

EFFORTS TO ERADICATE AND OVERCOME DRUGS BY THE POLICE

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Received: December 23, 2022; Revisions: January 22, 2023; Published: February 24, 2023

Abstract: This writing aims to find out the Efforts to Eradicate and Control Drug Crime and the obstacles by the Police. The type of research used by researchers in writing this thesis is the Sosio Juridical research type, which means science that analyzes analytically and empirically or studies the interrelationships between law and social phenomena related to the research object being studied. The results of the research show that it is necessary to reconstruct efforts to overcome and eradicate drugs. In an effort to tackle and eradicate narcotics crime, priority should be given to non-penal policies because non-penal policies basically lead to preventive efforts. Education about the dangers of narcotics abuse should be included in the education curriculum at the elementary, secondary and tertiary education levels.

Keywords: Eradication and Control, Drugs, Police

I. INTRODUCTION

However, technological progress does not always have a positive impact, sometimes it even has a negative impact. The point is that with technological advances there is also an increase in crime problems by using sophisticated modus operandi. This is a challenge for law enforcement officials to be able to create countermeasures, especially in cases of narcotics and illegal drugs. (D, Soedjono. 1987; 34)

Among law enforcement officials who also have an important role in the existence of drug crime cases are "Investigators", in this case POLRI investigators, where investigators are expected to be able to assist in the settlement process of cases of drug offences.

With the issuance of Law Number. 35 of 2009 concerning Narcotics and Law Number. 5 of 1997 concerning psychotropics in which legal sanctions are regulated, as well as things that are permitted, with the issuance of this Law, investigators are expected to be able to assist the process of resolving cases against someone or more who have committed drug crimes today. (Judge, M. Arif. 2004; 25)

The effectiveness of the enactment of this Law is highly dependent on all ranks of public enforcers, in this case all directly related agencies, namely Polri investigators and other law enforcers. On the other hand, what is very important is the need for legal awareness from all levels of society in order to uphold legal authority and in particular to Law No. 5 of 1997 and Law No. 35 of 2009. So the role of investigators with the community is very important in assisting the settlement process of drug crime cases which are increasingly prevalent today.

II. RESEARCH METHODS

The type of research used by researchers in this paper is the Sosio Juridical research type, which means science that analytically and empirically analyzes or studies the interrelationships between law and social phenomena related to the research object being studied. This research was conducted using the technique of studying law, studying literature and studying books on legal science in a socio-juridical manner. From the study of written sources, the authors make it as a theoretical basis.

This research was conducted by interviewing the parties involved with the object of research and who can also provide input regarding the problem that is the object of research. After the data is collected, the data is processed and analyzed qualitatively and it is described in words that become sentences and connected with theories using legal interpretations.

III. RESULTS AND DISCUSSION

Drug Eradication and Control Efforts

1. Application of the Act

The definition of a crime in the Criminal Code is known as *Strafbaarfeit* and in the literature on criminal law often uses the term *delict*, while legislators formulating a law use the term criminal incident or criminal act or criminal act. Foreign legal experts criminal uses the term criminal act or criminal act or criminal event with the term: (Mardjono Reksodiputra, 1995; 32). According to (Andi Hamzah, 2006; 34) provides a definition of offense namely:

: "Offence is an act or action that is prohibited and punishable by law (criminal)".

According to (Moeljatno 1987; 49) defines *Strafbaarfeit* as follows:

: "*Strafbaarfeit* is actually a human behavior that is threatened by laws and regulations".

According to (Jonkers, 2002; 38) *Strafbaarfeit* as follows:

"Criminal events which he interprets as an act that is against the law related to intent or mistakes committed by people who can be accounted for".

According to (SR Sianturi, 2007; 34) using offense as a criminal act, explained Sianturi, the formulation is as follows:

"A criminal act is an act at, place, time and certain circumstances which is prohibited (or required) and punishable by law which is against the law, as well as by an error committed by someone (who is responsible)".

Sianturi argues that the term follow is an abbreviation of action, meaning that everyone who takes an action is called a follower. Any action can be done by everyone, but in many cases an action can only be done by everyone, but in many cases an action can only be done by certain people, for example according to class in work and according to gender. Sianturi explained gender groups, for example women or men, while according to groups in work, for example, such as workers, employees and so on, so the status/classification of an perpetrator according to Sianturi must include who's element. (Amir ilyas 2012: 28). In Criminal Theory according to (Satochid Kartanegara 2008;

1. *Absolute or vergeldings theorieen (vergelde/compensation)*
2. *Relative or doel theory(doel/mean, purpose)*
3. *Verenigings theory(combined theory)*

This theory is a reaction from the previous theory which was not able to satisfactorily answer the nature of the purpose of punishment. According to the teachings of this theory, the legal basis for sentencing lies in the crime itself, namely retribution or torture, but besides that it also recognizes that as a basis for sentencing, it is the purpose of law.

Back to talking about the purpose of sentencing, that in principle these goals are contained in various sentencing theories that are commonly used. Broadly speaking, sentencing theories are divided into two and from the merging of the two sentencing theories, another sentencing theory is born.

In accordance with what was said by (Barda Nawawi Arief 1996: 12): that the purpose of sentencing policy is to determine a crime is inseparable from the goals of criminal politics. In its overall meaning, namely the protection of society to achieve prosperity. Therefore to answer and know the purpose and function of punishment, it cannot be separated from existing theories about punishment.

The scope of criminal law includes three provisions, namely criminal acts, accountability, and punishment. The criminal provisions contained in Law no. 35 of 2009 concerning Narcotics is formulated in Chapter XV of Criminal Provisions Article 111 to Article 148. Law no. 35 of 2009 concerning Narcotics, there are four categories of unlawful acts that are prohibited by law and can be threatened with criminal sanctions, namely:(Siswanto Sunarso, 2012, p. 256):

1. The first category, namely acts in the form of possessing, storing, controlling or providing narcotics and narcotic precursors (Articles 111 and 112 for narcotics class I, Article 117 for narcotics class II and Article 122 for narcotics class III and Article 129 letter (a)) ;
2. The second category, namely acts in the form of producing, importing, exporting, or distributing narcotics and narcotic precursors (Article 113 for narcotics class I, Article 118 for narcotics class II, and Article 123 for narcotics group III and Article 129 letter (b)) ;
3. The third category, namely acts in the form of offering to sell, sell, buy, receive, become intermediaries in buying and selling, exchanging, or handing over narcotics and narcotic precursors (Article 114 and Article 116 for class I narcotics, Article 119 and 121 for narcotics group II, Article 124 and Article 126 for class III narcotics and Article 129 letter (c));

4. The fourth category, namely acts in the form of carrying, sending, transporting or transiting narcotics and narcotics precursors (Article 115 for narcotics class I, Article 120 for narcotics class II and Article 125 for narcotics group III and Article 129 letter (d)).

Narcotics abuse is an act of crime and violation that threatens the safety, both physically and mentally of the user and also to the surrounding community socially, so with a theoretical approach, the cause of narcotics abuse is a material offense, while the act is held accountable for the offender, is an offense formal (M. Taufik Makaro, et al; 2005:49). In addition, narcotics abuse is a patologic pattern of users, lasting for a certain period of time and causing disruption of social and occupational functioning (Husein Alatas, et al; 2003:17).

Drug abuse is a condition that can be conceptualized as a mental disorder, namely mental and behavioral disorders due to drug abuse (H. Dadang Hawari; 2003:12).

If a person is without rights, then it can be categorized as an act of narcotics abuse, which is a special crime that can be threatened with severe legal sanctions. Narcotics abuse and drug abuse (drug abuse) means using narcotics/drugs that are good for medicinal purposes (Ridha Ma' ruf 1976: 9).

People who abuse it can develop a feeling of addiction or addiction to narcotics. Addiction, according to Sloan, can be defined as continuous drug abuse, causing dependence both physically and psychologically (Irvy J. Sloan 1984: 34).

Meanwhile, according to Mierczowski, addiction is a process in which the body psychologically needs drugs (Thomas Mierczowski 1992: 12).

Based on the understanding put forward, it can be seen that:

- a. Narcotics abuse is excessive use of narcotics and not classified as a type of drug, namely: Hallucinogens, Depressants, and Stimulants.
- b. That the narcotics work to affect the central nervous system which as a result can lead to unconsciousness or anesthesia. Dangerous if misused.
- c. that narcotics in the sense includes drugs and dangerous drugs or narcotic and dangerous drugs

2. Application of Sanctions

According to Article 127 paragraph (1) Law Number. 35 of 2009, Every person who abuses Narcotics Category I for himself shall be punished with imprisonment for a maximum of 4 (four) years; Every person who abuses Narcotics Category II for himself shall be punished with imprisonment for a maximum of 2 (two) years; and Every abuser of Narcotics Category III for himself shall be punished with imprisonment for a maximum of 1 (one) year. As for what is meant by abusers are people who use narcotics without rights or against the law. (Soedjono. D, 1987; 14)

One of the problems that may arise due to the large number of terms is regulatory confusion, where in Article 4 letter d of Law No. 35 of 2009 it says "The Narcotics Law aims to: Ensure arrangements for medical and social rehabilitation efforts for narcotics abusers and addicts", but Article 54 of the Law states "Narcotics Addicts and Narcotics Abuse Victims are required to undergo medical rehabilitation and social rehabilitation". Based on Article 54, the right of abusers to receive rehabilitation is not recognized. (Muhammad Taufik Makarao, 2003. ; 43)

Furthermore, abusers who receive rehabilitation guarantees under Article 4 of Law Number. 35 of 2009, but in Article 127 abusers are subject to punishment and lose their right to rehabilitation, unless they can be proven or proven to be victims of narcotics. In fact, proving that narcotics abusers are victims of narcotics is a difficult matter, because it must be seen from the beginning that narcotics users use narcotics. (Sasangka Day, 2003. ; 42)

Narcotics addicts according to the law on the one hand are perpetrators of criminal acts of narcotics abuse is the existence of provisions in the narcotics law which regulate prison sentences given to perpetrators of narcotics abuse. Then, on the other hand, it can be said that

a narcotics addict is a victim. This is shown by the provision that narcotics addicts can be sentenced to rehabilitation. (Lydia Harlina Martono & Satya Joewana, 2006; 72). This means that the law, on the one hand, still considers narcotics addicts to be perpetrators of criminal acts, and on the other hand, they are victims of the abuse of narcotics they commit. A victimology review classifies narcotics addicts as "self-victimizing victims", namely victims of crimes they have committed themselves. Therefore, the most appropriate way for a judge to pass a sentence in a case of narcotics addicts is to impose a rehabilitation sentence. Because narcotics addicts are essentially victims of a crime who need to get treatment and/or care, and because they are parties who also suffer losses from a crime, namely the crime of narcotics abuse. (Romli Atmasasmita, 1996; 51) 1996 ; 51) 1996 ; 51)

Law Number. 35 of 2009 concerning Narcotics has regulated the types of sanctions given to narcotics crimes, including:

1. Criminal acts for abusers or as victims of narcotics abuse, the abuser is required to undergo medical rehabilitation and social rehabilitation.
2. Parents/Guardians of Narcotics Addicts who are not old enough (Article 128) are subject to imprisonment for a maximum of 6 (six) months or a maximum fine of Rp. 1,000,000.00 (one million rupiah).
3. Criminal Acts Committed by Corporations (Article 130) Punished with imprisonment and a fine of 3 (three) times. Corporations may be subject to additional punishment in the form of: a. revocation of business licenses and/or b. revocation of legal entity status.
4. Crime for People Who Do Not Report Narcotics Crimes (Article 131). Shall be punished with imprisonment for a maximum of 1 (one) year or a fine of up to Rp. 50,000,000.00 (fifty million rupiah).
5. Crime of Attempt and Evil Conspiracy to Commit the Crime of Narcotics and Precursors (Article 132) Paragraph (1), shall be punished with the same imprisonment in accordance with the provisions referred to in these Articles. Paragraph (2), is sentenced to imprisonment and a maximum fine plus 1/3 (one third).
6. Criminal acts for ordering, giving, persuading, coercing with violence, trickery, persuading children (Article 133) paragraph (1), shall be punished with death penalty or life imprisonment, or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and fined a minimum of Rp. 2,000,000,000.00 (two billion rupiahs) and a maximum of Rp. 20,000,000,000.00 (twenty billion rupiahs). paragraph (2), shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of a minimum of Rp. 1,000,000,000.00 (one billion rupiah) and a maximum of Rp. 10,000,000,000 .00 (ten billion rupiah).
7. Crime for Narcotics Addicts Who Do Not Report Himself (Article 134) paragraph (1), shall be punished with imprisonment for a maximum of 6 (six) months or a fine of up to Rp. 2,000,000.00 (two million rupiahs). paragraph (2), shall be punished with imprisonment for a maximum of 3 (three) months or a fine of up to Rp. 1,000,000.00 (one million rupiah).
8. Criminal Acts for Pharmaceutical Industry Managers Who Do Not Carry Out Their Obligations (Article 135). Shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 7 (seven) years and a fine of a minimum of Rp. 40,000,000.00 (forty million rupiah) and a maximum of Rp. 400,000,000.00 (four hundred million rupiah).
9. Criminal acts against the results of criminal acts of Narcotics and/or Narcotics Precursors (Article 137) letter (a), shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least IDR 1. 000,000,000.00 (one billion rupiah) and a maximum of Rp. 10,000,000,000.00 (ten billion rupiah). Letter (b), shall be punished with imprisonment for a minimum of 3 (three) years and a

- maximum of 10 (ten) years and a fine of a minimum of Rp. 500,000,000.00 (five hundred million rupiah) and a maximum of Rp. 5,000,000,000.00 (five billion rupiah).
10. Crimes Against Persons Obstructing or Complicating the Investigation, Prosecution and Examination of Cases (Article 138) Shall be punished with imprisonment for a maximum of 7 (seven) years and a fine for a maximum of Rp. 500,000,000.00 (five hundred million rupiahs).
 11. Criminal offenses for captains or flight captains who do not comply with the provisions of Article 27 and Article 28 (Article 139) shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 10 (ten) years and a minimum fine of Rp. 100,000,000.00 (one hundred million rupiah) and a maximum of IDR 1,000,000,000.00 (one billion rupiah).
 12. Crimes for PPNS, Polri Investigators, BNN Investigators Who Do Not Implement Provisions on Evidence (Article 140) shall be subject to imprisonment for a minimum of 1 (one) year and a maximum of 10 (ten) years and a minimum fine of Rp. 100,000,000.00 (one hundred million rupiah) and a maximum of Rp. 1,000,000,000.00 (one billion rupiah).
 13. Criminal acts for the Head of the District Prosecutor's Office who do not implement the provisions of Article 91 Paragraph (1) (Article 141) shall be subject to imprisonment for a minimum of 1 (one) year and a maximum of 10 (ten) years and a minimum fine of Rp. 100,000,000.00 (one hundred million rupiah) and a maximum of IDR 1,000,000,000.00 (one billion rupiah).
 14. The crime against a laboratory worker who falsifies test results (Article 142) is punishable by imprisonment for a maximum of 7 (seven) years and a maximum fine of Rp. 500,000,000.00 (five hundred million rupiahs).
 15. Crimes against Witnesses Who Provide Incorrect Information (Article 143) shall be subject to imprisonment for a minimum of 1 (one) year and a maximum of 10 (ten) years and a minimum fine of Rp. 60,000,000.00 (sixty million rupiah) and 600,000,000.00 (six hundred million rupiah) at most.
 16. Crime for Every Person Who Repeats a Crime (Article 144) shall be punished with the maximum sentence plus 1/3 (one third).
 17. Criminal acts committed by Heads of Hospitals, Leaders of Institutes of Science, Leaders of the Pharmaceutical Industry, and Leaders of Pharmaceutical Traders (Article 147) shall be subject to imprisonment for a minimum of 1 (one) year and a maximum of 10 (ten) years and a minimum fine of Rp. 100 000,000.00 (one hundred million rupiah) and a maximum of Rp. 1,000,000,000.00 (one billion rupiah).

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In the stages of handling drug cases, it must be based on a reference or legal theoretical basis, namely law enforcement. In theory, law enforcement cannot be separated from the three basic elements as stated by Friedman. According to Friedman Friedman (translated by Wishnu Basuki, 2001; 9) The success or failure of law enforcement depends on: legal substance, legal structure/legal institution and legal culture.

a. Legal Substance

Legal substance is the entire legal principle, legal norms and legal rules, both written and unwritten, including court decisions

b. structure Law

is the entire law enforcement institution, along with its officers. So it includes: the police and the police; the attorney general and his prosecutors; the attorney's offices with their lawyers, and the courts with their judges

c. Legal Culture

These are habits, opinions, ways of thinking and acting, both from law enforcers and from members of the public. Substance and apparatus alone are not enough for the legal system to work. therefore, Lawrence M Friedman emphasized the importance of Legal Culture.

Regarding the punishment of children, by citing the opinion expressed (Bagir Manan, 2000; 9) argues that children in the field of criminal law are treated as "small adults" so that the entire process of the case except in Correctional Institutions is carried out the same as adult cases. The treatment that differs is only at the time of examination at court hearings, trials for child cases are carried out behind closed doors (Article 153 paragraph (3) of the Criminal Procedure Code) and the officers (judges and prosecutors) do not wear gowns. All of this is related to the physical, mental and social interests of the child concerned.

According to (Satochid Kartanegara 2008; 34) and the opinions of leading legal experts in criminal law, putting forward the theory of punishment or punishment in criminal law there are known to be three streams, namely:

1. Absolute or *vergeldings* theorieen (*vergelde*n/compensation)
2. *Relative or doel theory* (*doel*/means, goals)
3. *Verenigings theory* (combined theory)

According to the teachings of this theory, the legal basis for sentencing lies in the crime itself, namely retribution or torture, but besides that it also recognizes that as a basis for sentencing, it is the purpose of law.

Narcotics addicts according to the law on the one hand are perpetrators of criminal acts of narcotics abuse is the existence of provisions in the narcotics law which regulate prison sentences given to perpetrators of narcotics abuse. Then, on the other hand, it can be said that a narcotics addict is a victim. This is shown by the provision that narcotics addicts can be sentenced to rehabilitation. (Lydia Harlina Martono & Satya Joewana, 2006; 72)

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Obstacles in Drug Crime

The narcotics distribution network is rapidly expanding, not only in big cities, but also in municipalities, even in sub-districts. The expansion of the network of narcotics dealers is driven by the low quality of the intellectuality and morality of society and poor socio-economic conditions. (Partodiharjo Subagyo, 2016; 79)

Satjipto Rahardjo stated that the legal principle provides nutrition to the statutory system, so that it is not only a statutory building, but a building that is full of values and has its own philosophy and spirit. As a consequence if we leave legal principles, there is chaos in the legal system. In Article 3 of Law No. 35 of 2009 concerning Narcotics (Satjipto Rahardjo, 2003; 141.)

In the context of legal development towards a better condition, at least two things can be formulated. First, how do domestic factors, both the government and society, play their role in the development of the regulatory system. This is of course heavily influenced by legal political ideology or for the convenience of legal development politics. The second is

how legal conditions in the future can respond to global and regional developments that affect the state's paradigm in carrying out legal development and reform. (Adnan Buyung Nasution, 2008; 34)

In theory, law enforcement is an inseparable unit, both must be able to work synergistically. legal substance (content) contained in various laws and regulations will only become waste without being supported by a legal system and legal culture that grows and develops in society. (Soekanto, Soerjono. 1984; 20)

Obstacles in the Implementation of Narcotics Crime Law Enforcement include law enforcement, infrastructure and resources, in addition to that, the length of time for laboratory results, large areas and lack of community participation

Countermeasures against narcotics crimes are carried out to achieve legal objectives. Darji Darmodiharjo and Shidarta said, "at least we are aware that the law is formed because of considerations of justice (*gerechtigheit*) as well as legal certainty (*rechtssicherheit*) and expediency (*zweckmassigkeit*) (Darji Darmodiharjo and Shidarta, 2004; 23).

Efforts to Overcome Narcotics Crime

Efforts to overcome and eradicate narcotics crimes will begin with preventive and pre-emptive efforts, namely in the form of prevention/deterrence/control) before the crime occurs through a non-penal policy. Providing correct and clear information and knowledge regarding the dangers of drug abuse and the impact when using it, the impact on our organs and the legal impact if caught possessing, using or distributing narcotics, diseases that can be suffered as a result of drug use. (Martono, Lydia H. and Satya Joewana, 2008; 65).

Satjipto Raharjo argues that law enforcement is not a definite action, namely applying a certain action, namely applying the law to an incident, which can be likened to drawing a straight line between two points. (Satjipto Raharjo, 2002; 190).

Soerjono Soekanto, (2019; 34) argues that law enforcement is an activity of harmonizing the relationship of values described in solid and embodying values/views and attitudes as a series of final stage value translations to create, maintain and maintain social peace.

Concrete law enforcement is the enactment of positive law in practice which must be obeyed. So, providing justice in a case means deciding the law in concreto in guaranteeing and maintaining the observance of material law by using the procedural method determined by formal law. (Dallyana Shant. 1988; 33).

The term penal policy has the same meaning as the term criminal law policy and criminal law politics (*strafrechtspolitik*). Therefore, the use of these three terms in the field of thought has the same meaning. (Salman Luthan, 2014; 29) A rational effort to control or overcome crime (criminal politics) certainly does not only use "penal" means (criminal law), but can also use "non-penal" means. (Muladi and Barda Nawawi Arief, 2010; 158).

Prevention of drug abuse is carried out through targeted policies. Carl Friedrich detailed what is principal in a policy, namely the existence of goals (goals), targets (objectives) and will (purpose). (Said Zainal Abidin, 2004. 20-21).

IV. CONCLUSION

Efforts to eradicate and deal with narcotics crimes by the police are carried out through the application of laws and the application of legal sanctions to drug users in accordance with the provisions of the Narcotics Law Number 35 of 2009, in addition to implementing non-penal policies and penal policies. penalty policy). The non-penal policy is carried out through preventive and pre-emptive measures implemented through outreach, narcotics safaris, distribution of pamphlets and billboards as well as approaches to traditional and religious leaders and community development.

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