

Optimizing Criminal Sanctions Against Narcotics Crimes in Indonesia

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Abstract

This study discusses the application of criminal sanctions for narcotics crimes in Indonesia. It also aims to find solutions to legal problems by using juridical-normative research because it prioritizes the conception of LawLaw as a law in doctrine, which is entirely covered in a conceptual approach to research. Research results: First, the justification for applying sanctions against narcotics offenders is based on the theory of determinism and the values of Pancasila justice, according to mono-dualistic teachings in criminal law. Theoretically, the application of action sanctions is in line with several legal theories, including the Combined/Modern Criminal Theory (Verenings Theorien), the Restorative Justice Theory, and the Double Track System Theory. Second, the revision of the Narcotics Law must establish limits and requirements for the application of sanctions for actions related to the type of crime and the perpetrator of the crime. This is important to do when the law is changed in the future. Third, sanctions can be implemented in two ways: normative through the Brainwashin program, decriminalization programs, and health programs for women drug users, and social forms through the separation of corrections and the establishment of particular institutions for the implementation of action sanctions, which are under the jurisdiction of the Prosecutor's Office Agung and in the future there needs to be a special narcotics court.

I. Introduction

Law and society cannot be separated from each other. (Ansori, 2018) As a discipline, LawLaw is not only "law in books" and "law in action" but also "law in the mind" (Barda et al., 2021). Law as a science is not only. The national goal of the Republic of Indonesia

is social justice for all Indonesians, according to Alenia IV's Preamble to the 1945 Constitution (Kusumawati, 2016). In his book *General Theory of Law and State*, Hans Kelsen views "Law as a social order can be declared fair if it can regulate human actions satisfactorily so that happiness can be found in it. In the context of criminal law enforcement (*penal law enforcement*) (Milono, 2014), One way to achieve justice is to prevent and ward off criminal acts that are part of criminal policy (*criminal policy*) (H. et al., 2020). Policies are carried out using criminal means as the policy stage of the justice system (*in-abstract*) to the application stage and execution of criminal law empowerment (*in-concreto*) (Alfian, 2022). The ideological basis, at every stage, must continue to see stability and boil down to the moral value of the national goal of the Indonesian State as guaranteed in the Preamble to the 1945 Constitution to fulfill justice for all Indonesian people.

Since the development of the law results in the development of crime methods and vice versa, crime prevention policies must always be able to keep up with the development of crime itself. One type of crime that continues to grow and is a concern both globally and nationally is narcotics crime. The presence of narcotics is stipulated in Article 1, paragraph 1 of Law No. 35 of 2009. Narcotics are compounds that may be obtained from plant material and non-plants. They may be either synthetic or semi-synthetic. These substances can alter or diminish awareness, create an absence of taste, provide pain relief, and can lead to addiction and dependency. Narcotic crimes cannot be separated from the main problem, namely the type of crime (*crime*). Various human elements, including knowledge, conduct, personality, age, support, experimentation, work, family conflicts, finances, and influence from organizations, might contribute to the proliferation of the illicit trade in drugs on a large scale. A dealer or manufacturer may be considered a user in legal proceedings, and a user may be a distributor or manufacturer (Mahfud et al., 2021). Research conducted by Kiki Rizqi Andini found that the globalization factor in the use of technology is one of the factors that causes the increase in drug crime in Indonesia. By using the internet and various other tools, drug dealers can more easily reach their target market (Putra et al., 2022).

So many prison sentences and death sentences imposed on defendants for narcotics crimes do not provide effectiveness to provide a deterrent effect but instead, continue to do so. The perpetrators who have served their criminal sentences after serving their sentences subjectively are unable to produce improvements for themselves or others. Even though the perpetrator has served his sentence, addictive traits are still ingrained in their minds and behavior. After serving a sentence, Prison cannot affect the subjective rehabilitation and resocialization of the perpetrator. One side of the Prison is usually a turning point where inmates can control enough drug use. Not to mention in the enforcement sector, especially investigators and public prosecutors, where they often target underage perpetrators from low-income families. Evidence of this selective targeting is that people from poorer backgrounds are investigated more often in Prison than rehabilitated compared to people from wealthier backgrounds (Mustafa, 2020).

Meanwhile, During a productive meeting with Commission III of the Senate and House of Representatives of the Republic of Indonesia at the MPR/DPR/DPD RI building, Minister Yasonna Laoly highlighted that prisons in Indonesia are currently operating at an excessive capacity of approximately 89 percent. The total capacity of these prisons is

around 140 thousand, while the number of inmates currently stands at 265 thousand (A. Akbar, 2024). In line with that, according to Sigid Suseno, a criminal law expert at Padjadjaran University, a revision of the Narcotics Law is needed. Due to criminal sanctions, *Premium Remidium* has caused (*overcapacity*), or excess capacity, in correctional institutions (prisons) (Rio Feisal, 2024). Therefore, it raises the question of whether the purpose of *Ultimum Remidium* has been a topic of conversation over time and has become a central issue in criminal law. Has the law been achieved in practice? Because, in fact, crime or punishment is always related to actions committed by the State under the law, which can serve as a means to correct and prevent the crime itself (Mardjono Reksodiputro, 2019).

The State, local governments, and local governments have a responsibility to protect the rights of children regardless of a child's religion, race, ethnicity, culture, language, or birth order (Yusuf & Daeng, 2021). The increasing number of parties involved in narcotics crime cases requires serious attention and a joint commitment to prevent and eliminate them. Imprisonment is one of the efforts to avoid it (Effendi et al., 2023). However, unilateral prison sentences for drug crimes are ineffective because the number continues to increase. With the development of crime and criminalization in contemporary legal streams, the penal system began to focus on the perpetrators and their deeds. (*daad-dader strafrecht*) In other words, the sanction is not criminal but also action (Hikmawati, 2011). The criminal aspect is one of the aspects that has become a public spotlight on efforts to eradicate narcotics crimes.

The development of narcotics crime networks and cases of perpetrators by *recidivism*, along with law enforcement, raises serious questions about the relevance of current criminal policy or the need for material criminal reform elements. The effectiveness of the law and the public's expectations of what the law provides are closely related to the legal culture (Frans et al., 2009). Hence, in order to deter and combat drug crimes, it is necessary to conduct a thorough and complete scientific investigation on the implementation of punitive measures for those involved in narcotics offenses. According to the description given, the main problems identified in this study are as follows: First, what is the basis for the policy of providing action sanctions for those who commit narcotics crimes? Second, how does Indonesia's positive draft law formulate appropriate sanctions for narcotics offenders? Third, what kind of sanctions can be offered as an effort to update criminal law related to criminalization for perpetrators of narcotics crimes?

This research aims to conduct extensive and in-depth academic research on several issues. First, the purpose of the study is to find out and explain the basis of policy justification that underlies the existence of criminal sanctions for perpetrators of narcotics crimes in Indonesia's positive law; second, to know and explain the formulation of appropriate action sanctions for perpetrators of narcotics crimes in Indonesia's positive draft law; and third, understand and explain the types of sanctions that can be given to updating the criminal LawLaw for perpetrators of narcotics crimes.

2. Research Method

Jurisprudence-normative research uses a conceptual approach because it emphasizes the conception of LawLaw as LawLaw in doctrine. In this study, two methods were used. The first approach is normative juridical. This means that the Law Law is seen

through philosophical ideas that support the implementation of the State of Law Law. The research utilizes primary, secondary, and tertiary legal texts as additional information. The primary legal documents include the UUD RI 1945, the Criminal Code (KUHP), and Law Number 35 of 2009 on Drugs Crimes. Secondary legal materials include literature on criminal law reform, such as journals, books, research on criminal law and criminalization, criminal sanctions, and action sanctions.

Meanwhile, tertiary legal sources include the Great Indonesian Dictionary, legal dictionaries, encyclopedias, and other supporting sources. This research will use a literature study as a data collection method. The processing, analysis, and construction of normative legal research data can be done by analyzing legal rules and then organizing them into categories based on a basic understanding of the legal system.

3. Results and Discussion

Narcotics crime is one of the phenomena that is happening today. Narcotics were first used for religious rituals and as medicine. Opium, or madat, is the first type used (Kusno Adi, 2009). Several factors can affect the increase in narcotics crimes in Indonesia. The first is social environmental factors, which include the influence of the perpetrator's environment, such as school, association, and others. The second factor is the self factor, which consists of a great desire to try, unconsciously or without considering the consequences later on. At first, it may be the desire to try something new for a year. After that, opportunities arise and are supported by existing facilities. Third, personality components: mental weakness, emotional instability, and low self-esteem (Hodio Potimbang, 2013).

The Law No. 35 of 2009, often known as the Narcotics Law, is a legal policy that governs the availability of drugs for medical purposes, the advancement of scientific and technological research, and the resolution of criminal cases related to narcotics. The purpose of criminalization is to support the overall functioning of criminal law. This is done because the ultimate goal is the realization of social defense, which is oriented toward community protection and social welfare (Irmawanti & Arief, 2021). Sulardi and Wardoyo's study suggests that the implementation of LawLaw in Indonesia should not just focus on achieving legal clarity but also on upholding the principles of fairness that are embedded throughout the community (Gumelar, 2021).

The criminal provisions in Law Number 35 of 2009 begin with the words of each person. In criminal law, "pertanggungjawaban" is a central concept known as error teaching. In Latin, the teaching of error is known as (*mens rea*) which is based on actions that do not cause a person any problems unless the person's mind is evil (Fahrizal S.Siagian et al., 2023). In English, this doctrine is formulated as "*an act does not make a person guilty, unless the mind is legally blameworthy,*" Based on this principle, there are two conditions that must be met to punish perpetrators of narcotics abuse. i.e., there are outward acts/criminal acts that are prohibited (*actus reas*), and there is an evil/despicable mental attitude (*mens rea*) (Ali, 2012).

Law No. 35 of 2009 concerning Narcotics is an example of "the embodiment of the principle of "*lex specialis derogate lex general,* " that is, the special law eliminates the common law (Rokilah & Sulasno, 2021). Law No. 35 of 2009 concerning Narcotics is a criminal offense of imprisonment, the death penalty, and a fine. Prison sentences and

finer are regulated in the minimum and maximum cases. Prison sentences and fines can be imposed cumulatively, meaning that prison sentences and prison sentences can be imposed simultaneously on perpetrators of crime narcotics (Sumardin et al., 2019). The pattern of criminal law threats is one of the most reliable representations of society that pays attention to the main principles of today. It would be difficult to admit that humans are savages based on the history of criminal law, especially regarding their sanctions. However, all kinds of crimes known around the world, from East to West and from North to South, are centered on revenge, which is committed inhumanely (Hamzah, 1995).

JE Sahetapy reminds us that "The imposition of criminal (*een straffplegen*) It must be tried to be in accordance and balanced with the values of legal awareness, namely values that move according to the development of space, time, and circumstances that require special coercion, as a reaction to the act of raping the (legal) system that imposes criminals" (Flora et al., 2023). In other words, to determine how much a particular type of criminal sanction can achieve the objectives set by the relevant criminal law system. Remembering that criminal acts are only a "tool" to achieve goals is essential. Various criminal theories that have developed around them have put forward different criminal objectives (Rofiq et al., 2019). It is essential to acknowledge that as criminal theory evolved, there was a transition from the concept of "punishment" to the idea of "coaching," which also occurred in Indonesia.

Concept of Action Sanctions As a Criminal Justification Based on the Philosophical Paradigm

There are various opinions on how sanctions are applied to perpetrators of narcotics crimes, namely: (1) Positive schools view crime empirically based on scientific methods to ensure the authenticity of the crime (Christiawan, 2020). This theory is rooted in paradigm (*determinism*), which postulates that humans have no free will authority and are limited to many factors, such as environmental communities, personal experiences and beliefs, and biology (Gultom, 2022). Thus, people who commit criminal acts cannot be blamed and punished. Instead, they must receive treatment to resocialize and rehabilitate the perpetrator (Rimsyahtono et al., 2021). Determinism comes from the Latin word (*determinate*), which means limiting or defining boundaries. Determinism is a philosophical understanding that states that everything in this world, both human beings, is determined by the law of causation (Barbet, 1990). This means subconscious motives, the influence of childhood growth, hereditary influences, and cultural influences are some of the visible factors that determine human behavior (Jannel et al., 2022) (. 2) This radical paradigm was pioneered by F. Gramatica, one of his works entitled "*The Fight against Punishment*" (*La Lotta Contra La Pena*). Gramatika states that "social protection laws should be able to eliminate existing criminal laws (Kisil & Tarasenko, 2022).

The LawLaw contains the values of truth that can only be made by people who are qualified and have high integrity in living the actual values of truth, truth in thoughts, words, and deeds (Kadri et al. Husin, 2016). The primary authority of social protection laws is to Humanize individuals into the social order and not to criminalize their actions. (3) Marc Ancel (France) maintains a moderate perspective, building a stream with the name (*Defense et al.*) or New Social Protection (Remmelink, 2003). These schools view the purpose of criminal law as protecting the social order. However, they suppressed the

resocialization of correctional services and the need for criminal law enforcement methods, which were not entirely juridical-formal but, on the contrary, more socially nuanced. The importance of individualization in criminalization is that the focus is on humans, as social beings, in accounting for their actions (Bakhri, 2011). Therefore, criminal law has an inevitable role in the legal system.

Regarding the sanction of action, Roeslan Saleh said that if a criminal tries to achieve his goal of imposing a criminal sentence and committing an act, there is a sanction for an act other than a criminal act. It only focuses on specific Prevention (Fitri, 2020). One of the purposes of this action sanction is to maintain the safety of the public from individuals who have dangerous tendencies and can commit criminal acts (Yuli W & Winanti, 2019). Sanctions are actions aimed at a perpetrator of a crime to realize that they change for the better and not to retaliate. This action is also forward-oriented and seeks to tell the perpetrator that what they are doing is wrong and against the law so that they will not repeat it. While H.L. Packer talks about sanctions, *“the primary purpose of treatment is to benefit the person being treated. The focus is not on his conduct, past or future, but on helping him”* (H. Satria, 2018).

This school of legal determinism is based on the understanding that action against the perpetrator requires consideration of the psychological factor of the convicted narcotics, namely the belief in committing a crime. Therefore, the process of soul rehabilitation is called reduction (*integrasi sosial*). It is time for this policy to be considered in the application of criminal penalties for perpetrators of narcotics crimes in Indonesia. This is due to one of the facts that narcotics perpetrators are dominated by belief motives that require soul recovery and resocialization of their belief perspective in society. According to Notonagoro, *causa prima* is the recognition and belief in God Almighty, which is contained in the Pancasila Value Study; the first precept is the One Godhead (Notonagoro, 1995).

Therefore, the Prevention and investigation of illegal activities should be grounded on the principles and direction of God (Triwijaya et al., 2020). To find out how important the values derived from Pancasila are used as the basis or foundation of national and State policies, including legal policies regarding criminal sanctions against narcotics crimes, the extent of Pancasila's relationship (*position*) in the community of social life, the nation Indonesia will be studied (Wiratmadinata, 2022). Noor MS Bakry stated that Pancasila aims to balance individual and Social characteristics in state life. Therefore, Pancasila serves as a balancing point that combines individualism and collectivism to build a modern state that takes a middle ground with a mono-dualistic school, often called an integralist state. In other words, a philosophical system is a comprehensive, coherent, fundamental, and speculative rational conceptual chart (Budisutrisna, 2016).

From the above description, from a religious perspective, some teachings can raise doubts or convey the use of the death penalty. Some religions, such as Christianity and Islam, show skepticism towards murder and the suppression of values of compassion, forgiveness, and rehabilitation. For example, Christian religious teachings often emphasize the values of love, forgiveness, and restoration. Some Christians believe that the death penalty is contrary to the teachings of Christ's love and the possibility of a change of heart that can be achieved through spiritual restoration. On the other hand, in the teachings of Islam, the principles of justice and balance are also emphasized.

However, there are different interpretations among Muslims regarding the sustainability of the death penalty (Rinaldi & Tutrianto, 2023).

Malaysia's criminal legislation includes the death sentence as the most severe punishment, which is consistent with other nations that have implemented penal system changes. While the death sentence is the worst punishment for a crime, it is possible to get a pardon from the Yang di-Pertuan Agong, the Sultan, or the Yang di-Pertuan State upon obtaining orders from the pardon institution. Sanctions against drug abusers in Malaysia, which previously prioritized jail sentences, have changed. This can be seen with the issuance of the Drug Addicts Law to reduce cases of narcotics users because the solution for drug addicts is not imprisonment but rehabilitation (Antonius et al., 2024).

In Malaysia, if a person with an addiction is required to undergo rehabilitation, even if he is caught consuming drugs a second time, the judge still allows the rehabilitation to be enforced. However, if he is caught using a third one, then the judge decides to impose a prison sentence. Thus, it can be seen that Malaysia has implemented a criminal (*Ultimum Remidium*), not (*Premium Remidium*) (Romdoni & Karomah, 2021). Indonesia has fewer law enforcement officers dedicated to handling narcotics abuse compared to Malaysia. In Malaysia, there are several agencies responsible for this task, including the Ministry of Home Affairs, the Narcotics Department of the Royal Malaysian Police, the Pharmaceutical Division of the Ministry of Health Malaysia, and the National Anti-Narcotics Agency (NADA). Since 2010, the Malaysian Government has initiated a rehabilitation program by constructing approximately 20 rehabilitation facilities and 78 community houses under the supervision of the National Anti-Narcotics Agency (NADA).

In addition, Australia implements some form of decriminalization. Decriminalization is not legalization. If private ownership and use of drugs are decriminalized, then possession and use of drugs remain illegal. Selling and producing drugs is still a criminal offense. There are two main types of decriminalization: Legally (*de jure*). According to the legislation, criminal possession and utilization may be eliminated and substituted by civil or administrative penalties such as monetary fines or referrals to educational or medical programs.

Nevertheless, individuals may still face criminal consequences if they fail to adhere to legal or administrative fines. In practice (*de facto*), Engaging in individual possession and use continues to be considered a criminal act. Police, nonetheless, have the authority to use their judgment. For instance, if the perpetrator fulfills certain conditions, the court may propose an alternative penalty instead of incarceration. For example, an offender who commits an act for the first time may be referred to an educational program rather than being criminally punished. Criminal penalties can still be applied if the person concerned does not do so.

Australia has included drug courts in its rehabilitation policy for those who abuse drugs since 1999. These drug courts aim to transfer drug addicts from the criminal justice system to rehabilitation programs. Drug courts actively interact with the community and utilize social welfare services and health professionals. In addition, people who experience addiction are given a comprehensive recovery program that lasts for twelve months. Rehabilitation programs are usually carried out in community-based treatment centers or residential rehabilitation services. Residential rehabilitation services allow individuals to stay in specialized clinics for long periods, usually a few days or weeks

(Hartono et al., 2023). There is an institution funded by the Australian Government, the Local Drug and Other Drugs Action Team (AOD) Program in local Australia. (LDAT) has a leader organization for governance purposes and at least two community organization partners, such as schools, educational institutions, health workers, community organizations, businesses, or local governments, encouraging community-based responses focused on AOD prevention (Health.gov.au, 2024).

Meanwhile, Singapore takes on the responsibility of rehabilitating individuals with impairments via the Singapore Prison Service (SPS) and the Singapore Corporation of Rehabilitative Enterprises (SCORE). SCORE was founded in 1976, in contrast to SPS, which was established in 1946. SPS is dedicated to assisting offenders in rehabilitating themselves and rebuilding their lives with the support of the community. Their slogan, "Rehab, Renew, Restart," reflects this commitment. The CARE, SPS, and SCORE Network were formed through collaboration between the Ministry of Home Affairs, Ministry of Social Affairs and Family Development (MSF), SPS, SCORE, National Council of Social Services (NCSS), Industry & Services Co-operative Society Ltd. (ISCOS), Singapore End-of-Care Association (SACA), Singapore Anti-Narcotic Association (SANA), and Yellow Funds. The concept is centered on providing hope, belief, and opportunity for those who have previously been incarcerated (Shahar et al., 2023). They all have national accreditation and are responsible for providing government-supported services and programs.

Meanwhile, the approach carried out on prisoners consists of religious rehabilitation, social rehabilitation, psychological rehabilitation, community involvement, and family support. Prisons begin the psychological rehabilitation process by evaluating inmates regularly. The authorities sought help from Singapore's Islamic religious community, which has the necessary authority and strength to achieve this goal. In this case, "*the Religious Rehabilitation Group*" (RRG) was established in Singapore in 2003. Social rehabilitation combines theological dialogue and psychological rehabilitation with the community and the families of the inmates. Social rehabilitation is carried out through the provision of jobs and education (Shahar et al., 2023).

Therefore, philosophically, the question arises whether the application of action sanctions is one way to achieve justice for perpetrators of narcotics crimes. Justice and legal certainty are terms that are related to each other. Terminally, justice can be defined as giving each person what his or her rights are, while the Law guarantees everyone's rights. Justice depends on the law, how the Government implements it, and the extent to which the results are in accordance with the values and sense of justice of the community (Purba, 2017). According to John Rawls, society will achieve a well-organized condition if two things support it. First, the substantial majority group remains on the path of public sanity. Although they adhere to the views of their cultural background, they are still able to build sane relationships and are guided by political conceptions of justice. Second, the unreasonable group must ensure that it does not erode the values of fundamental justice in society (Sunaryo, 2022). H.L.A. Hart states that in Law, the general principle of justice states that everyone is entitled to a relative position based on equality or inequality (Muhtamar & Ashri, 2020). One of the main principles of the above principles is to treat similar things in the same way, even if it is necessary to add them up and treat different things differently. Things should be treated the same way, even if extras are

needed, and things should be treated differently (Setyawan, 2021).

Satjipto Rahardjo, in his thoughts, always has a concern for the legal orientation in providing happiness, not the other way around (Rifqi, 2022). The Preamble to the 1945 Constitution articulates the objective of legal thinking as the establishment of an Indonesian government that upholds and enhances the well-being of its citizens, fosters national development, and contributes to the creation of a global system founded on self-determination, enduring peace, and fairness (Nurhadi, 2019). Many of the ideas about Law created by Satjipto Rahardjo resulted in detailed thinking that allowed the creation of justice for everyone. Law is not just logic; More than that, it is actual or "*genuine science*." Law is seen as an object of knowledge rather than a profession, always trying to understand or know the relationship between law and other things. The desire to see social logic in law is more important than the logic of legislation or law, which must be constantly updated to become more accurate. Normative law refers to the principles or patterns of conduct that are followed in everyday life without any bias or personal preference (*sine ira et studio*) (Soetandyo Wignyosoebroto, 2001).

The Essence of Legal Theory in the Application of Action Sanctions Theories Paradigm Restorative Justice

Restorative justice *theory* emphasizes the balance between perpetrators and victims of crime (Wijaya, 2022). Restorative justice, as defined by Joanna Shapland, is a collaborative process where all parties affected by a crime gather to collaboratively choose how to address the aftermath and the resulting repercussions of the crime. According to Muladi, restorative justice al, also known as restorative justice, is a theory that guarantees the recovery of losses due to criminal acts. According to Muladi, this recovery will be achieved by involving all stakeholders (Utami, 2018). Taking into account objectives, actions, and therapeutic programs can solve drug crime by a) finding and taking action to recover losses, b) engaging all stakeholders, and c) Transforming the conventional dynamic between communities and their governing bodies in addressing drug-related offenses (Astari, 2015).

According to David Fogel, the restorative justice model was proposed by *Abolitionists*, who argued that the penal system had structural problems or defects that required fundamental structural changes. According to Brants and Silvis, as Romli Atmasasmita followed, the abolitionist analysis focuses more on the failure of the system than on its success (Setyowati, 2020). Restorative justice, originating from the current State of the criminal system, aims to address the shortcomings of the existing justice system by ensuring comprehensive justice for offenders, victims, and the community through mechanisms beyond traditional criminal justice. Therefore, it is crucial to examine the concept of restorative justice from the perspectives of criminology and the penitentiary system (Marbun, 2019). According to Mohammad Kemal Pratama, restorative justice is a doctrine that respects human dignity and human rights values (Tsurayya Istiqamah, 2018).

By implementing restorative justice for narcotics abusers, it is hoped that the best results can be achieved, namely helping perpetrators recover from their dependence on drugs and become healthier people. By implementing restorative justice for narcotics abusers, it is hoped that the following can be achieved: (1) By reducing the shortage of

capacity in correctional institutions, abusers can immediately obtain medical and social rehabilitation at the IPWL established by the Minister of Health and Social Affairs; (2) Reducing the burden of cases because restorative-justice stops drug offenders from going through the prosecution and trial process; (3) Due to the instability between law enforcement and the number of cases that arise, the authority to carry out narcotics crimes restoratively can reduce the number of narcotics rescue cases; (4) Funds used for investigation, prosecution, and investigation of drug abuse cases may be allocated to the maximum extent possible for medical and social rehabilitation for individuals identified as drug abusers; (5) Changing the perspective of the Indonesian people towards criminal law enforcement, from reporting drug abusers to recovering drug abusers who are also victims while maintaining legal certainty of the process and its results.

The Joint Theoretical Paradigm in Criminalization

Compared to other areas of law, criminal law, including criminal systems and processes, is highly prioritized. For many years, the purpose of criminalization has been talked about and has become an essential issue in criminal law because crime or punishment is always associated with an act that would be considered unethical if not committed by the State legally. It has moral implications (Subakti, 2010). Therefore, criminal philosophy looks for reasons to take action in the country. The purpose of punishment has evolved not to be compensation (*retribution*) but as social care and protection (Randhawa, 2022). The combined theory is based on the idea that crime should be based on the purpose of retribution and, at the same time, maintaining public order, which is applied in combination by emphasizing one without eliminating the other (Azizah, 2021).

In other words, criminalization is carried out to protect the community from crime, both general Prevention and unique Prevention, to avoid an increase in the number of narcotics offenders. The purpose of general preventive criminalization is to warn the public not to commit drug-related crimes. One of the particular prevention purposes is to provide a preventive effect to the perpetrator so that he does not do the same thing again (Wulandari, 2017). (1) Preventing Narcotics Crimes (*detering the offender*), that is, persuading perpetrators to refrain from or not commit other violations of the law through their memories of crimes committed (Apel, 2022). (2) Prevention of potential perpetrators (*deferring potential imitators*). (3) Reactor in reform (*mereformasi pelaku*) improves his behavior so that he is conscious and more likely not to commit crimes again, even without fear of criminal threats (Sunantara, 2020). (4) Teaching the public to think more seriously about narcotics crimes can indirectly reduce the number of drug-related offenses. For this reason, the State and the Government are obliged to provide legal protection against narcotics abusers. Perpetrators of violence are citizens whose rights must be fulfilled. Narcotics perpetrators are perpetrators as well as victims of criminal acts (Fareed et al., 2019).

Criminal sanctions can reduce violations by referring to Criminal Objectives in the Criminal Code (KUHP) Number 1 of 2023, which is regulated in Article 51, which states: (1) Preventing the occurrence of criminal acts by enforcing legal norms for the protection and protection of the community; (2) Socializing inmates by providing guidance and guidance so that they become superior and valuable people; (3) Resolving conflicts

arising from criminal acts, restoring balance, and bringing a sense of security and peace to the community; (4) Cultivate remorse and release guilt in inmates. In addition, criminal sanctions are also used to treat criminals. This positive school argues that the perpetrators of crimes are sick people who need treatment and repair (Al Arif, 2019). Thus, law enforcement must begin by changing the way law enforcers understand the Law Law so that they can interpret or apply the Law Law in a way that is in accordance with the principles that live in society.

Theories Paradigm Double Track System

Discuss the fundamental concepts of the dual-track system. This entails examining the basic principles of the sanctions system, which provide the foundation for the formulation and implementation of sanctions in the field of criminal law. In this situation, there is a dual-track system in place for imposing punishments under criminal law. The current body of literature needs to provide a clear and direct endorsement of the concept of a track system. Based on the contextual information, the idea is a dual-track system. The distinction lies in the contrast between criminal punishment and administrative sanctions. The evolution of the penal legal penalties system, from the classical tradition to the contemporary and neoclassical tradition, may be traced to the concept of fairness (Sholehuddin, 2003). The Criminal Code (KUHP) Number 1 of 2023 also regulates a dual-track system. In this system, perpetrators who commit violations can be subject to criminal sanctions (*criminal punishment*) and various actions (*treatment*). Understanding a philosophy that recognizes equality between *punishment* and *treatment* is a philosophy of *eksistensialisme* from Albert Camus, who stated that punishment for a person should be directed through educational sanctions (*treatment*) to achieve a complete human form. Therefore, the form of protection in the form of treatment and treatment for narcotics addicts carried out through rehabilitation facilities is one of the realizations of the form of "*treatment*" for the villain, which is the idea of a neoclassical understanding. One of the principles of the Narcotics Law is to provide social rehabilitation and medical rehabilitation (Hikmawati, 2011).

Reconstruction of Optimizing Action Sanctions in the Revision of the Narcotics Law

In the upcoming revision of the Narcotics Law, sanctions are allowed. One of the legal policies used when amending the Narcotics Law is the approach to imposing criminal sanctions related to the existence of criminal sanctions for actions from pre-existing norms that must be agreed upon by lawmakers. Members of parliament must approve the formulation of criminal sanctions. Criminal issues are inseparable from the formation of laws, basically state policies or regulations set by the House of Representatives and the President. For the revision of the criminalization of narcotics abusers, the revision of the law must establish limits and conditions of action for the type of crime and the victim of the crime. The amendment made to Law No.35 of 2009 regarding Drugs specifies the specific sorts of offenses and individuals who may be subject to punishment: Perpetrators are expected to change their orientation (*menswear*) towards untrue beliefs in (*actus-rea*.) (Kumala et al., 2019).

The author has the idea of creating an alternative accumulation system to apply sanctions to perpetrators of narcotics crimes. The advantage of this system is that the

prosecutor can prosecute, and the judge can decide, based on the outcome of the trial, whether an offender is eligible for criminal sanctions based on the facts at the trial. In addition to changing the type and pattern of the crime to *an ultimum remedium*, the sanction system that can be given must also be considered (M. et al., 2022). Action sanctions can be given in the form of criminal reconstruction or criminal law reform related to punishment for perpetrators of narcotics crimes. These forms of sanctions can be provided in a variety of ways, including

1. The brainwashing program is also known as "brainwashing." This is done by giving people the doctrine of the true religion. Two perspectives can be used to look at drug addiction: social psychology and sociological. Psychologically, there are two leading causes of drug crime in Indonesia: (a) the destruction of trust in existing social, political, and cultural structures and (b) the weakening of psychological ideology. Some people feel frustrated, angry, irritated, and even disappointed by the State of affairs due to the crisis of their trust in the structure of social life, which consists of politics, law, economics, and education. Psychiatric life becomes less stable in this situation. This instability of the life of the soul protects one's emotions, so it is easy to influence and hate the social life system of the State and the Government responsible for social life as a whole. Therefore, there is a policy (*brainwashing*). This is expected to brainwash the perpetrators to revive the spiritual values of religion in order to be free from narcotics crimes and increase their understanding of the adverse effects of continuous narcotics use.
2. The Decriminalization Program is not legalization. If perpetrators of narcotics abuse and people with addictions are decriminalized, then the possession and illicit circulation of narcotics remains illegal. Selling and producing narcotics remains a criminal offense. There are two main types of decriminalization: *de jure*. Under the Law Law, the eradication of drug misuse and substance abuse may be achieved by implementing civil or administrative sanctions, such as imposing fines or directing individuals to educational or medical rehabilitation programs.
3. Nevertheless, those who fail to adhere to civil or administrative punishments may still face criminal consequences. In practice (*de facto*), unlawful ownership and distribution continue to be considered criminal acts. Police, nonetheless, have the authority to use their judgment. For example, if the offender meets specific criteria, the court may offer an alternative punishment other than imprisonment. For example, an offender who commits an act for the first time may be referred to an educational program rather than being criminally punished.
4. Health-Oriented Programs for Women Drug Users. A study on Vocal Women revealed. Nine out of 10 (89.8%) women who have been involved in the criminal justice system have experienced some form of police violence. The criminal justice system has a large majority, almost 87%, dealing with extortion in the form of money and providing sexual desire disproportionate to freedom, reducing punishment or referrals to drug addiction treatment. Where women are forced to give the names and web addresses of other drug use associates with a disproportionate reduction in criminal penalties. 60.5% have been verbally disclosed by police, including being insulted, named, or scolded. 27.1% of women experienced physical violence, including being slapped, punched, electrocuted, kicked, beaten, or physically injured

by police. 5.2% of women experienced sexual violence. Sexual violence committed by law enforcement officials tends not to be reported for fear of further harassment and acute stigma and shame (Claudia et al., 2022). Therefore, the Government must pay special attention and take concrete actions to prevent drug use as well as the identification, treatment, education, rehabilitation, aftercare, and social reintegration of the people involved. Evidence suggests that a health-oriented approach is an alternative to criminal justice efforts to improve recovery and reduce crime and prison costs.

5. The separation of Correctional Institutions, as one of the human resources of assisted citizens who are often punished based on the judge's decision, indicates that a person's crime falls through the judge's hammer. This is not done as revenge by the State, more like the violations it has committed, which is expected to increase awareness in the future through its protection and correctional in correctional institutions with a penitentiary system. There is a separation of particular correctional institutions for narcotics inmates so that the security of narcotics inmates is easier to do. Its protection and teaching pattern system is based on (*the law order approach* and *treatment approach*) protection of prisoners, and also the provision of extraordinary guidance on knowledge of religious and spiritual values. The separation of correctional institutions for defendants in narcotics cases must be under the auspices of certain institutions outside the Ministry of Law and Human Rights. This principle is even clearly stated in consideration of letter c of Law No. 12 of 1995 concerning Correctional Services, which states that: "The correctional system as referred to in letter b, is a series of law enforcement that aims to make Correctional Assisted Citizens aware of their mistakes, improve themselves, and not repeat criminal acts so that the community can accept them back, can actively play a role in development, and can live reasonably as a good and responsible citizen (Marwan, 2021).

Establishment of a Special Narcotics Institution to Increase the Effect of Criminal Sanctions

The Government must establish a particular agency responsible for implementing sanctions for inmates of narcotics crimes, as is the case in other countries, Australia, Malaysia, and Singapore. In an integrated manner, there is a unique institution to handle the issue of action sanctions for perpetrators of narcotics crimes. In Indonesia, it can be done by certain institutions under the auspices of BNN in collaboration with Religious Organization Institutions.

Nevertheless, the institution can act as an executor of court rulings under the supervision of the Prosecutor's Office of the Republic of Indonesia. The purpose of this is to enhance the efficiency of implementing court judgments, allowing the Public Prosecutor to directly observe the execution of the decision in order to carry out the different acts stipulated by Government Regulations and legislation.

In addition, according to the author, in order to create the effectiveness of criminal sanctions, a special narcotics court can be formed as the basis for the application of these principles "*of law and order approach* and *treatment approach*" To handle several criminal justice purposes and the welfare of the

perpetrators. These courts typically involve legally supervised involvement in interdisciplinary substance abuse treatment and rehabilitation services. The court may enforce a drug treatment order containing the treatment and detention components, and the court will effectively suspend and then terminate once the treatment program is complete. For example, in South Australia, sentencing after a guilty plea can be deferred to consider the offender's involvement in a drug treatment program in the final disposition of the court.

4. Conclusion

The construction of the implementation of action sanctions for perpetrators of narcotics crimes is based on several bases, namely:

1. In particular, the basis of the idea of applying action sanctions for narcotics offenders is based on two philosophical foundations, namely: (1) a positive school rooted in "*determinism*" states that committing evil is not based on the will because man has no free will and is limited by various factors, so that treatment must be given for the resocialization and rehabilitation of criminals. (2) based on Pancasila and the values of justice, legal protection and social justice must be prioritized to achieve the primary goal of criminalization. Theoretically, some theories support the application of action sanctions. These theories include the combined/modern criminal theory (*Verenigings Theorien*), proposed by Prins, Van Hammel, and Van List in the "*Union Internationale de Droit Penale*" Restorative Justice Theory, and the *Dual Track System Theory*, which advocates the imposition of criminal sanctions and simultaneous actions to achieve criminal objectives. Lawmakers must approve the formulation of criminal sanctions related to sanctions for actions based on existing regulations.
2. Restrictions and requirements for sanctions should be incorporated into the upcoming revision of the Narcotics Law. In the unification of the revision of the Law on narcotics, this alternative sanction can be applied separately from the violation that is threatened with a criminal offense. Sanctions can be given against narcotics crimes in various forms, such as (1) Brainwashing, (2) Health-Oriented Programs for Women Narcotics Users, decriminalization programs, (3) Correctional Separation Programs, and (4) the establishment of certain institutions to implement criminal sanctions actions, which are responsible for the Attorney General's decision. One of the reasons is the establishment of a special narcotics court that acts in accordance with the Constitution.

References

- Akbar, A. (2024). *Yasonna Sebut Lapas Overcrowded 89%: Kapasitas 140 Ribu, Total Napi 265 Ribu*. News.Detik.Com. <https://news.detik.com/berita/d-7387578/yasonna-sebut-lapas-overcrowded-89-kapasitas-140-ribu-total-napi-265-ribu>
- Akbar, M. F. (2022). Pembaharuan Keadilan Restoratif Dalam Sistem Peradilan Pidana Indonesia. *Masalah-Masalah Hukum*, 51(2), 199–208. <https://doi.org/10.14710/mmh.51.2.2022.199-208>
- Al Arif, M. Y. (2019). Penegakan Hukum dalam Perspektif Hukum Progresif. *Undang:*

- Jurnal Hukum*, 2(1), 169–192. <https://doi.org/10.22437/ujh.2.1.169-192>
- Alfian, F. B. (2022). Reconstruction of Law Enforcement in Indonesia Through Strengthening the Embodiment of Pancasila Values of Justice to Realize Humane Law Enforcement. *Pancasila and Law Review*, 3(2), 137–148. <https://doi.org/10.25041/plr.v3i2.2739>
- Ali, M. (2012). *Hukum Pidana Teroriseme Teori dan Praktik*. Gramata Publishing.
- Ansari, L. (2018). Reformasi Penegakan Hukum Perspektif Hukum Progresif. *Jurnal Yuridis*, 4(2), 148. <https://doi.org/10.35586/v4i2.244>
- Antonius, A., Ginting, Y., Mulia, C., Syallomeita, S., Taweranusa, D., Daffa, G., Azzahra, F., Putra, M., Nirwana, C., Annisa, R., & Capello, J. (2024). Sosialisasi Perbandingan Hukuman Tindak Pidana Kepemilikan Narkotika Jenis Ganja Di Indonesia dan Malaysia. *Jurnal Pengabdian West Science*, 3(04), 395–409. <https://doi.org/10.58812/jpws.v3i04.1096>
- Apel, R. (2022). Sanctions, Perceptions, and Crime. *Annual Review of Criminology*, 5(1), 205–227. <https://doi.org/10.1146/annurev-criminol-030920-112932>
- Astari, P. (2015). Landasan Filosofis Tindakan Diskresi Kepolisian Terhadap Anak Yang Berhadapan Dengan Hukum. *Arena Hukum*, 8(1), 1–18. <https://doi.org/10.21776/ub.arenahukum.2015.00801.1>
- Azizah, M. (2021). Peran Negara dalam Perlindungan Konsumen Muslim di Indonesia. *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 4(2), 153–165. <https://doi.org/10.24090/volksgeist.v4i2.5738>
- Bakhri, S. (2011). Pengaruh Aliran-Aliran Falsafat Pemidanaan Dalam Pembentukan Hukum Pidana Nasional. *Jurnal Hukum Ius Quia Iustum*, 18(1), 136–157. <https://doi.org/10.20885/iustum.vol18.iss1.art8>
- Barbet, A. H. (1990). *Mastering Philosophy*. The Macmillan Press Ltd.
- Barda Nawawi Arief. (2021). *Ilmu Hukum Pidana Integralistik*. Badan Penerbit Universitas Diponegoro.
- Budisutrisna. (2016). Komparasi Teori Kebenaran Mo Tzu Dan Pancasila: Relevansi Bagi Pengembangan Ilmu Pengetahuan Di Indonesia. *Jurnal Filsafat*, 26(1), 1. <https://doi.org/10.22146/jf.12623>
- Christiawan, R. (2020). Evaluasi Kebijakan Moratorium Pada Perkebunan Kelapa Sawit. *Veritas et Justitia*, 6(1), 1–22. <https://doi.org/10.25123/vej.3364>
- Claudia Stoicescu and Marija Pantelic. (2022). *Women who use drugs in Indonesia: The harmful impacts of drug control*. Idpc.Net. <https://idpc.net/publications/2022/06/women-who-use-drugs-in-indonesia-the-harmful-impacts-of-drug-control>
- Effendi, S. M., Suarda, I. G. W., & Nugroho, F. M. (2023). Formulasi Pidana Penutupan Korporasi Atas Delik Lingkungan Hidup. *Veritas et Justitia*, 9(1), 138–163. <https://doi.org/10.25123/vej.v9i1.6123>
- Fahrizal S.Siagian, Putra, N., & Imam, M. K. (2023). Kajian Yuridis Tindak Pidana Penanam Ganja Berdasarkan Undang-undang Tentang Narkotika Indonesia. *Neoclassical Legal Review: Journal of Law and Contemporary Issues*, 2(2), 1–10. <https://doi.org/10.32734/nlr.v2i2.13563>
- Fareed, S., Hongdao, Q., Ullah, N., Khaskheli, M. B., & Saleem, H. A. R. (2019). Excessive Use of Death Penalty as Stoppage Tool for Terrorism : Wrongful Death Executions in Pakistan. *Journal of Law, Policy and Globalization*, 81(2), 23–27. <https://doi.org/10.7176/JLPG>
- Fitri, S. M. (2020). Menggagas Konsep Dekriminalisasi Pencemaran Nama Baik Sebagai Pelanggaran Hukum Perdata Murni. *Jurnal Lex Renaissance*, 5(4), 792–805. <https://doi.org/10.20885/jlr.vol5.iss4.art3>
- Flora, H. S., Thuong, M. T. H., & Erawati, R. D. (2023). The Orientation and Implications of New Criminal Code: An Analysis of Lawrence Friedman’s Legal System. *Jurnal IUS Kajian Hukum Dan Keadilan*, 11(1), 113–125.

- <https://doi.org/10.29303/ius.v11i1.1169>
- Frans Hendra Winarta. (2009). *Probono Publico Hak Konstitusional Fakir Miskin Untuk Memeperoleh Bantuan Hukum*. Gramedia Pustaka Utama.
- Gultom, P. (2022). Analisis Sosiologi Hukum Terhadap Kemungkinan Dapat Diterapkannya Restorative Justice Dalam Perkara Tindak Pidana Korupsi Di Indonesia (Sociological Analysis of Law on the Possibility of Implementing Restorative Justice in Corruption Crime Cases in Indone. *SSRN Electronic Journal*, 3(1), 154–178. <https://doi.org/10.2139/ssrn.4065348>
- Gumelar, K. (2021). Soul Shaking as Reason for Criminal Abolition: The Dilemma Between Legal Certainty and Justice. *De Jure: Jurnal Hukum Dan Syar'iah*, 13(1), 113–125. <https://doi.org/10.18860/j-fsh.v13i1.12056>
- Hamzah, A. (1995). *Kapita Selekta Hukum Pidana Mengenang Oemar Seno Adji*. Ghalia Indonesia.
- Hartono, T., Hanami, V., & Prameswari, F. D. (2023). Drug abuse rehabilitation policies in Indonesia: a comparison with Vietnam, Australia, and Portugal. *Wacana Hukum*, 29(2), 163–180. <https://doi.org/10.33061/wh.v29i2.9576>
- Health.gov.au. (2024). *Drug laws in Australia*. Department of Health and Aged Care. <https://www.health.gov.au/topics/drugs/about-drugs/drug-laws-in-australia>
- Hikmawati, P. (2011). Analisis Terhadap Sanksi Pidana Bagi Pengguna Narkotika. *Negara Hukum*, 2(2), 330–350. <https://doi.org/https://doi.org/10.22212/jnh.v2i2.220>
- Hodio Potimbang. (2013). *Penerapan Sanksi Pidana Terhadap Pelaku Tindak Pidana Narkotika Dalam Sistem Peradilan Pidana*. Varia Peradilan.
- Irmawanti, N. D., & Arief, B. N. (2021). Urgensi Tujuan Dan Pedoman Pemidanaan Dalam Rangka Pembaharuan Sistem Pemidanaan Hukum Pidana. *Jurnal Pembangunan Hukum Indonesia*, 3(2), 217–227. <https://doi.org/10.14710/jphi.v3i2.217-227>
- Jannel, R., Droz, L., & Fuke, T. (2022). The human-made aspect of disasters. A philosophical perspective from Japan. *Filosofia : Revista Da Faculdade de Letras Da Universidade Do Porto*, 39(39), 147–172. <https://doi.org/10.21747/21836892/fil39a7>
- Kadri Husin and Budi Rizki Husin. (2016). *Sistem Peradilan Pidana Di Indonesia*. Sinar Grafika.
- Kelsen Hans. (2011). *General Theory of Law and State diterjemahkan oleh Rasisul Muttaqie*. Nusamedia.
- Kisil, Z. R., & Tarasenko, O. S. (2022). International Experience in Preventing Corruption as a Vector for Creating a National Anti-Corruption Strategy in Ukraine. *Social and Legal Studios*, 5(3), 9–15. <https://doi.org/10.32518/2617-4162-2022-5-3-9-15>
- Kumala Sari, R., & Putra Jaya, N. S. (2019). Pertanggungjawaban Pidana Perusahaan Teknologi atas Tindak Pidana Kecelakaan Lalu Lintas oleh Pengemudi Ojek Online. *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)*, 8(1), 34. <https://doi.org/10.24843/JMHU.2019.v08.i01.p03>
- Kusno Adi. (2009). *Diversi Sebagai Upaya Alternative Penanggulangan Tindak Pidana Narkotika Oleh Anak*. UMM Press.
- Kusumawati, M. (2016). Peranan Dan Kedudukan Lembaga Bantuan Hukum Sebagai Access To Justice Bagi Orang Miskin. *Arena Hukum*, 9(2), 190–206. <https://doi.org/10.21776/ub.arenahukum.2016.00902.3>
- Mahfud, M., Rani, F. A., & Rizanizarli, R. (2021). Distinction Between Victims and Criminals In Relation To Using Narcotics Illegally in Indonesia. *Pancasila and Law Review*, 2(1), 37–48. <https://doi.org/10.25041/plr.v2i1.2306>
- Marbun, R. (2019). Mereposisi Korban dalam Sistem Peradilan Pidana di Indonesia: Suatu Keterlemparan (gowerfen-sein) dalam Mitos Modernitas. *Jurnal Magister*

- Hukum Udayana (Udayana Master Law Journal)*, 8(4), 525.
<https://doi.org/10.24843/JMHU.2019.v08.i04.p07>
- Mardjono Reksodiputro. (2019). *Perenungan Perjalanan Reformasi Hukum*. Komisi Hukum Nasional RI.
- Marwan, S. M. A. (2021). Eksistensi Pidana Penjara Seumur Hidup Di Indonesia Ditinjau Dalam Perspektif Tujuan Hukum Pidana Modern. *De Jure: Jurnal Hukum Dan Syariah*, 13(1), 140–155. <https://doi.org/10.18860/j-fsh.v13i1.12025>
- Milano, A. (2014). Formulasi Pedoman Penjatuhannya Sanksi Pidana Terhadap Penyelenggara Negara Yang Melakukan Tindak Pidana Korupsi Di Indonesia. *Arena Hukum*, 7(1), 117–130.
<https://doi.org/10.21776/ub.arenahukum.2014.00701.7>
- Muhtamar, S., & Ashri, M. (2020). Dikotomi Moral dan Hukum sebagai Problem Epistemologis dalam Konstitusi Modern. *Jurnal Filsafat*, 30(1), 123.
<https://doi.org/10.22146/jf.42562>
- Muladi dan Barda Nawawi Arief. (2010). *Teori-Teori dan Kebijakan Pidana*. Alums.
- Mustafa, C. (2020). The Perceptions Of Indonesian Judges In Sentencing Minor Drug Offenders: Challenges And Opportunities. *Jurnal Hukum Dan Peradilan*, 9(1), 1.
<https://doi.org/10.25216/jhp.9.1.2020.1-26>
- Notonagoro. (1995). *Pembukaan Undang-Undang Dasar 1945, Pokok kaidah fundamentiil negara, Penerbitan mengenai Pancasila Nomer Kedua*. Universitas Gadjamadah.
- Nurhadi, N. (2019). Teori Hukum Progresif Dalam Menyelesaikan Sengketa Bisnis Perbankan Syariah. *Jurnal Hukum Samudra Keadilan*, 14(2), 154–167.
<https://doi.org/10.33059/jhsk.v14i2.1372>
- Purba, J. (2017). *Penegakan Hukum Terhadap Tindak Pidana Bermotif Ringan Dengan Restorative Justice*. Jalan Permata Aksara.
- Putra, A. Y. E., Nurhamidin, M., & Cairul, D. (2022). Law Enforcement in The Eradication of Narcotics Crimes Against Drug Addicts and Abusers. *Jurnal Dinamika Hukum*, 22(1), 144. <https://doi.org/10.20884/1.jdh.2022.22.1.3244>
- Randhawa, S. H. (2022). International criminalization and the historical emergence of international crimes. *International Theory*, 14(3), 460–502.
<https://doi.org/10.1017/S1752971922000021>
- Rimmelink, J. (2003). *Hukum Pidana Komentar Atas Pasal Pasal Terpenting dari KUHP Belanda dan Padanannya Dalam KUHP Indonesia*. Gramedia Pustaka Utama.
- Rifqi, M. J. (2022). Dinamika Perkembangan Batas Usia Perkawinan Dalam Perspektif Hukum Progresif. *Arena Hukum*, 15(2), 285–306.
<https://doi.org/10.21776/ub.arenahukum.2022.01502.4>
- Rimsyahtono, R., Sambas, N., Januarita, R., & Imaniyati, N. S. (2021). Social Justice Manifestation Based on Islamic Law Principle in The Corporate Penal Sanction of Environment. *Jurnal Hukum Islam*, 19(2), 253–276.
<https://doi.org/10.28918/jhi.v19i2.4958>
- Rinaldi, K., & Tutrianto, R. (2023). Polemik Pengendalian Sosial, Kejahatan dan Hukuman Mati (Studi Pada Diskursus Pemberlakuan Penghukuman Mati terhadap Pengedar Narkotika di Indonesia). *Jurnal Pembangunan Hukum Indonesia*, 5(3), 523–536.
<https://doi.org/https://doi.org/10.14710/jphi.v5i3.%25p>
- Rio Feisal. (2024). *Pakar sepakat dengan Menkumhkan: Revisi UU Narkotika diperlukan*. Antaranews.Com.
<https://www.antaranews.com/berita/4151802/pakar-sepakat-dengan-menkumhkan-revisi-uu-narkotika-diperlukan>
- Rofiq, A., Disemadi, H. S., & Putra Jaya, N. S. (2019). Criminal Objectives Integrality

- in the Indonesian Criminal Justice System. *Al-Risalah*, 19(2), 179. <https://doi.org/10.30631/al-risalah.v19i2.458>
- Rokilah, R., & Sulasno, S. (2021). Penerapan Asas Hukum Dalam Pembentukan Peraturan Perundang-Undangan. *Ajudikasi : Jurnal Ilmu Hukum*, 5(2), 179–190. <https://doi.org/10.30656/ajudikasi.v5i2.3942>
- Romdoni, M., & Karomah, A. (2021). Perbandingan Kebijakan Hukum Pidana (Penal Policy) Terhadap Kejahatan Narkotika Atau Dadah (Studi Komparatif Indonesia Dan Malaysia). *Al Qisthas Jurnal Hukum Dan Politik*, 12(1), 118–138. <https://doi.org/10.37035/alqisthas.v12i1.4883>
- Satria, H. (2018). Restorative Justice: Paradigma Baru Peradilan Pidana. *Jurnal Media Hukum*, 25(1), 111–123. <https://doi.org/10.18196/jmh.2018.0107.111-123>
- Satria, H. S. (2020). Kebijakan kriminal pencegahan korupsi pelayanan publik. *Integritas: Jurnal Antikorupsi*, 6(2), 169–186. <https://doi.org/10.32697/integritas.v6i2.660>
- Setyawan, V. P. (2021). Asas Legalitas Dalam Perspektif Filsafat Hukum. *Justitia et Pax*, 37(1), 127–146. <https://doi.org/10.24002/jep.v37i1.3276>
- Setyowati, D. (2020). Memahami Konsep Restorative Justice sebagai Upaya Sistem Peradilan Pidana Menggapai Keadilan. *Pandecta Research Law Journal*, 15(1), 121–141. <https://doi.org/10.15294/pandecta.v15i1.24689>
- Shahar, S. M., Fibriyani, N., & Salman, B. (2023). The empowerment of the educational concept of spiritual rehabilitation of Muslim prisoners in Singapore Prison. *Jurnal Pendidikan Islam*, 16(3), 529–548. <https://doi.org/10.32832/tawazun.v16i3>
- Sholehuddin. (2003). *Sistem Sanksi dalam Hukum Pidana* (Pertama (ed.)). PT RajaGafindo Persada.
- Soetandyo Wignyosoebroto. (2001). *Materi Tutorial Mata Kuliah Penulisan Disertasi untuk Program Doktor Ilmu Hukum Universitas Diponegoro*. Undip.
- Subakti, M. M. dan F. A. (2010). *Politik Hukum Pidana Terhadap Kejahatan Korporasi*. PT. Sofmedia.
- Sumardin, S Osgar, M., & Lestawati, I. (2019). Tinjauan Yuridis Penyalahgunaan Narkotika Di Dalam Lembaga Pemasyarakatan (Lapas) Oleh Narapidana Yang Telah Divonis Hukuman Mati. *Jurnal Kolaboratif Sains*, 2(1), 1798–1812. <https://doi.org/https://doi.org/10.56338/jks.v2i1.709>
- Sunantara, I. G. H. (2020). Arah Pembaharuan Hukum Pidana Indonesia Dan Kontribusi Hukum Pidana Adat Di Tengah Pluralisme Hukum Indonesia. *Kertha Semaya : Journal Ilmu Hukum*, 8(12), 1972. <https://doi.org/10.24843/ks.2020.v08.i12.p14>
- Sunaryo, S. (2022). Konsep Fairness John Rawls, Kritik dan Relevansinya. *Jurnal Konstitusi*, 19(1), 001. <https://doi.org/10.31078/jk1911>
- Triwijaya, A. F., Fajrin, Y. A., & Wibowo, A. P. (2020). Quo Vadis: Pancasila Sebagai Jiwa Hukum Indonesia. *Jurnal Pendidikan PKN (Pancasila Dan Kewarganegaraan)*, 1(2), 115. <https://doi.org/10.26418/jppkn.v1i2.41083>
- Tsurayya Istiqamah, D. (2018). Analisis Nilai Keadilan Restoratif Pada Penerapan Hukum Adat Di Indonesia. *Veritas et Justitia*, 4(1), 201–226. <https://doi.org/10.25123/vej.2914>
- Utami, P. R. (2018). Konsep Diversi dan Restorative Justice sebagai Pergeseran Tanggung Jawab Pidana pada Sistem Peradilan Pidana Anak. *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 1(1), 95–106. <https://doi.org/10.24090/volksgeist.v1i1.1691>
- Wijaya, I. M. O. (2022). Restorative Justice dalam Tinjauan Hukum Progresif: Eksistensi dan Implikasi. *Indonesia Berdaya*, 3(3), 707–718. <https://doi.org/10.47679/ib.2022297>

- Wiratmadinata, W. (2022). Konstruksi Teoritis Pembentukan Teori Negara Hukum Pancasila (NHP). *Jurnal Hukum Samudra Keadilan*, 17(1), 40–52. <https://doi.org/10.33059/jhsk.v17i1.5072>
- Wulandari, W. (2017). Hate Crimes Di Indonesia Dalam Perspektif Perbandingan Hukum. *Veritas et Justitia*, 3(1), 65. <https://doi.org/10.25123/vej.2525>
- Yuli W, Y., & Winanti, A. (2019). Upaya Rehabilitasi Terhadap Pecandu Narkotika Dalam Perspektif Hukum Pidana. *ADIL: Jurnal Hukum*, 10(1). <https://doi.org/10.33476/ajl.v10i1.1069>
- Yusuf, M., & Daeng. (2021). Legal Protection for Children Victims of Narcotics Abuse in Riau Province. *International Journal of Law and Public Policy*, 3(2), 100–106. <https://doi.org/10.36079/lamintang.ijlapp-0302.265>