementation of the

[42] Law Number 35 of 2009 concerning Narcotics

[43] General Provisions of Law No. 35 of 2009 articles 1 (16) and (17)

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Narcotics Law Number 35 of 2009 concerning Narcotics. However, until now the existence of the integrated assessment team is still experiencing obstacles in the field, one of which is the difference in the views of law enforcers in responding to the status of addicts in narcotics cases

The positive impact in distinguishing/determining the status of addicts or users or abusers from an early age is the reduction of addicts who must be placed or sentenced to prison. With the existence of Article 103 of Law No. 35 of 2009 which gives the authority to the Judge to decide or stipulate that a defendant of a narcotics crime is obliged to undergo rehabilitation whether proven guilty or not, then if there is a case of narcotics crime at first glance, it is interpreted that law enforcement officials must bring it to court. But on the other hand, it turns out that the law has an article that regulates the elimination of criminal prosecution if an addict reports himself to the authorized institution from the beginning. The problem is that the law still places an addict as a criminal subject/perpetrator, not from the perspective of a victim. If the law has positioned expressly and not partially that an addict is a victim, then the obligation to report for addicts and the existence of criminal provisions against him if he does not report will feel unnecessary to be regulated in the law. Since there is no distinction between addicts who report themselves or not, both are equally addicts

Ambiguity of Unlawful Norms and Intentional Elements in Narcotics Abuse

The shortcomings of Law No. 35 of 2009 concerning Narcotics are that it does not regulate the *grammar*[44] of narcotics addicts, and does not clearly define who is meant to be a user who is not against the law. The General Provisions in the law only explain the definition of Addict and Abuser. Law No. 35 of 2009 has not expressly regulated the category of addicts who are not against the law. In addition to the lack of socialization of the regulation of mandatory reporting, psychologically a person will be afraid to report himself, because often a person uses narcotics for the first time because he only tries and ends up becoming an addict, never going through a doctor's license, and getting the goods from the black market, so that the person tends to be afraid to report himself.

With the priority of mandatory reporting and still the perspective that addicts are also criminals based on the current narcotics law, the authorities are free to process an addict to be brought to court. If there is a clear grammar and definition of a user's status, then the user who can show

[44] Grammatical is the weight/amount of narcotics found in the user's hand as evidence.

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himself as an addict even though he does not report himself, cannot be made a suspect from the beginning.

Regarding the determination of the category of an addict who is not against the law, it is Article 128 which abolishes criminal prosecution for an addict who is not old enough or who is of sufficient age as long as there is a report against him as an addict. The categorization for addicts who are of legal age is that they have undergone at least 2 (two) times the medical rehabilitation period at a hospital and/or medical rehabilitation institution appointed by the government. Meanwhile, for addicts who do not report themselves from the beginning, they can also not be sentenced to prison as long as they can be declared addicted by the judge in court based on Article 103, which is only required to undergo treatment and/or treatment through rehabilitation, whether proven guilty or not. However, for a person while undergoing the criminal process, it is certainly very tiring and causes a heavy psychological burden, both material and immaterial losses in dealing with the case. It is felt that it is ineffective for an addict to have to undergo a criminal procedure legal process since he is made a suspect or defendant that runs for months, but is finally declared an addict.

In relation to grammar, the lack of regulation on grammar that will confirm a person as an addict or not, is a shortcoming and weakness in this narcotics law. In fact, before the issuance of this Law, there was a Supreme Court Circular Letter (SEMA) No. 07 of 2009 concerning Placing Narcotics Users in Therapy and Rehabilitation Homes. However, SEMA's philosophy should be adopted and included in the narcotics law so as to eliminate criminal charges against addicts from the beginning.

Drug abusers for themselves initially as victims who should be rehabilitated must serve prison sentences as stipulated in Article 127. Not only that, narcotics users who are not dealers when confronted in front of the court will be charged with other articles that overlap. Logically, users who get narcotics illegally, then of course there are also several acts carried out by the user as formulated in Article 111 and/or Article 112 or even Article 114 that have elements of buying, controlling, storing, or owning which are ultimately used by themselves.

Confusion of Norms Against the Law

The Law on Narcotics does not provide a clear line between criminal offenses in Article 127 of the Narcotics Law and other criminal offenses contained in the Narcotics Law, where narcotics users who obtain narcotics illegally must meet the elements of "possessing", "possessing", "storing",

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and or "buying" narcotics where this is also regulated as a separate criminal act in the Narcotics Law. In practice, law enforcement officials also associate the criminal offense of narcotics users with the criminal offense of possessing, possessing, storing or purchasing narcotics without rights and against the law where the criminal threat becomes much higher and uses a special minimum sanction of at least 4 years in prison and a minimum fine of Rp 800,000,000 (eight hundred thousand rupiah).

The special minimum sanction should be applied for the criminal offense of possessing, possessing, storing or purchasing narcotics without rights and against the law, not necessarily applied to every narcotics abuser. So that it can be distinguished between abusers who are victims, addicts, and narcotics dealers. This needs to be emphasized to avoid criminal disparities, therefore it is necessary to carry out restrictions, namely restrictions on the extent to which a person can be charged with criminal offenses of possession, possession, storage or purchase of narcotics without rights and against the law.

Based on the Academic Text of Law Number 35 of 2009, patients can possess, store, and/or carry narcotics used for themselves obtained from doctors and equipped with valid evidence. Then addicts and victims of narcotics abuse are no longer given freedom and of their own free will to recover. Medical rehabilitation and social rehabilitation are mandatory for addicts. Law Number 35 of 2009 also requires narcotics addicts to report themselves to public health centers, hospitals, and/or medical rehabilitation and social rehabilitation institutions. This obligation is also the responsibility of parents and families. Medical and social rehabilitation can also be organized by government agencies or the community which will be regulated in ministerial regulations. The problem is that the category of places where the party who carries out medical and social rehabilitation is not fully included in the institutions that provide assistance to addicts.

Although the principle in Law Number 35 of 2009 is to rehabilitate narcotics addicts, in this law the word "can" is still used to place both guilty and innocent narcotics users to undergo treatment and/or treatment through rehabilitation. Judges are also given authority to addicts who do not have problems with non-criminal narcotics to be determined to undergo treatment and rehabilitation. This provision gives rise to the understanding that the judge absolutely decides or designates narcotics addicts to undergo the rehabilitation process or investigation and prosecution.

The use of the word "Everyone without rights and against the law" in several articles of Law Number 35 of 2009 without regard to the element of intentionality, can ensnare people who actually have no intention of

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committing narcotics crimes, either due to coercion, pressure, or ignorance. This has the potential to ensnare people to be made suspects in accidental narcotics crimes, either because they are "trapped" by other people or other possible conditions such as: receiving goods from other people to be delivered somewhere and without his knowledge there are narcotics tucked in the goods, receiving packages from the post and other conditions.

CONCLUSION

The results showed that legal problems in the construction of law enforcement in dealing with narcotics crimes in Indonesia are caused by the construction of laws in law enforcement against narcotics crimes that are currently not progressive and integrative due to several weaknesses in the Criminal Sanctions Policy in Law Enforcement to Counter Drug Crimes in Indonesia, including the following: 1) Law enforcement only focuses on criminalization, 2) Punitive Rehabilitation and Failure to Achieve Public Health Goals, 3) Prison Overcrowding: High Costs of Criminalization and Lack of Results, 4) Unclear Distinction between Drug Abusers, Users, Addicts and Victims of Narcotics Abuse, 5) Ambiguity of Unlawful Norms and Intentional Elements in Narcotics Abuse

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BIBLIOGRAPHY

Absorb. 2013. *Legal Politics Towards Progressive Law*. Surakarta: Muhammadiyah University Press.

Adi, Kusno. 2009. *Diversion as an Alternative Effort to Overcome Narcotics Crimes by Children*. First Print. Malang: UMM Press.

Ancel, Mac. 1965. *A Modern Aproach to Criminal Problems*. London: Routledge & Kegan Paul.

Apeldorn, Van. 1982. *Introduction to Law*. Jakarta: Pradnya Paramita.

AR. Sujono, Bony Daniel. 2013. *Comments and Discussion of Law Number 35. In 2009, the first Census was completed*. Jakarta: Sinar Grafika Offset.

Arief, Barda Nawawi. 1996. *Bunga Pourai Criminal Law Policy*. Bandung: Citra Aditya Bhakti.

Arief, Barda Nawawi. 1998. Criminal Theories and Policies. Bandung: Alumni.

Arief, Barda Nawawi. 2010. *Bunga Pourai Criminal Law Policy*. Jakarta: Prenada Madia Group.

Arief, Barda Nawawi. 2012. *Development of the National Legal System (Indonesia).* Semarang: Library of the Master of Diponegoro University.

Arif, Barda Nawawi. 1996. *Bunga Pourai Criminal Law Policy*. Bandung: Citra Aditya Bakti, 1996), pp. 29-30.

Arif, Barda Nawawi. 2000. *Legislative Policy in Crime Prevention with Prison Criminal Law*. Semarang: Diponegoro University.

Arif, Barda Nawawi. 2000. *Legislative Policy on the Determination of Prison Sentences in the Context of Crime Control Efforts*. Semarang: UNDIP Publishing Agency.

Arif, Barda Nawawi. 2001. *Law Enforcement Issues and Crime Prevention Policy*. Bandung: Citra Aditya Bakti.

Jilin Daxue Xuebao (Gongxueban)/Journal of Jilin University (Engineering and Technology Edition)
ISSN: 1671-5497
E-Publication: Online Open Access
Vol: 44 Issue: 05-2025
DOI: 10.5281/zenodo.10183825

Arif, Barda Nawawi. 2014. *Bunga Pourai Criminal Law Policy (Development of the Drafting of the New Criminal Code Concept)*. Bandung: Citra Aditya Bakti.

Ariyanti, Vivi. 2018. "Criminal Law Policy Against Victims of Narcotics Abuse in Indonesia." Dissertation from Gajah Mada University, 2018.

Asshiddiqie, Jimly. 2009. *Hans Kelsen's Theory of Law*. Jakarta: Press Constitution.

Asshiddiqie, Jimly. Hans Kelsen's theory of law. Jakarta: Constitution Press, 2009.

Assidiqie, Jimli. 1997. *Theory and Flow of Constitutional Law Interpretation*. Jakarta: Ind Hill.Co.

Atmasasmita, R. 1997. *Transnational Narcotics Crimes in the Indonesian Criminal Law System*. Bandung: Citra Aditya Bhakti.

National Narcotics Agency. 2008. School-Based Drug Abuse Prevention Through the Campaigh Goes to School Anti-Drugs Program. Jakarta: BNN.

National Narcotics Agency. 2009. Prevention of Drug Abuse. and National Narcotics. Jakarta: BNN, 2009.

National Narcotics Agency. 2019. Norms, Standards, and Procedures (NSP) of Community Empowerment. Jakarta: BNN, 2019.

Bahri, Syaiful. 2009. *Criminal Fines and Corruption*. Yogyakarta: UII and Total Media.

Basri, Ahmad KR. 2016. *Implementation of Rehabilitation for Addicts and Victims of Narcotics Abuse in Yogyakarta*. Yogyakarta: UII, 2016.

Bassiouni, M. Cherif. 1978. *Substantive Criminal Law*. Springfield, Illinois: Charles C. Thomas Publisher.

BNN RI.2019. "Health Research on the Impact of Narcotics Abuse." Data and Information Research Center of the National Narcotics Agency.

BNN. 2007. *Prevention is better than cure (Module for Parents).* Jakarta: National Narcotics Agency of the Republic of Indonesia

Jilin Daxue Xuebao (Gongxueban)/Journal of Jilin University (Engineering and Technology Edition)
ISSN: 1671-5497
E-Publication: Online Open Access
Vol: 44 Issue: 05-2025
DOI: 10.5281/zenodo.10183825

BNN. 2008. *School-Based Narcotics Abuse Prevention through the Campaigh Goes to School Anti-Drugs Program*. Jakarta: National Narcotics Agency of the Republic of Indonesia

BNN. 2009. *Community Empowerment Norms, Standards, and Procedures (NSPs).* Jakarta: National Narcotics Agency of the Republic of Indonesia.

BNN. 2009. *Guidelines for P4GN Extension Officers*. Jakarta: National Narcotics Agency of the Republic of Indonesia.

BNN. 2009. *Prevention of Narcotics Abuse.* Jakarta: National Narcotics Agency.

BNN. 2010. *P4GN Book in the Field of Community Empowerment*. Jakarta: National Narcotics Agency of the Republic of Indonesia

BNN. 2010. *Narcotics in the Islamic View*. Jakarta: Directorate of Information Dissemination of Deputy for Prevention of the National Narcotics Agency in 2010.

BNN. 2010. *Technical Guidelines for Advocacy in the Field of Narcotics Abuse Prevention for Government Institutions/Agencies*. Jakarta: National Narcotics Agency of the Republic of Indonesia

BNN. 2016. *Final Report of the National Survey on the Development of Narcotics Abusers for the 2016 Fiscal Year*. Jakarta: National Narcotics Agency of the Republic of Indonesia

BNN. 2019. *Data and Information Research Center of the National Narcotics Agency, Health Research on the Impact of Narcotics Abuse 2019*. Jakarta: National Narcotics Agency of the Republic of Indonesia

Bysyuk, Veronika. 2010. *Impact of 9/11 Terrorist Attacks on US and International Tourism Development*. Vienna University Modules

C.S.T. Chancellor of the Exchequer. 1986. *Introduction to Indonesian Law and Systems*. Jakarta: Balai Pustaka.

Daryono, Deddy. "Legal Reconstruction in Handling Rehabilitation Cases for Narcotics Abusers Based on Justice Values." Dissertation, Doctoral Program in Law, Faculty of Law, Sultan Agung University, Semarang, 2020.

Jilin Daxue Xuebao (Gongxueban)/Journal of Jilin University (Engineering and Technology Edition)
ISSN: 1671-5497
E-Publication: Online Open Access
Vol: 44 Issue: 05-2025
DOI: 10.5281/zenodo.10183825

Duff, Antony and David Garland. 1994. *A Reader on Punishment*. New York: Oxford University Press.

Dworkin, R.M. 2007. *Moral Philosophy An Introduction*. Translator Yudi Santoso. Yogyakarta.

Eddyono, Supriyadi W. 2015. *The death penalty in the RKUHP: A dubious middle ground*. Jakarta: Institute for Criminal Justice Reform.

EMCDDA. 2000. Annual Report on the State of the Drugs Problem in the European Union. Lisbon: European Monitoring Centre for Drugs and Drug Addiction.

EMCDDA. 2000. *Annual Report on the State of the Drugs Problem in the European Union*. Lisbon: European Monitoring Centre for Drugs and Drug Addiction.

Fabanyo, Hidayat. 1988. *P4gn Book in the Field of Community Empowerment. Jakarta: Bnn Ri. Hullsman as quoted by Roeslan Saleh in, From the Literature of Criminal Law*. Jakarta: Sinar Grafika Publishers.

Fadjar, A. Mukthie. 2004. *Types of Legal Countries.* Copyright © 2019 Bayumedia Publishing. All Rights Reserved.

Felbab, Vanda. 2008. Counternarcotics Policy Overview: Global Trends & Strategies. Brookings Institution.

Félix, S. & Portugal, P. 2015. *Drug Decriminalization and The Price of Illicit Drugs*. Bonn: Institute for the Study of Labor.

Friedman, M.2018. *Legal System*. Bandung: Nusa Media.

Godwin, John. 2016. *A public health approach to narcotics use in Asia: Decriminalization Principles and Practices*. London: International Drug Policy Consortium (IDPC).

Greenwald, Glenn. 2009. *Drug Decriminalization in Portugal: Lessons for Creating Fair and Successful Drug Policies*. Washington DC: CATO Institute.

Gross, Haymman A. 1979. *Theory of Criminal Justice*. New York: Oxford University Press.

Jilin Daxue Xuebao (Gongxueban)/Journal of Jilin University (Engineering and Technology Edition)
ISSN: 1671-5497
E-Publication: Online Open Access
Vol: 44 Issue: 05-2025
DOI: 10.5281/zenodo.10183825

Grover, Anand. 2016. *A Public Health Approach to Narcotics Use in Asia: Decriminalization Principles and Practices*. *International Drug Policy Consortium Publication 2016.*

Judge, M. Arif. No Year. *The Dangers of Narcotics Alcohol The Islamic Way of Preventing and Fighting*. Bandung: Nuansa Cendikia.

Hamidi. 2004. *Qualitative Research Methods (Practical application of making research proposals and reports).* Malang: UMM Press.

Hunger. 2019. *Empowerment of Open Corrections as a Form of Implementation of Community Based Corrections in the Criminal Justice System in Indonesia*. Yogyakarta: Depublish

Hamzah, Andi. 1986. *Indonesia's Penal and Penal System, from Levy to Reform.* Jakarta: PT. Pradnya Paramita.

Hamzah, Andi. 2001. *Bunga Pourpourai Criminal Law and Criminal Proceedings*. Jakarta: Ghalia Indonesia.

Hanafi, Ahmad. 1994. *Principles of Islamic Criminal Law*. Jakarta: Bulan Bintang.

Handoko, duwi. 2017. *Principles of Criminal Law and Penitentiary Law in Indonesia (Equipped with Learning Evaluation in the Form of Legal Crossword Puzzles and Accompanied by Humor in the Scope of Science and Knowledge about Law*. New Town: Eve and Ahwa.

Hernawan S, Rachman. 1986. *Narcotics Abuse by Adolescents*. Print One. Bandung: PT. Eresco.

Hoefnagels, G. Peter. 1973. *The Other Side of Criminology*. Holland: Kluwer de Venter.

Howard, Colin. 1978. *An Analysis of Sentencing Authority, in P.R. Glazebrook, Rehaping the Criminal Law*. London: Stavens & Sons Ltd.

HS, Salim. 2010. *Theoretical Development in Legal Sciences*. Jakarta: Rajawali Press.

Huda, Nurul, Yusuf Saefuddin, Seno Wibowo Gumbira, and Sumarji Sumarji. "Integrated Assessment: Implementation of Restorative Justice to Countermeasure Drugs Crime in Indonesia." Legal Policy Scientific Journal 14, no. 1 (2020): 111–24.

Jilin Daxue Xuebao (Gongxueban)/Journal of Jilin University (Engineering and Technology Edition)
ISSN: 1671-5497
E-Publication: Online Open Access
Vol: 44 Issue: 05-2025
DOI: 10.5281/zenodo.10183825

Hudson, Barbara A. 2003. *Understanding Justice: an Intruduction to eideas, percepective and Controversy in modern penal theory*. Second Edition. Great Britain: Open University Press.

Ibrahim, Jhonny. 2005. *Theory and Method of Normative Law Discovery*. Malang: Banyumedia.

Institute on Drugs and Drug Addiction (IDT). 2012. *National Report to the E.M.C.D.D.A. by the Reitox National Focal Point*. Portugal - New Development, Trends and in-depth Information on Selected

Institute of Drugs and Toxicodependence. 2007. *Annual Report 2006: The National Situation Relating to Drugs and Dependency*. Lisbon. IPDT

Ishaq. 2014. *Introduction to Indonesian Law (PHI).* Jakarta: PT. Raja Grafindo Persada.

Iskandar, Anang. 2015. The Straight Path to Handling Narcotics Abusers in the Construction of Positive Law. Karawang: Uninterrupted Communications.

Jamluddin Muhammad Ibn al Manzhur al Anshari. 1981*. Oral al'Arab*. Lebanon: Dar al Ma'arif Juz V.

Jayaman, a son of a. 2005. *The Relevance of Customary Criminal Law in Criminal Law Reform*. Bandung: PT. Image by Aditya Bhakti.

JCT. Simongkir and Woeryono Sastropranoto. 1959. *Lessons in Criminal Law*. Jakarta: Mount Agung.

Jean-Paul Grund and Joost Breeksema. 2016. cited by the Drug policy Alliance (DPA), *Approaches to Decriminalizing Drug Use & Possession*, New York: Drug policy Alliance (DPA).

Kelsen, Hans. 2010. *General Theory of Law and the State.The* original title (Theory of Law and State) was translated by Rasul Muttakin. Bandung: Nusamedia.

Kelsen, Hans. The Theory of Law and State was translated by Rasul Muttakin. Bandung: Nusamedia, 2010.

Ministry of Religion of the Republic of Indonesia. 2013. *The Qur'an and Its Translations*. Cet., I; Solo: PT. A series of independent libraries.

Jilin Daxue Xuebao (Gongxueban)/Journal of Jilin University (Engineering and Technology Edition)
ISSN: 1671-5497
E-Publication: Online Open Access
Vol: 44 Issue: 05-2025
DOI: 10.5281/zenodo.10183825

Kusumawardani, Qur'ani Dewi. "Progressive Law and the Development of Artificial Intelligence Technology." Veritas et Justitia 5, no. 1 (2019): 166–90. https://doi.org/10.25123/vej.3270.

Lj. Van Apeldorn. 1985. *Introduction to Law*. Jakarta: Pradnya Pharamita

Loqman, Loebby. 1992. *Report on Legal Review on the Criminal Application of Fines*. Jakarta: BPHN.

Low, Peter W. et al. 1986. *Criminal Law: Cases and Materials*. New York: The Foundation Press Inc.

"Please, Solly. 1989. *Miscellaneous Politics and Law*. Bandung: Mandar Maju.

Ma'sum, Sumarno. 1987. *Countermeasures the dangers of Narcotics and Drug Dependence*. Jakarta: CV. Greater.

Makarao, Taufik et al. 2003. *Narcotics Crimes*. Jakarta: Ghalia Indonesia.

Mangunharjana, A. 1997. *Isms in Ethics; from A to Z*. Yogyakarta: Kanisius.

Manulang, Fernando M. 2007. *Law in certainty*. Bandung: Media Initiative.

Manulang, Fernando M. Law in Certainty. Bandung: Prakarsa Media, 2007.

Mardani. 2008. *Narcotics Abuse in the Perspective of Islamic Law and National Criminal Law*. Jakarta: PT. Raja Grafindo Persada.

Marzuki, Peter Mahmud. 2008. *Legal Research*. Jakarta: Kencana Prenada Media Group

Marzuki, Peter Mahmud. 2013. *Legal Research*. Jakarta: Kencana Prenada Media Group.

MD, Mahfud. 1998. *Legal Politics in Indonesia*. Jakarta: LP3ES

MD., Moh. Mahfud. "Law Enforcement and Good Governance." National Seminar "It's Time for Conscience to Speak", January 8, 2009, 2009.

Jilin Daxue Xuebao (Gongxueban)/Journal of Jilin University (Engineering and Technology Edition)
ISSN: 1671-5497
E-Publication: Online Open Access
Vol: 44 Issue: 05-2025
DOI: 10.5281/zenodo.10183825

Mertokusumo, Sudikno. 2007. Getting to Know the Law of a Traveler. Yogyakarta: Liberty Press.

Mertokusumo, Sudikno. Getting to Know the Law of a Traveler. New York: Liberty Press, 2007.

Moeljatno. 1985. *Principles of Criminal Law*. Jakarta: PT Bina Cipta.

Moeljatno. 1985. *The Functions and Objectives of Indonesian Criminal Law and the Draft Law on the Principles and Basic Principles of the Indonesian Legal System*. Jakarta: Bina Aksara.

Moeljatno. 2004. *Criminal Code, Article 6 paragraph 1 of Law Number 35 of 2009 concerning Narcotics*. Jakarta: Pradnya Paramita.

Moelyatno. 1955. *Criminal Acts and Accountability in Criminal Law*. Yogyakarta: TOMORROW.

Moelyatno. 2000. *Principles of Criminal Law*. Jakarta: Rineka Cipta.

Moh. Taufik Makarao, Suhasril, H. Moh Zakky A.S. 2003. *Narcotics Crimes*. Jakarta: Ghalia Indonesia.

Muarif, Hasan Ambari. 1996. *At all, Encyclopedia Islam.* Jakarta: PT. Van Hoeve's new iktiar.

Muhammad, Abdulkadir. 2004. *Law and Legal Research*. Bandung: PT. Image by Aditya Bhakti.

Muladi and Barda Nawawi Arif. 1992. *Criminal Theories and Policies*. Bandung: Alumni.

Start. 1985. *Conditional Criminal Institutions*. Bandung: Alumni.

Start. 2002. *Democratization of Human Rights and Legal Reform in Indonesia*. Jakarta: The Habibie Center.

Start. 2002. *Conditional Criminal Institutions*. Bandung: Alumni.

Munajat, Makhrus. 2004. *Consumed by Islamic Criminal Law*. Yogyakarta: Longung Agung.

Nasution, Zulkarnaen. 2007. *Choosing the Environment*. Jakarta: National Narcotics Agency of the Republic of Indonesia

Nawawi, Imam. 2006. *Saheeh Muslim Bi Syarh Imam an-Nawawi*. Beirut: Lebanon.

Jilin Daxue Xuebao (Gongxueban)/Journal of Jilin University (Engineering and Technology Edition)
ISSN: 1671-5497
E-Publication: Online Open Access
Vol: 44 Issue: 05-2025
DOI: 10.5281/zenodo.10183825

Nawiasky, Hans. 1984. Hans Nawiasky, Allgemeine Als recht system lichen grundbegriffe. Zurich: Benziger Perss, 1984.

Nawiasky, Hans. Hans Nawiasky, Allgemeine as Recht System lichen Grundbegriffe. Zurich: Benziger Perss, 1984.

ND, Mukti Fajar. 2010. *Dualism of Normative and Empirical Law Research*. Yogyakarta: Student Library.

NE, Algra et al. 1983. *Begin with the law*. Bandung: Bina Cipta.

Niamh Eastwood, Edward Fox and Ari Rosmarin. 2016. *A Quiet Revolution: Drug Decriminalisation Across the Globe*. London: Release.

P.A.F. Lamintang. 1984. *Indonesian Penitentiary Law*. Bandung: Armico.

P.F. Lamintang. 1984. *Fundamentals of Criminal Law*. Bandung: Sinar Baru.

Pilar Domingo and Leopold Sudaryono. 2015. *The Political Economy of Pre-Trial Detention in Indonesia*. Jakarta: ICJR, CDS and ODI.

Porwodarminta, WJS. 1989. Dictionary of the Indonesian Language. Yogyakarta: Liberty

Prasetyo, Teguh and Abdul Halim B. 2005. *The Politics of Criminal Law: A Study of Criminalization and Decriminality Policy*. Yogyakarta: Student Library.

Prasetyo, Teguh, and Abdul Halim Barkatullah. 2019. *The Politics of Criminal Law: A Study of Criminalization and Decriminalization Policy*. Yogyakarta: Student Library.

Prasetyo, Teguh, and Abdul Halim Barkatullah. Political Criminal Law Study of Criminalization and Decriminalization Policy. Yogyakarta: Pustaka Siswa, 2019.

Promise, Firm. 2010. *Criminalization of Criminal Law*. Bandung: Nusa Media.

Primary Harrys Teguh and Usep Saepullah. 2016. *Theory and Practice of Special Criminal Procedure Law.* Bandung: CV Pustaka Setia.

Jilin Daxue Xuebao (Gongxueban)/Journal of Jilin University (Engineering and Technology Edition)
ISSN: 1671-5497
E-Publication: Online Open Access
Vol: 44 Issue: 05-2025
DOI: 10.5281/zenodo.10183825

Priyatno, Dwidja. 2006. *Prison Sentence Implementation System in Indonesia*. Bandung: Refika Aditama.

Priyatno, Dwidja. 2009. *Prison Sentence Implementation System in Indonesia*. Second Print. Bandung: PT Refika Aditama.

Prodjodikoro, Wiryono. 1989. *Principles of Indonesian Criminal Law*. Bandung: PT. Eresco.

Rahardjo, Satjipto Muhammadiyah, and University Press. Legal Science, Search, Liberation and Enlightenment. Surakarta: Muhammadiyah University Press, 2004.

Rahardjo, Satjipto. 2004. *Legal Science, Search, Liberation and Enlightenment*. Surakarta: Muhammadiyah University Press, 2004.

Reid Sue, Titus. 1976. *Crime and Criminology*. Illinois: The Dryden PressHindsale.

Reksodipoetro, Mardjono. 1994. *Human Rights in SPP*. Jakarta: Center for Justice and Legal Service Services, University of Indonesia.

Remmelink, Jan. 2003. *Criminal Law Commentary on the Most Important Articles of the Dutch Criminal Code and Its Penalties in the Indonesian Criminal* Code. Jakarta: PT Gramedia Pustaka Utama.

Remmelink, Jan. 2003. *Criminal Law: Commentary on the Most Important Articles of the Dutch Criminal Code and its provisions in the Indonesian Criminal* Code. Jakarta: PT. Gramedia Pustaka Utama.

Remmelink, Jan. 2014. *Introduction to Hukum Pidana Material 1 (Introduction to the Study of Dutch Criminal Law).* Yogyakarta: Maharsa.

Rusli Effendi et al. 1986. "The Problem of Criminalization and Decriminalization in the Context of National Law Reform" in BPHN, Indonesia's National Criminal Law Reform Symposium. Jakarta: Binacipta.

Sambas, Nanang. 2010. *Reform of the Child Penal System in Indonesia*. Yogyakarta: Graha Ilmu.

Jilin Daxue Xuebao (Gongxueban)/Journal of Jilin University (Engineering and Technology Edition)
ISSN: 1671-5497
E-Publication: Online Open Access
Vol: 44 Issue: 05-2025
DOI: 10.5281/zenodo.10183825

Scholten, Paul. 1997. *The Structure of Legal Sciences*. translated by BNA, in the Fundamentals of Law Series. Bandung: Laboratory of the Faculty of Law, Parahyangan Catholic University.

Serrano, M. 2002. *Transnational Organized Crime and International Security*. Business as usual Colorado: Lynne Rienner Publishers.

Sholehuddin, Sanctions System in Criminal Law." The basic idea of the Double Track System", (Jakarta: PT. Raja Grafindo Persada, 2004), p. 32.

Sholehuddin. 2004. *Sanctions System in Criminal Law*. Jakarta: PT. Raja Grafindo Persada.

Sianturi, S.R. 1986. *Principles of Criminal Law in Indonesia and Their Application*. Jakarta: Alumni Publishers.

Sidarta, Arif. 1996. *Reflections on Law*. Bandung: Citra Aditya Bakti.

Sisworo, Soedjono Dirdjo. 1990. *Indonesian Narcotics Law*. Bandung: PT. Citr Aditya Bakti.

Sitanggang, BA. 1981. Narcotics Abuse Prevention Education. Jakarta: Main Work.

Soedarto. 1981. *Kapita Selekta Criminal Law*. Bandung: Alumni.

Soedarto. 1983. *Criminal Law and Community Development*. Bandung: Sinar Baru.

Soedarto. 1993. *Law and Criminal Law*. Bandung: Alumni.

Soekanto, Soerjono. 1981. *Criminology: An Introduction*. Jakarta: Ghalia Indonesia.

Soekanto, Soerjono. 1983. *Introduction to Legal Research*. Jakarta: University of Indonesia Press.

Soesilo, R. 1965. *The Criminal Code and its comments are complete article by article*. Bogor: Politea.

Soesilo, R. 1998. *Criminal Code (KUHP).* Bogor: Politeia.

Righteous, Roslan. 1983. *Some Principles of Criminal Law in Perspective*. Jakarta: New Script.

Jilin Daxue Xuebao (Gongxueban)/Journal of Jilin University (Engineering and Technology Edition)
ISSN: 1671-5497
E-Publication: Online Open Access
Vol: 44 Issue: 05-2025
DOI: 10.5281/zenodo.10183825

Righteous, Roslan. 1987. *Indonesian Criminal Systems*. Jakarta: Bina Aksara.

Sweat. 1986. *Kapita Selekta Criminal Law*. Bandung: Alumni.

Sunarso, Siswanto. 2012. *Legal Politics of the Narcotics Law (Law Number 35 of 2009).* First print. Jakarta: Rineka Cipta.

Suparni, Niniek. 2007. *The Existence of Fine Crime in the Criminal and Criminal System*. Jakarta: Sinar Grafika.

Susanto, I.S. 1995. *Criminology*. Faculty of Law. Semarang: Diponegoro University.

Syamsu, M. Ainul. 2016. *Criminal Imposition & Two Basic Principles of Criminal Law*. 1st printing. Jakarta: Kencana Prenada Media Group

Syamsuddin, Aziz. The process and techniques of drafting laws, first printing. Jakarta: Sinar Grafika, 2011.

Syarufudin, Amir. 2003. *Outlines of Fiqh*. Jakarta: Prenada Media Group.

Teguh and Aria. 2011. *New Horizon Criminal Law Post-Reform.* Jakarta: Raja Grafindo Persada.

BNN Prevention Support Center Expert Team. 2007. *Prevention is better than cure*. Jakarta: National Narcotics Agency

Drafting Team. 1993. *Great Dictionary of Indonesian*. Second Edition. Jakarta: Department of Education and Culture Balai Pustaka

Drafting Team. 2017. *Working Paper: Strengthening the Revision of Indonesia's Narcotics Law Proposed by Civil Society*. Jakarta: Institute for Criminal Justice Reform.

Love. 1959. *Principles of Criminal Law*. Jakarta: Tiara Limited.

Tumpa, Harifin A. 2010. *Comments and discussions: Law Number 35 of 2009 concerning narcotics*. Jakarta: Kencana.

U.S. ITC. 2006. *U.S.-Colombia Trade Promotion Agreement: Potential Economy-wide and Selected Sectoral Effects*. Washington: U.S. International Trade Commission.

Jilin Daxue Xuebao (Gongxueban)/Journal of Jilin University (Engineering and Technology Edition)
ISSN: 1671-5497
E-Publication: Online Open Access
Vol: 44 Issue: 05-2025
DOI: 10.5281/zenodo.10183825

UNODC. 2010. *World Drug Report 2010*. United Nations Office on Drugs and Crime, June.

Usfa, A. Fuad. 2004. *Introduction to Criminal Law*. Malang: UMM Press.

Waluyo, Mudji. 2007. *Guidelines for the Implementation of P4GN.* Jakarta: National Narcotics Agency of the Republic of Indonesia.

Wirya, Albert, 2014. *At the End of Palu Hakim: Documentation of Rehabilitation Verdict in Greater Jakarta in 2014*. Jakarta: Community Legal Aid Institute

Yatin, Dany I. 1989. *Personality, Family and Narcotics: A Social-Psychological Review*. Jakarta: Pen Arcan.

Yuherawan, for the sake of Setyo Bagus. 2014. *Deconstruction of the Principles of Legality of Criminal Law (History of the Principles of Legality and the Idea of Philosophical Renewal of Criminal Law).* Surabaya: Setara Press.