

## The Disparities in Punishment for Narcotic Addiction: Does it Reflect the Value of Justice?

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### ABSTRACT

Sentencing disparity in narcotics abuse cases reflects an ongoing legal issue concerning the principle of justice in Indonesia. This research aims to analyze the root causes of such disparities and explore ideal law enforcement approaches for narcotics addicts, grounded in the value of justice. Employing a doctrinal legal research method, this study focuses on statutory interpretation, particularly Articles 111, 112, and 127 of Law No. 35 of 2009 on Narcotics. These provisions lack clear normative boundaries, creating interpretative ambiguity among law enforcement officials. The absence of technical guidelines distinguishing narcotics users from dealers contributes significantly to unequal sentencing. Consequently, addicts with minimal evidence may face charges under severe articles, leading to legal uncertainty, injustice, and diminishing public trust in the criminal justice system. The novelty of this study lies in proposing the integration of international best practices within Indonesia's legal framework to prioritize humanity, legal certainty, and fairness. The study concludes that regulatory reconstruction is necessary through the substantive revision of Articles 111, 112, and 127, to eliminate multi-interpretation and establish clear classifications of narcotics offenders, thus improving both the enforcement of narcotics law and the credibility of the criminal justice system.

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## 1. Introduction

The Republic of Indonesia is a state based on law<sup>1</sup> (*Rechtsstaats*), not a state based on mere power (*Machtsstaat*), which is regulated expressly within the body, namely in Article 1 paragraph (3) of the 1945 Constitution being the commander in chief. The law is in all the

<sup>1</sup> Arsyad Aldyan and Abhishek Negi, 'The Model of Law Enforcement Based on Pancasila Justice', *Journal of Human Rights, Culture and Legal System*, 2.3 (2022), 178-90. <https://doi.org/10.53955/JHCLS.V2I3.51>.

flow of state life.<sup>2</sup> Opiates mishandle in Indonesia has gotten to be a genuine issue and has ended up a stressing circumstance so that it is now not a national issue but a transnational problem. Narcotics mishandle could be a wrongdoing whose chart proceeds to extend; nearly all individuals, notwithstanding of social status, can be uncovered to opiates, such as children, understudies, celebrities, proficient educate, and very a couple of authorities, and opiates could be a frame of wrongdoing. Opiates offenses are more fittingly classified as violations against open arrange or mala prohibita, which are acts considered criminal not since they are inalienably off-base (mala in se), but since they are disallowed by law for the assurance of open welfare, wellbeing, and security. Not at all like agreement wrongdoings, such as kill or assault, which are all around condemned over social orders and legitimate frameworks, narcotics offenses frequently include complex socio-political talks about, particularly with respect to utilize versus trafficking, restorative legalization, and hurt diminishment. Hence, opiates violations reflect a legitimate development pointed at protecting open arrange instead of a generally concurred ethical wrongdoing, and this qualification is vital for educating corresponding sentencing and rehabilitation-oriented approaches. Sedate abusers are frequently too casualties of compulsion or natural weight, so they drop into the category of self-victimization, to be specific culprits of violations who are too casualties of their possess activities. This marvel requires a legitimate approach that's not just severe, but too prioritizes viewpoints of restoration and social recovery.<sup>3</sup>

As a criminal act agreed upon between the perpetrator and the victim, they have mutually agreed on the criminal act, so determining who the victim is will be increasingly ambiguous and unclear. Indonesia has placed the eradication of illicit narcotics trafficking<sup>4</sup> as one of its main priorities for law enforcement because illicit narcotics trafficking is a series of activities carried out without rights and against the law, which are designated as narcotics crimes. Legislation that supports efforts to eradicate narcotics crimes is very necessary, especially since Narcotics crime is one of the unconventional crimes that is carried out systematically, using high modus operandi and sophisticated technology and is carried out in an organized manner (organized crime) and has the character of transnational (transnational crime).

Narcotic abuse usually begins<sup>5</sup> with trial-and-error use just following friends to reduce or eliminate pain, fatigue, and mental tension, or as entertainment or for socializing. However, if this use continues continuously, it will become dependent. Narcotics abuse<sup>6</sup> causes long-term impacts on physical and spiritual health, functional disorders, and damage to vital organs such as the brain, heart, liver, lungs, and kidneys, as well as social impacts, including dropping out of college, dropping out of work, destroying home life, and prolonged suffering and misery.

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<sup>2</sup> Andri Winjaya Laksana, 'Sociological Analysis of Narcotics Circulation Treatment on Students', *Jurnal Pembaharuan Hukum*, 8.1 (2021), 105–17. <https://doi.org/10.26532/JPH.V8I1.15377>.

<sup>3</sup> Yordan Gunawan, M. Fabian Akbar, and Eva Ferrer Corral, 'WTO Trade War Resolution for Japan's Chemical Export Restrictions to South Korea', *Padjadjaran Jurnal Ilmu Hukum*, 9.3 (2022), 408–31. <https://doi.org/10.22304/pjih.v9n3.a6>.

<sup>4</sup> Sinar Aju Wulandari and Putri Kirana, 'ASEAN States Cooperation in the Control and Prevention of Illicit Drugs Trafficking', *Yuridika*, 38.3 (2023), 665–84. <https://doi.org/10.20473/YDK.V38I3.44872>.

<sup>5</sup> Ryan Smith and others, 'Imprecise Action Selection in Substance Use Disorder: Evidence for Active Learning Impairments When Solving the Explore-Exploit Dilemma', *Drug and Alcohol Dependence*, 215 (2020), 108208. <https://doi.org/10.1016/J.DRUGALCDEP.2020.108208>.

<sup>6</sup> Andri Winjaya Laksana and others, 'Criticism of Legal Protection for Victims of Drug Abuse: The Disharmony in Legal Substance Regulation', *Legality: Jurnal Ilmiah Hukum*, 33.1 (2025), 93–109. <https://doi.org/10.22219/LJIH.V33I1.36680>.

In the field of judicial decision-making, inequality means that the freedom of the law allows judges to decide cases following the provisions of decisions, which can vary depending on the case. Freedom is proposed to the judge because the facts of the case are different from the actual case. In his book *Sentences and Criminal Justice*, Andrew Ashworth writes: "Giving unequal sentences cannot be separated from the judge's discretion in imposing criminal procedural sentences". Given the reality of criminal justice disparities in law enforcement, society must question whether judges/courts truly fulfill their law enforcement duties. Law and Justice, from a sociological perspective, the situation of crime inequality in public perception is as follows. Proof that justice (social justice) does not exist. Unfortunately, this requirement is unattainable from a formal legal point of view. This is considered to be against the law. However, this element is often forgotten. "Justice" must be linked to the judge's decision."

The disparity in punishment shows that applying punishment for narcotics abuse<sup>7</sup> is still a legal problem related to justice. Judging from the length of sentence for these two decisions, it is clear that they are so far apart that they impact the psychology of the convict who was sentenced to a higher level with the qualification of a fairly light offense. This situation must be of particular concern to judges in looking proportionally in applying the law and crimes. Apart from that, in the judge's consideration of imposing a higher sentence on the defendant, there are no important juridical and sociological reasons for imposing a higher sentence on the defendant.<sup>8</sup>

Criminal disparity (disparity of sentencing) is the application of unequal sentences for the same crime; in this case, judges often give different decisions for the same crime, especially in cases of narcotics crimes. In Law No. 35 of 2009 on Narcotics Crimes, where narcotics crimes are divided into two, namely users or dealers. Article 103 of Law No. 35 of 2009 regulates matters that enable suspects to be given rehabilitation, and Article 129 of Law No. 35 of 2009 on narcotics crimes regulates imprisonment and fines for perpetrators of narcotics crimes.<sup>9</sup> These things are taken into consideration by the judge when making a decision.<sup>10</sup>

Many factors cause a disparity in decisions. But in the end, the judge determines the occurrence of disparities. For example, two people commit Narcotic abuse in the same way and with almost the same consequences. Even though the judges used Article 127 paragraph (1) letter a of Law Number 35 of 2009 on Narcotics, the sentences imposed could be different.

Justice is closely related to punishment for narcotics crimes in this research. Justice according to the law, or what is often referred to in legal justice, is justice according to the law (narcotics law) and is concerned with providing sanctions for the results of the application of violated laws. If someone violates justice, they will be punished through the legal process. Law enforcement theory itself is a process of realizing legal desires into reality. Legal desires

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<sup>7</sup> Imah Kardita and others, 'Implementation of Criminal Sanctions Against Perpetrators of Child Narcotics Abuse', *Syntax Idea*, 6.4 (2024), 1627-36. <https://doi.org/10.46799/SYNTAX-IDEA.V6I4.3158>.

<sup>8</sup> Yordan Gunawan, Ghiyats Amri Wibowo, and Mohammad Hazyar Arumbinang, 'Foreign Fighters in the Ukrainian Armed Conflict: An International Humanitarian Law Perspective', *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 6.2 (2023), 145-57. <https://doi.org/10.24090/volksgeist.v6i2.9315>.

<sup>9</sup> Dhian Artwitadibrata and Akhmad Khisni, 'The Concept of Criminal Law for Personnel of Narcotics Abuse', *Jurnal Daulat Hukum*, 3.4 (2021), 411-18. <https://doi.org/10.30659/JDH.V3I4.13603>.

<sup>10</sup> A.A Ngr Rai Anjasmara Putra, I Made Sepud, and I Nyoman Sujana, 'Disparitas Putusan Hakim Dalam Tindak Pidana Narkotika', *Jurnal Analogi Hukum*, 2.2 (2020), 129-35. <https://doi.org/10.22225/AH.2.2.2020.129-135>.

are nothing other than the thoughts of law-making institutions formulated in legal regulations. The formulation of the lawmaker's thoughts, expressed in legal regulations, will also determine how law enforcement is carried out.<sup>11</sup>

Legal reforms are needed regarding justice-based disparities in punishment for narcotics addicts that can be carried out by focusing on a rehabilitative approach compared to a retributive approach, as regulated in Article 103 of Law Number 35 of 2009 on Narcotics. This involves aligning clearer and more binding sentencing guidelines for judges to minimize disparities in decisions, considering the level of involvement of the perpetrator (user or dealer), social impact, and humanitarian aspects. This approach must be oriented towards the principles of substantive justice, which ensures that punishment is not only punitive but also promotes individual recovery and protection of society from the effects of narcotics. This reform requires consistent enforcement of regulations, special training for judges in understanding the sociological context of perpetrators, and cross-sector collaboration to support the implementation of effective rehabilitation.

Based on research conducted by Kurnia Dewi Anggraeny<sup>12</sup> entitled *Disparities In the Judge's Decision On Narcotic Crime*, In practice, the judges consider some factors that may influence their decision. These factors may be different from one crime to another. Some factors are causing the disparities in the verdicts of narcotic crimes. Those are the judges' character, the regulations, and the characteristics of the case. The efforts to reduce the disparities can be conducted by actualizing the functions of the panel of judges, maximizing the judges' potential. Besides, training and seminars for all criminal justice sub-systems can also develop similar perspectives of the vision and mission of the court. Further, it is necessary to provide clear guidelines to measure the crime's sanction by considering the suspects' motives. Another possible effort is to improve the role of the appeal court and select and train the judges, particularly for the consistency of the sentences in the District Court. The methods allow the judges to consider all events based on the severity of the crime and the way the crime was committed. About the case of narcotic abuse, it is necessary to provide clear guidelines for the decision to impose the sanctions, which are in line with the evidence and the motives of the suspects of narcotic abuse.

Research conducted by Muhammad Arfhani<sup>13</sup> with the title *Criminal Disparity in Narcotics Crimes* shows that the results of the study show that judges apply punishment for narcotics crimes based on juridical considerations, namely the public prosecutor's indictment, witness statements, defendant's statements, evidence (serious/low), the facts at trial, the judge's beliefs and articles in the Narcotics Law as well as non-juridical considerations such as the consequences of the defendant's actions as well as aggravating and mitigating factors. Factors that influence criminal disparities in the conviction of narcotics crimes consist of the integrity and personal condition of the judge, the individual condition of the defendant, as well as the characteristics of the case, which can result in disparities that create a sense of justice and vice versa. The recommendation to legal practitioners is that when considering

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<sup>11</sup> Muhamad Romdoni and others, 'Disparitas Pemidanaan Dalam Kasus Tindak Pidana Khusus Narkotika Di Pengadilan Negeri Tangerang', *Masalah-Masalah Hukum*, 51.3 (2022), 287-98. <https://doi.org/10.14710/MMH.51.3.2022.287-298>.

<sup>12</sup> Kurnia Dewi Anggraeny and Kurnia Dewi Anggraeny, 'Disparities In The Judge's Decision On Narcotic Crime', *European Proceedings of Social and Behavioural Sciences*, 2018, 742-49. <https://doi.org/10.15405/EPBS.2018.12.03.75>.

<sup>13</sup> Muh Arfhani and others, 'Disparitas Pidana Dalam Tindak Pidana Narkotika', *Mandar: Social Science Journal*, 3.1 (2024), 27-35. <https://doi.org/10.31605/MSSJ.V3I1.3985>.

the severity of criminal sanctions that will be imposed in a decision in a narcotics crime case, they must pay attention to the position of the defendant in the narcotics crime and in handling narcotics crime cases, law enforcement officials must be professional in carrying out their duties.

The disparity in the sentencing of narcotics cases in Indonesia arises primarily from ambiguous legal norms, judicial discretion without standardized guidelines, institutional inconsistency, and external socio-political pressures. Articles 111, 112, and 127 of Law No. 35 of 2009 on Narcotics do not provide clear boundaries between users, addicts, and dealers, causing law enforcement officers and judges to interpret similar cases differently. Additionally, the absence of uniform sentencing guidelines allows judges to apply subjective assessments in determining punishment, often leading to heavier sentences for addicts who should instead be rehabilitated. Variations in the interpretation of evidence, lack of capacity among law enforcers to distinguish dependency from trafficking intent, and political narratives that favor punitive measures also contribute to this disparity.

This research analyzes Various Causes of Sentencing Disparities in Cases of Narcotics Addicts and Law Enforcement Against Narcotics Addicts Is Ideal Based on the Value of Justice. It is necessary to formulate the main question of this research and why the analysis of disparities in the sentencing of drug addicts has significance in encouraging reform of the criminal justice system based on the values of justice.

## 2. Research Method

This research is doctrinal research; doctrinal law uses abstract legal rules to measure truth in legal studies. The objects and references referred to in doctrinal research are the rules of norms, concepts and doctrines that develop in legal thought.<sup>14</sup> The research focused on examining the application<sup>15</sup> of rules or norms in positive law. The reason for using doctrinal research is based on the existence of a provision in the Narcotics Law. This approach is relevant because the object of the research is directly related to the provisions in Law Number 35 of 2009 concerning Narcotics, especially in examining the inconsistency or disparity in sentencing of drug addicts based on legal norms that should be used as a basis for law enforcement.

## 3. Result and Discussion

### 3.1. Various Causes of Sentencing Disparities in Cases of Narcotics Addicts

Narcotics are substances or Narcotics derived from plants or non-plants, whether synthetic or semi-synthetic, which can cause a decrease or change in consciousness, loss of taste, reduce or eliminate pain, and can cause dependence. It can be said that, on the one hand, narcotics are Narcotics or substances that are useful in the fields of medicine, health services, and scientific development, but on the other hand, they can cause dependence, which is very detrimental if used without strict and thorough control and supervision. In this case, if

<sup>14</sup> Muhammad Helmy Hakim and others, 'Pergeseran Orientasi Penelitian Hukum: Dari Doktrinal Ke Sosio-Legal', *Syariah: Jurnal Hukum Dan Pemikiran*, 16.2 (2016), 105–14. <https://doi.org/10.18592/SY.V16I2.1031>.

<sup>15</sup> Richard H. Kolbe and Melissa S. Burnett, 'Content-Analysis Research: An Examination of Applications with Directives for Improving Research Reliability and Objectivity', *Journal of Consumer Research*, 18.2 (1991), 243–50. <https://doi.org/10.1086/209256>.



viewed from a juridical aspect, the existence of narcotics is legal. The Narcotics Law only prohibits the use of narcotics that is not in accordance with the provisions of the law. This situation, at an empirical level, means that narcotics are often misused, not for medical and scientific purposes, but rather as a promising and rapidly growing business opportunity, where this activity has an impact on physical and psychological damage to all levels of society. In terms of age, narcotics are not only enjoyed by teenagers, but also by middle-aged and older people. The spread of narcotics is no longer limited to big cities, but has entered small towns and spread to sub-districts and even villages.

The impact of narcotics abuse cannot be considered trivial, because it is the same as corruption, where both threaten the nation's progress and state security. Narcotics cases are still a trend or are still dominant among several crime cases or other violations and that is only limited to cases that are revealed or recorded. It is no longer a secret that many narcotics cases are resolved "peacefully" so that the cases are not recorded (dark numbers).

Narcotics abusers are self-victimizing victims,<sup>16</sup> they are both perpetrators and victims of criminal acts that they themselves commit, no party is harmed in the criminal acts that narcotics abusers commit. Therefore, the criminal justice process for narcotics abusers <sup>17</sup> must be carried out as carefully as possible so as not to cause criminal disparities. Criminal disparity is the imposition of different criminal sanctions on perpetrators of criminal acts even though the perpetrators are accused and prosecuted under the same article.

Sentencing in the criminal justice system<sup>18</sup> is the central point or main focus in the criminal justice system process. Because the court's decision in sentencing will have far-reaching consequences, because if the decision is deemed inappropriate, it will cause controversial reactions because the truth is relative from the point of view of it.

Criminal decisions may be considered unfair by the justice-seeking community if there are perpetrators who receive heavier sentences than other perpetrators who commit the same crime. The consequences of this cause many things, for example making the convict not respect the law, even though respect for the law, namely the attitude of being obedient and obedient to the law in the criminal justice system, is the target of criminal objectives. The existence of a sense of injustice in the convict will give rise to rejection in him towards the guidance given to him in the formation process in prison to return to society after completing his sentence. In fact, what is desired through punishment and guidance in correctional institutions is that the convict will become a person who is obedient and obedient to the law. On the other hand, people who perceive systemic failure in the criminal justice system will have less trust in the system. In line with what was stated above, Muladi said "Something unexpected will happen if criminal disparities cannot be overcome, perhaps the emergence of anti-rehabilitation among convicts who are sentenced to heavier sentences than others in the same case. Correctional institutions are only one sub-system of criminal justice (criminal

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<sup>16</sup> Mikha Dewiyanti Putri, Prih Utami, and Teddy Cipta Lesmana, 'The Implementation of Rehabilitation Assessment As Legal Protection For Narcotics Abusers in Indonesia', *Jurnal Dinamika Hukum*, 22.1 (2022), 154–67. <https://doi.org/10.20884/1.JDH.2022.22.1.3245>.

<sup>17</sup> Bambang Tri Bawono, Dwi Wahyono, and Andri Winjaya Laksana, 'Implementation Of Rehabilitation For Drug Abuses According To Law Number 35 Of 2009 Concerning Narcotics', *Jurnal Hukum*, 38.1 (2022), 1–11. <https://doi.org/10.26532/JH.V38I1.20869>.

<sup>18</sup> Lauren N. Miley and others, 'An Examination of the Effects of Mental Disorders as Mitigating Factors on Capital Sentencing Outcomes', *Behavioral Sciences & the Law*, 38.4 (2020), 381–405. <https://doi.org/10.1002/BSL.2477>.

justice system)<sup>19</sup> which as a whole is a system that cannot be thought of in parts, meaning that previous treatment by law enforcement officers will influence the perpetrator's attitude towards guidance and rehabilitation in prison."

The disparity in sentences imposed on narcotics abusers<sup>20</sup> is due to the discretion that judges have in determining the length of the sentence imposed because in Indonesian positive law, judges are free to choose the transport and *strafmaat* that will be imposed. Even though in Law Number 35 of 2009 on Narcotics there are sanctions that can be imposed by judges, judges sometimes still do not comply with the provisions in the statutory regulations. Because judges also have the freedom to determine the length of punishment that can be imposed and the type of punishment for narcotics abusers, thereby exacerbating criminal disparities. Judges' sentences are heavily influenced by personal views of the perpetrator, for example whether the judge views the addict as a victim in need of rehabilitation or as a criminal who deserves to be imprisoned. This creates inconsistencies between decisions for similar cases.

The freedom of judges to determine the type of punishment and the freedom of judges to choose the severity of the punishment to be imposed on narcotics abusers allows for abuse<sup>21</sup> of "judicial discretion" authority. Abuse of "judicial discretion" as found in a judge's decision to impose a crime based on considerations of aggravating and mitigating factors for the defendant is a very subjective matter that depends on the judge's assessment. Such as the reason why judges impose lighter sentences on younger narcotics abusers, even though there is no guarantee that by imposing lighter penalties on young narcotics abusers<sup>22</sup> they will not commit further crimes and vice versa, if narcotics abusers are older, they tend to be sentenced to heavier penalties. severely by the judge.<sup>23</sup>

The absence of standards in providing clear criminal standards for convicts will increasingly lead to greater 'Judicial Discretion' (abuse of authority) by judges.<sup>24</sup> This can give rise to the perception in society and the convicts in particular that the imposition of very striking and dissimilar crimes for the same crime or of the same dangerous nature will create a sense of injustice and make the public distrust the court as a place to seek and find justice for the convict and society. Because there are no sanctions to regulate the use of "judicial discretion", the result is that the abuse of "judicial discretion" increases. So the disparity in criminal sentences against narcotics abusers is increasingly striking.

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<sup>19</sup> Abdurachman, Anis Mashdurohatun, and Sri Endah Wahyuningsih, 'Protection of Prisoners' Rights in the Criminal Justice System in Indonesia', *Journal of Law, Policy and Globalization*, 141 (2024), 105. <https://doi.org/10.7176/JLPG/141-11>.

<sup>20</sup> Mariah Sonanggok Purba Elpina, 'The Narcotics Abuse Term Weaknesses In Criminal Law Enforcement Of Indonesia', *Jurnal Pembaharuan Hukum*, 8.1 (2021), 34-47. <https://doi.org/10.26532/jph.v8i1.14547>.

<sup>21</sup> Asep Iswahyudi Rachman and Sri Kusriyah, 'Law Enforcement Of Narcotics Laws', *Law Development Journal*, 2.2 (2020), 139-45. <https://doi.org/10.30659/LDJ.2.2.139-145>.

<sup>22</sup> Irabiah and others, 'The Role of Imposing Rehabilitation as a Measure for Child Drug Offenses', *YUSTISIA MERDEKA: Jurnal Ilmiah Hukum*, 10.2 (2024), 1-8. <https://doi.org/10.33319/YUME.V10I2.266>.

<sup>23</sup> Eka Hariadi, 'The Effectiveness on Fine Criminal Sanctions against Dark Circulation on Narcotics Category I', *Ratio Legis Journal*, 1.4 (2022), 693-701. <https://doi.org/10.30659/rjlj.1.4.%25p>.

<sup>24</sup> Cecep Mustafa, Margaret Malloch, and Niall Hamilton Smith, 'Judicial Perspectives on the Sentencing of Minor Drug Offenders in Indonesia: Discretionary Practice and Compassionate Approaches', *Crime, Law and Social Change*, 74.3 (2020), 297-313. <https://doi.org/10.1007/S10611-020-09896-0/METRICS>.

Then, in the practice of handling narcotics crime cases,<sup>25</sup> there are differences in sentences (sentence disparities). For example, narcotics crimes are similar to one another, but the process from prosecution to verdict experiences differences in punishment, resulting in disparities in punishment. The reason is that there are differences in interpretation of the application of articles in Law No. 35 of 2009 on Narcotics related to the actions of perpetrators of narcotics crimes.<sup>26</sup>

Application of Article 111 and Article 112 with Article 127 of Law No. 35 of 2009 on Narcotics are different and often confused. The confusion of interpretations in these two articles illustrates the inconsistent application of the law, which harms justice and legal certainty. The qualifications for applying Articles 111 and 112 are intended for someone who commits a criminal offense in the form of possessing or controlling narcotics. Meanwhile, Article 127 of Law No. 35 of 2009 on Narcotics applies to someone who is a narcotics user. This occurs because the provisions in the key articles (Articles 111, 112, and 127 of Law No. 35 of 2009) are still vague (unclear norms), so that law enforcement officers can interpret them differently – for example, users with little evidence can still be considered dealers.

The difference in the application of Articles 111 and 112 with Article 127 of Law Number 35 of 2009 concerning Narcotics often causes confusion in legal practice due to the lack of clarity in distinguishing between perpetrators who simply use narcotics and perpetrators who control or possess narcotics for other purposes, such as distribution. Articles 111 and 112 are intended for perpetrators who possess or control narcotics with strong indications for sale or distribution, while Article 127 is intended for users who should be directed more towards rehabilitation. However, in practice, law enforcement officers often apply Article 111 or 112 to users who should be subject to Article 127, especially when evidence is found in small quantities, thus causing disparities in punishment and obscuring the principle of justice. For example, in several cases, a user with evidence of less than one gram is still charged with Article 112, which carries a much heavier criminal penalty, even though it should be sufficient to be processed through a rehabilitative approach in accordance with Article 127.

But in law enforcement practice, someone who fulfills narcotics abuse as stated in Article 127 of Law no. 35 of 2009 on Narcotics,<sup>27</sup> is considered to include elements of possessing or controlling narcotics in Article 111 and Article 112. However, if examined further, the two articles carry different penalties. As is the case in formulating the norms of Article 111 and Article 112, the threat of a maximum prison sentence is 20 years. Meanwhile, in the formulation of the norms of Article 127, the threat of imprisonment is a maximum of 4 years for class I narcotics users.

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<sup>25</sup> Rian Saputra and others, 'Reform Regulation of Novum in Criminal Judges in an Effort to Provide Legal Certainty', *Journal of Indonesian Legal Studies*, 6.2 (2021), 437-482. <https://doi.org/10.15294/jils.v6i2.51371>.

<sup>26</sup> Dina Imam Supaat, 'Restorative Justice for Juvenile Drugs Use in Indonesian Court: A Criminological Approach', *Lex Publica*, 9.1 (2022), 94-110. <https://doi.org/10.58829/LP.9.1.2022.94-110>.

<sup>27</sup> Salma Widiayam, Oheo Haris, and Siti Aisah Abdullah, 'Criminal Law Study on Narcotics Abuse Rehabilitation', *IJCLS (Indonesian Journal of Criminal Law Studies)*, 5.1 (2020), 55-62. <https://doi.org/10.15294/IJCLS.V5i1.25330>.



The formulation of norms in Article 127 of Law no. 35 of 2009 strictly regulates that users who are proven to be victims of narcotics abuse<sup>28</sup> must undergo medical and social rehabilitation. "The practice of implementing the two articles has very different disparities, so that legal uncertainty ultimately leads to injustice.

Decision Number 147/Pid.Sus/2020/PN Pya Jo, even though Convict Muhammad Ridwan was charged with Article 112 of Law Number 35 of 2009 concerning Narcotics, the panel of judges sentenced him to a sentence below the minimum provisions, namely 2 years and 6 months in prison and a fine of IDR 800,000,000. This shows a disparity with the minimum criminal rules which should be 4 years in prison. While in Decision Number 6/Pid.Sus/2019/PN Ban (Narcotics) Jo Decision Number 126/PID.SUS/2019/PT MKS on behalf of Convict Andi Rifqi S Alias Ikki Bin H Syamsuddin, SEMA 04 of 2010 was not counted, and was calculated according to the minimum Article 112 of Law Number 35 of 2009 concerning Narcotics, namely 4 years in prison. This shows a discrepancy in the implementation of SEMA 04 of 2010 and the emergence of disparities in decisions between the two.<sup>29</sup>

To overcome the problem of implementing this article, the Supreme Court issued Supreme Court Circular Letter (SEMA) Number 3 of 2015<sup>30</sup> on the Implementation of the Formulation of the Results of the 2015 Supreme Court Chamber Plenary Meeting as Guidelines for the Implementation of Duties for the Court. SEMA allows judges to decide criminal cases under the threat of a minimum sentence as long as the legal facts at trial show that the defendant is a narcotics abuser. Although the Supreme Court Circular (SEMA) No. 3 of 2015 provides room for judges to decide on narcotics criminal cases with a minimum criminal threat based on the legal fact that the defendant is an abuser, its implementation in the field has not been fully effective. This is due to the continued use of Articles 111 and 112 of the Narcotics Law against fraud, which could potentially close off rehabilitation. The absence of technical guidelines such as Supreme Court Regulations or prosecutorial guidelines that require law enforcement to rely heavily on subjective assessments by law enforcement officers. As a result, sentences for perpetrators with similar conditions can vary widely, and to date there has been no comprehensive evaluation or other Supreme Court decisions that explicitly strengthen or avoid the provisions in the SEMA. Unfortunately, said Syarifuddin, SEMA has not been able to overcome the problem as a whole. Because the defendant is still proven guilty of committing Article 111 and Article 112 of the Narcotics Law,<sup>31</sup> so the opportunity for rehabilitation is closed. Without technical guidelines or sentencing guidelines such as Supreme Court Regulations or prosecutors' guidelines, law enforcement becomes highly dependent on individual judgment. The absence of objective parameters means that sentences for perpetrators with similar conditions can vary widely.

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<sup>28</sup> Muhammad Shobirin and others, 'Concept of Protection for Victims of Narcotics Abuse in Indonesia Fairly Based on Pancasila', *Journal of Law and Sustainable Development*, 12.1 (2024), e2445. <https://doi.org/10.55908/sdgs.v12i1.2445>.

<sup>29</sup> Rizky Wicaksono, Mardani, and Uyan Wiryadi, 'Disparitas Pertanggungjawaban Pidana Tanpa Hak Memiliki Narkotika Golongan 1', *Yustisi*, 11.2 (2024), 377-86. <https://doi.org/10.32832/YUSTISI.V11I2.16693>.

<sup>30</sup> Zulkifli Bakri and others, 'Waivers of Constitutional Court Decisions by the Supreme Court Regarding Manpower Laws', *Law and Humanities Quarterly Reviews*, 2.2 (2023). <https://doi.org/10.31014/AIOR.1996.02.02.59>.

<sup>31</sup> Kadek Widhiantari Ningsih, I Nyoman Gede Sugiarta, and I Made Arjaya, 'Rehabilitation Arrangements In The Narcotics Crime Law In The Perspective Of Criminal Law Reform', *Jurnal Kajian Hukum Dan Kebijakan Publik*, 1.2 (2024), 85-94. <https://doi.org/10.62379/MXRAG455>.

### 3.2. Law Enforcement Against Narcotics Addicts Is Ideal Based on The Value of Justice

Ideal law enforcement against narcotics addicts must be based on the value of justice, which considers legal, health, and social aspects. Narcotics addicts are not only perpetrators who break the law but also individuals who are addicted and need help to recover. Therefore, a fair legal system must be able to differentiate between addicts who need rehabilitation and dealers who have the intention to distribute narcotics for personal gain. This approach ensures that justice is not only applied in the form of punishment but also in the form of protection and restoration for those in need.

The current development of the criminal sanctions system includes not only those who are suffering in nature but also those who are acting in nature. There are even several laws that regulate several sanctions that are restorative in nature. One of the regulations for criminal sanctions in the form of action is contained in the Narcotics Law, Article 127, which is specifically imposed on narcotics abusers. These three stages of policy formulation have been implemented in narcotics crimes. First, the formulation of criminal acts, in this case narcotics crimes, have been designated as criminal acts with the regulation of narcotics crimes in Indonesian positive law with its legal product in the form of narcotics laws. Second, the formulation of criminal responsibility, by regulating narcotics crimes in positive law, criminal responsibility can be applied and carried out on perpetrators and Narcotic abusers. Third, the formulation of criminal sanctions, in this case, the Narcotics Law, regulates criminal sanctions that can be applied to perpetrators and Narcotic abusers. The criminal sanctions include imprisonment, fines, and rehabilitation for narcotics abusers. With this arrangement, narcotics crime becomes a criminal act called a narcotics crime.

The Narcotics Law views Narcotic abusers who are narcotics addicts as victims, not as perpetrators of serious crimes, but in practice, the human rights of narcotics abusers have been abused, where they should be required to undergo medical rehabilitation or social rehabilitation, instead they are subject to punitive sanctions like dealers or dealers. -narcotics dealers who are seen as committing serious crimes.

The practice of law enforcement against narcotics abusers<sup>32</sup> who are narcotics addicts is more oriented towards providing punishment rather than the process of integrated treatment or recovery activities both physically and socially to free them from narcotics dependence. Narcotics abusers more often end up in prison than being given the right to rehabilitation. The dimensions of health and recovery, both physical and psychological through rehabilitation, receive little attention and even tend to be sidelined. The provision of punitive sanctions for users should be more oriented towards the aspect of rehabilitative punishment rather than imprisonment, because this is to emphasize and clarify the punitive sanctions between Narcotic dealers and Narcotic abusers.

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<sup>32</sup> Achmad Yuliandi and others, 'Law Enforcement in The Eradication of Narcotics Crimes Against Drug Addicts and Abusers', *Jurnal Dinamika Hukum*, 22.1 (2022), 144-53. <https://doi.org/10.20884/1.JDH.2022.22.1.3244>.

For example, law enforcement against narcotics addicts in France <sup>33</sup> has a balanced approach between repressive measures and rehabilitation. France employs policies focused on public health, although it maintains a tough legal framework against narcotics trafficking and distribution. French law, or *Droit français*, is the legal system that applies in France, which is based on civil law and has its roots in the Napoleonic Code of 1804. This legal system regulates various aspects of life, including criminal law which includes regulations on the consumption of narcotics. In France, narcotics use is categorized as a legal offense that can be subject to heavy sanctions, such as large fines or prison sentences. However, in practice, the French government prioritizes a rehabilitation approach for narcotics addicts rather than simply providing criminal punishment.<sup>34</sup>

This rehabilitation approach is realized in substitution programs such as the use of methadone or buprenorphine for narcotics addicts to help them get rid of dependence. This program is part of public health policy which aims to reduce the negative impact of narcotics, both on individuals and society as a whole. With this policy, France is trying to balance law enforcement and a health approach in dealing with the problem of narcotics abuse.

Under French law, the consumption of narcotics is a legal offense punishable by large fines or even imprisonment, but in practice, a rehabilitation approach is often preferred for narcotic addicts. Programs such as methadone or buprenorphine substitution for narcotic addicts have been widely implemented. These services, including sterile needle clinics and access to medical therapy, are designed to help addicts reduce their health risks and avoid further criminal consequences. Additionally, addicts who are arrested are directed to rehabilitation or counseling centers rather than immediately facing prison sentences.

Portugal, in 2001, introduced a new policy that decriminalized possession for personal use of any narcotics if the amount was not more than 10 days' use. This decriminalization changes the provisions regarding possession of narcotics from initially being a criminal offense that could result in imprisonment to being an administrative offense. However, criminal penalties still apply to people who plant, distribute and sell narcotics. Anyone caught with an amount equivalent to 10 days' use will face legal proceedings through the Commission for the Dissuasion of Narcotics.<sup>35</sup>

The law decriminalizing Narcotic use (Decriminalization of Narcotic Use Act or Decree Law Number 30 of 2000) came into effect on July 1, 2001, and actually does not legalize illegal Narcotics (narcotics). This law does not change the criminal elements in terms of prohibiting the production, distribution, and sale of illegal narcotics, and also does not permit or regulate their use. In contrast, Portugal decriminalized the use of narcotics, which as defined by the European Monitoring Center for Narcotics and Narcotic Addiction (EMCDDA) provides for the elimination of all criminal penalties for actions related to the use of narcotics, namely, the act of obtaining, possessing, and consuming narcotics. Narcotic law

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<sup>33</sup> P. E. Caquet, 'France, Germany, and the Origins of Drug Prohibition', *The International History Review*, 43.2 (2021), 207–25. <https://doi.org/10.1080/07075332.2020.1725779>.

<sup>34</sup> Yordan Gunawan and Hanna Nur Afifah Yogar, 'Indonesia E-Hailing Taxi: The Competition between Law and Technology', *Handbook of Research on Innovation and Development of E-Commerce and E-Business in ASEAN*, 2 (2020), 594–606. <https://doi.org/10.4018/978-1-7998-4984-1>.

<sup>35</sup> Fadhlī Muhaimin Ishaq, 'Depenalisasi Penyalahgunaan Narkotika Studi Komparatif Indonesia Dan Portugal', *PAMPAS: Journal of Criminal Law*, 5.3 (2024), 338–51. <https://doi.org/10.22437/PAMPAS.V5I3.37448>.

reform in Portugal<sup>36</sup> changed the sanctions imposed for personal possession and consumption of narcotics from criminal to administrative penalties. However, to obtain narcotics, users still have to rely on the black market.<sup>37</sup>

The concept of dealing with Narcotic abusers or addicts<sup>38</sup> ideally is by ascertaining whether Narcotic abusers arrested by narcotics investigators act as genuine users or double as dealers through integrated assessments. If the user is purely in accordance with the mandate of the law, then the suspect does not meet the requirements for detention in the criminal accountability process and the judge is obliged to pay attention to the article on rehabilitation sentences, meaning that the law guarantees rehabilitation arrangements for the user. Basically, the narcotics law encourages people who abuse and are dependent (addicts) to report to the Compulsory Report Recipient Institution (IPWL) to receive rehabilitation services and are immediately given the privilege of not being prosecuted criminally. Portugal's steps in decriminalizing Narcotic abuse are an inspiration for law enforcement in Indonesia in dealing with Narcotic abuse which is the root of the Narcotic problem.

The approach taken by the French State, which emphasizes harm reduction,<sup>39</sup> can be an inspiration for law enforcement for narcotics addicts in Indonesia. Methadone or buprenorphine substitution programs for narcotics addicts, as well as sterile syringe clinic services, can help reduce health risks, such as transmission of HIV and hepatitis, which often occur in narcotics addicts. In addition, directing arrested addicts to rehabilitation or counselling centers, rather than prison sentences, can have a more positive impact in reducing their level of addiction and aiding their recovery process.

In an ideal legal system, narcotics addicts should be directed to rehabilitation programs rather than being sentenced to prison. Medical and psychological-based rehabilitation has proven to be more effective in helping addicts break free from addiction compared to mere imprisonment. If addicts are simply incarcerated without receiving appropriate treatment, they risk returning to the cycle of Narcotic abuse once released. Therefore, a fair legal system must ensure that addicts have access to quality rehabilitation services as part of their recovery efforts.

On the other hand, the value of justice in law enforcement must also provide strict sanctions for those involved in narcotics trafficking. Narcotics traffickers have a wider impact on society, as they contribute to increasing rates of addiction and crime related to narcotics. Severe punishments for dealers aim to provide a deterrent effect and protect the public from the dangers of narcotics abuse. Thus, a fair legal system must be able to differentiate between perpetrators who must be punished and individuals who must be rehabilitated.

A justice-based approach must also consider human rights in law enforcement against narcotics addicts. Treating addicts as criminals without providing rehabilitation solutions

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<sup>36</sup> Ximene Rêgo and others, '20 Years of Portuguese Drug Policy - Developments, Challenges and the Quest for Human Rights', *Substance Abuse: Treatment, Prevention, and Policy*, 16.1 (2021), 1-11. <https://doi.org/10.1186/S13011-021-00394-7/FIGURES/2>.

<sup>37</sup> Ishaq.

<sup>38</sup> Albin Stenström, Felipe Estrada, and Henrik Tham, "'It Should Be Hard to Be a Drug Abuser" An Evaluation of the Criminalization of Drug Use in Sweden', *International Journal of Drug Policy*, 133 (2024), 104573. <https://doi.org/10.1016/J.DRUGPO.2024.104573>.

<sup>39</sup> Rafaela Rigoni and others, 'Harm Reduction in Europe: A Framework for Civil Society-Led Monitoring', *Harm Reduction Journal*, 18.1 (2021), 1-13. <https://doi.org/10.1186/S12954-020-00451-7/FIGURES/3>.

may be considered a violation of their rights to treatment and recovery. Many countries have adopted more humane policies in dealing with Narcotic addicts, emphasizing recovery efforts through substitution programs such as methadone or behavioral therapy. France, for example, prefers a rehabilitation approach rather than criminal punishment for addicts, so that they have the opportunity to return to leading productive lives.

By balancing punishment for dealers and rehabilitation for addicts, law enforcement against narcotics can be more ideal and in line with the values of justice. An ideal legal system does not only focus on providing punishment, but also on prevention and recovery so that narcotics problems can be handled more effectively. A rehabilitation-oriented approach will provide long-term benefits for individuals and society, reducing recidivism rates and helping addicts reclaim their lives. Therefore, fair legal policies must accommodate rehabilitation efforts as an integral part of the narcotics eradication strategy.

Legal updates related to the implementation of Article 111, Article 112, and Article 127 of Law no. 35 of 2009 on Narcotics also needs to be directed at harmonizing the interpretation and implementation of clearer and more consistent legal norms. This update could include the preparation of technical law enforcement guidelines that strictly separate the criteria for "possessing or controlling" from "abusing" narcotics, based on the level of intent and capacity of the perpetrator. Apart from that, it is necessary to revise norms that clarify the boundaries between dealers and users, as well as implement rehabilitation for narcotics users as the main alternative.<sup>40</sup> This effort must be accompanied by integrated training for law enforcement officials to understand the differentiating substance of each article, thereby creating legal certainty, justice and humanity in handling narcotics cases.

#### 4. Conclusion

Disparities in sentencing for narcotics addicts in Indonesia highlight the need for significant legal reforms to achieve justice and consistency. The inconsistent application of Articles 111, 112, and 127 of Law No. 35 of 2009 on Narcotics stems from overlapping interpretations, leading to unfair outcomes and undermining public trust in the judiciary. Best practices from countries like Portugal and France, which prioritize rehabilitation over punitive sanctions for Narcotic abusers, offer valuable lessons for Indonesia. Future legal updates should focus on harmonizing legal norms to differentiate between users and dealers clearly, integrating rehabilitation as the primary approach for users, and developing standardized guidelines for law enforcement. By emphasizing humanity, legal certainty, and fairness, these reforms can improve the treatment of narcotics addicts and enhance the effectiveness of Indonesia's criminal justice system. Reconstructing regulations through revisions to the substance of articles that are open to multiple interpretations, especially Articles 111, 112, and 127, which have so far caused uncertainty in the classification of perpetrators as users or dealers. This reconstruction also needs to be realized through the preparation of Supreme Court Regulations (Perma) and Attorney General Guidelines that establish technical guidelines for handling narcotics cases, including objective rehabilitation criteria based on the level of dependence, amount of evidence, and track record of the perpetrator. Technical guidelines such as Perma or Attorney Guidelines must be issued in order to standardize discretionary authority and prioritize rehabilitation for users.

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<sup>40</sup> Haris Maiza Putra STAI Al-Falah Cicalengka Bandung and others, 'Internalization in Islamic Law Progressive in Criminal Law Changes in Indonesia', *Jurnal Ilmiah Al-Syir'ah*, 20.1 (2022), 68–90. <https://doi.org/10.30984/JIS.V20I1.1861>.



## References

- Abdurachman, Anis Mashdurohatun, and Sri Endah Wahyuningsih, 'Protection of Prisoners' Rights in the Criminal Justice System in Indonesia', *Journal of Law, Policy and Globalization*, 141 (2024), 105. <https://doi.org/10.7176/JLPG/141-11>.
- Aldyan, Arsyad, and Abhishek Negi, 'The Model of Law Enforcement Based on Pancasila Justice', *Journal of Human Rights, Culture and Legal System*, 2 (2022), 178-90. <https://doi.org/10.53955/JHCLS.V2I3.51>.
- Anggraeny, Kurnia Dewi, and Kurnia Dewi Anggraeny, 'Disparities In The Judge's Decision On Narcotic Crime', *European Proceedings of Social and Behavioural Sciences*, 2018, 742-49. <https://doi.org/10.15405/EPSSBS.2018.12.03.75>.
- Arfhani, Muh, Ichsan Ah, Muhammad Fadhlan, Fadhil Bahri, and Ahmad Arif Syarif, 'Disparitas Pidana Dalam Tindak Pidana Narkotika', *Mandar : Social Science Journal*, 3 (2024), 27-35. <https://doi.org/10.31605/MSSJ.V3I1.3985>.
- Artwitadibrata, Dhian, and Akhmad Khisni, 'The Concept of Criminal Law for Personnel of Narcotics Abuse', *Jurnal Daulat Hukum*, 3 (2021), 411-18. <https://doi.org/10.30659/JDH.V3I4.13603>.
- Bakri, Zulkifli, Ellydar Chaidir, Ni'matul Huda, and Yusri Munaf, 'Waivers of Constitutional Court Decisions by the Supreme Court Regarding Manpower Laws', *Law and Humanities Quarterly Reviews*, 2 (2023). <https://doi.org/10.31014/AIOR.1996.02.02.59>.
- Bawono, Bambang Tri, Dwi Wahyono, and Andri Winjaya Laksana, 'Implementation Of Rehabilitation For Drug Abuses According To Law Number 35 of 2009 Concerning Narcotics', *Jurnal Hukum*, 38 (2022), 1-11. <https://doi.org/10.26532/JH.V38I1.20869>.
- Caquet, P. E., 'France, Germany, and the Origins of Drug Prohibition', *The International History Review*, 43 (2021), 207-25. <https://doi.org/10.1080/07075332.2020.1725779>.
- Elpina, Mariah Sonanggok Purba, 'The Narcotics Abuse Term Weaknesses In Criminal Law Enforcement Of Indonesia', *Jurnal Pembaharuan Hukum*, 8 (2021), 34-47. <https://doi.org/10.26532/jph.v8i1.14547>.
- Gunawan, Yordan, M. Fabian Akbar, and Eva Ferrer Corral, 'WTO Trade War Resolution for Japan's Chemical Export Restrictions to South Korea', *Padjadjaran Jurnal Ilmu Hukum*, 9 (2022), 408-31. <https://doi.org/10.22304/pjih.v9n3.a6>.
- Gunawan, Yordan, Ghiyats Amri Wibowo, and Mohammad Hazyar Arumbinang, 'Foreign Fighters in the Ukrainian Armed Conflict: An International Humanitarian Law Perspective', *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 6 (2023), 145-57. <https://doi.org/10.24090/volksgeist.v6i2.9315>.
- Gunawan, Yordan, and Hanna Nur Afifah Yogar, 'Indonesia E-Hailing Taxi: The Competition between Law and Technology', *Handbook of Research on Innovation and Development of E-Commerce and E-Business in ASEAN*, 2 (2020), 594-606. <https://doi.org/10.4018/978-1-7998-4984-1>.
- Hariadi, Eka, 'The Effectiveness on Fine Criminal Sanctions against Dark Circulation on Narcotics Category I', *Ratio Legis Journal*, 1.4 (2022), 693-701. <https://doi.org/10.30659/rlj.1.4.%25p>.

- Helmy Hakim, Muhammad, Pergeseran Orientasi Penelitian Hukum, Antasari A Banjarmasin Jalan Yani Km, and Banjarmasin Kalimantan Selatan, 'PERGESERAN ORIENTASI PENELITIAN HUKUM: DARI DOKTRINAL KE SOSIO-LEGAL', *Syariah: Jurnal Hukum Dan Pemikiran*, 16 (2016), 105–14. <https://doi.org/10.18592/SY.V16I2.1031>.
- Irabiah, Muhammad As Ari AM, Anis Ribcalia Septiana, and Siti Rahmadanti, 'The Role of Imposing Rehabilitation as a Measure for Child Drug Offenses', *YUSTISIA MERDEKA: Jurnal Ilmiah Hukum*, 10 (2024), 1–8. <https://doi.org/10.33319/YUME.V10I2.266>.
- Ishaq, Fadhli Muhaimin, 'Depenalisasi Penyalahgunaan Narkotika Studi Komparatif Indonesia Dan Portugal', *PAMPAS: Journal of Criminal Law*, 5 (2024), 338–51. <https://doi.org/10.22437/PAMPAS.V5I3.37448>.
- Kardita, Imah, Johana Melisa Tobing, Jesika Fatma Sari, and Salsa Deviana Puspita Sari, 'Implementation of Criminal Sanctions Against Perpetrators of Child Narcotics Abuse', *Syntax Idea*, 6 (2024), 1627–36. <https://doi.org/10.46799/SYNTAX-IDEA.V6I4.3158>.
- Kolbe, Richard H., and Melissa S. Burnett, 'Content-Analysis Research: An Examination of Applications with Directives for Improving Research Reliability and Objectivity', *Journal of Consumer Research*, 18 (1991), 243–50. <https://doi.org/10.1086/209256>.
- Laksana, Andri Winjaya, 'Sociological Analysis Of Narcotics Circulation Treatment On Students', *Jurnal Pembaharuan Hukum*, 8 (2021), 105–17. <https://doi.org/10.26532/JPH.V8I1.15377>.
- Laksana, Andri Winjaya, Andri Winjaya Laksana, Hendro Widodo, Moh Aris Siswanto, H D Djunaedi, and Setiawan Widyoko, 'Criticism of Legal Protection for Victims of Drug Abuse: The Disharmony in Legal Substance Regulation', *Legality: Jurnal Ilmiah Hukum*, 33 (2025), 93–109. <https://doi.org/10.22219/LJIH.V33I1.36680>.
- Maiza Putra STAI Al-Falah Cicalengka Bandung, Haris, Jawa Barat, Jl Kapten Sangun, Hisam Ahyani STAI Miftahul Huda Al Azhar Banjar City, Jl Pesantren No, Kec Langensari, and others, 'Internalization in Islamic Law Progressive in Criminal Law Changes in Indonesia', *Jurnal Ilmiah Al-Syir'ah*, 20 (2022), 68–90. <https://doi.org/10.30984/JIS.V20I1.1861>.
- Miley, Lauren N., Ellie Heiss-Moses, John K. Cochran, Kathleen M. Heide, Sondra J. Fogel, M. Dwayne Smith, and others, 'An Examination of the Effects of Mental Disorders as Mitigating Factors on Capital Sentencing Outcomes', *Behavioral Sciences & the Law*, 38 (2020), 381–405. <https://doi.org/10.1002/BSL.2477>.
- Mustafa, Cecep, Margaret Malloch, and Niall Hamilton Smith, 'Judicial Perspectives on the Sentencing of Minor Drug Offenders in Indonesia: Discretionary Practice and Compassionate Approaches', *Crime, Law and Social Change*, 74 (2020), 297–313. <https://doi.org/10.1007/S10611-020-09896-0/METRICS>.
- Ningsih, Kadek Widhiantari, I Nyoman Gede Sugiarta, and I Made Arjaya, 'Rehabilitation Arrangements In The Narcotics Crime Law In The Perspective Of Criminal Law Reform', *Jurnal Kajian Hukum Dan Kebijakan Publik | E-ISSN: 3031-8882*, 1 (2024), 85–94. <https://doi.org/10.62379/MXRAG455>.
- Putra, A.A Ngr Rai Anjasmara, I Made Sepud, and I Nyoman Sujana, 'Disparitas Putusan

- Hakim Dalam Tindak Pidana Narkotika', *Jurnal Analogi Hukum*, 2 (2020), 129-35. <https://doi.org/10.22225/AH.2.2.2020.129-135>.
- Putri, Mikha Dewiyanti, Prih Utami, and Teddy Cipta Lesmana, 'The Implementation of Rehabilitation Assessment As Legal Protection For Narcotics Abusers in Indonesia', *Jurnal Dinamika Hukum*, 22 (2022), 154-67. <https://doi.org/10.20884/1.JDH.2022.22.1.3245>.
- Rachman, Asep Iswahyudi, and Sri Kusriyah, 'Law Enforcement Of Narcotics Laws', *Law Development Journal*, 2 (2020), 139-45. <https://doi.org/10.30659/LDJ.2.2.139-145>.
- Rêgo, Ximene, Maria João Oliveira, Catarina Lameira, and Olga S. Cruz, '20 Years of Portuguese Drug Policy - Developments, Challenges and the Quest for Human Rights', *Substance Abuse: Treatment, Prevention, and Policy*, 16 (2021), 1-11. <https://doi.org/10.1186/S13011-021-00394-7/FIGURES/2>.
- Rigoni, Rafaela, Tuukka Tammi, Daan van der Gouwe, and Eberhard Schatz, 'Harm Reduction in Europe: A Framework for Civil Society-Led Monitoring', *Harm Reduction Journal*, 18 (2021), 1-13. <https://doi.org/10.1186/S12954-020-00451-7/FIGURES/3>.
- Romdoni, Muhamad, Surastini Fitriasih, Jl Mr Djokosoetono, Pondok Cina, and Kecamatan Beji, 'Disparitas Pemidanaan Dalam Kasus Tindak Pidana Khusus Narkotika Di Pengadilan Negeri Tangerang', *Masalah-Masalah Hukum*, 51 (2022), 287-98. <https://doi.org/10.14710/MMH.51.3.2022.287-298>.
- Saputra, Rian, Muhammad Khalif Ardi, Pujiyono Pujiyono, and Sunny Ummul Firdaus, 'Reform Regulation of Novum in Criminal Judges in an Effort to Provide Legal Certainty', *Journal of Indonesian Legal Studies*, 6.2 (2021), 437-482. <https://doi.org/10.15294/jils.v6i2.51371>.
- Shobirin, Muhammad, Ediwarman, Mohd Din, and Dahlan Ali, 'Concept of Protection for Victims of Narcotics Abuse in Indonesia Fairly Based on Pancasila', *Journal of Law and Sustainable Development*, 12 (2024), e2445. <https://doi.org/10.55908/sdgs.v12i1.2445>.
- Smith, Ryan, Philipp Schwartenbeck, Jennifer L. Stewart, Rayus Kuplicki, Hamed Ekhtiari, and Martin P. Paulus, 'Imprecise Action Selection in Substance Use Disorder: Evidence for Active Learning Impairments When Solving the Explore-Exploit Dilemma', *Drug and Alcohol Dependence*, 215 (2020), 108208. <https://doi.org/10.1016/J.DRUGALCDEP.2020.108208>.
- Stenström, Albin, Felipe Estrada, and Henrik Tham, "'It Should Be Hard to Be a Drug Abuser" An Evaluation of the Criminalization of Drug Use in Sweden', *International Journal of Drug Policy*, 133 (2024), 104573. <https://doi.org/10.1016/J.DRUGPO.2024.104573>.
- Supaat, Dina Imam, 'Restorative Justice for Juvenile Drugs Use in Indonesian Court: A Criminological Approach', *Lex Publica*, 9 (2022), 94-110. <https://doi.org/10.58829/LP.9.1.2022.94-110>.
- Wicaksono, Rizky, Mardani, and Uyan Wiryadi, 'Disparitas Pertanggungjawaban Pidana Tanpa Hak Memiliki Narkotika Golongan 1', *Yustisi*, 11 (2024), 377-86. <https://doi.org/10.32832/YUSTISI.V11I2.16693>.
- Widiayam, Salma, Oheo Haris, and Siti Aisah Abdullah, 'Criminal Law Study on Narcotics

- Abuse Rehabilitation', *IJCLS (Indonesian Journal of Criminal Law Studies)*, 5 (2020), 55–62. <https://doi.org/10.15294/IJCLS.V5I1.25330>.
- Wulandari, Sinar Aju, and Putri Kirana, 'ASEAN States Cooperation in the Control and Prevention of Illicit Drugs Trafficking', *Yuridika*, 38 (2023), 665–84. <https://doi.org/10.20473/YDK.V38I3.44872>.
- Yuliandi, Achmad, Erria Putra, Mirawaty Nurhamidin, and Dede Cairul, 'Law Enforcement in The Eradication of Narcotics Crimes Against Drug Addicts and Abusers', *Jurnal Dinamika Hukum*, 22 (2022), 144–53. <https://doi.org/10.20884/1.JDH.2022.22.1.3244>.