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Law Enforcement of Middlemen in the Crime of Narcotics Group I Not Plants

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Abstract: The use of narcotics, psychotropic substances and other addictive substances has a huge impact if misused. However, on the other hand, these substances can provide benefits for the development of science and the treatment of disease if used according to the instructions of the authorities. Therefore, this scientific legal work discusses two main things: first, how the legal regulations relate to intermediaries in the sale and purchase of class I non-plant narcotics according to positive law, and second, how to apply criminal law to these perpetrators. This research uses a normative method with a statutory approach. Eradicating narcotics faces very complex obstacles, ranging from internal and external factors of perpetrators to the involvement of law enforcement officers in abuse. As a solution, the government needs to optimize the role of society to increase supervision and legal awareness, revise narcotics laws, and tighten supervision of the morality of law enforcement officers.

Keywords: Enforcement, Law, Narcotic, Psychotropic, Criminal Act

INTRODUCTION

Indonesia is a state of law, as written in the explanation of the 1945 Constitution which states: "The Indonesian state is based on law, not merely power". Law functions as a rule that regulates people's lives, so that all citizens' actions must be based on the law. Therefore, Indonesia as a state of law is obliged to apply the law consistently as a means of upholding justice. Along with the development of an increasingly advanced era, the type of crime has also developed and is increasingly organized. One of the problems that often arise in society is various forms of general crime, such as the rampant abuse of narcotics that we often encounter these days.

Substances and drugs are harmful. The Republic of Indonesia's Ministry of Health also uses the acronym NAPZA, which stands for Psychotropic Drugs and Addictive Substances, in addition to the word drugs. NAPZA, or "drugs," refers to a group of substances that frequently lead to addiction in their users. In essence, narcotics are medications or compounds that are beneficial for medical care, research, and treatment. On the contrary, drug dependence is very dangerous if used without strict supervision and control. Narcotics is also called a double-edged sword which means that it is needed

in the medical and scientific fields, but its abuse can jeopardize the future, public security, and stability of the country.

Narcotics have long been an enemy of our country, to the point where it is now very worrying for our country and the whole world. The production and distribution of drugs is very widespread in our society. Although the entire nation is committed to fighting this crime, the drug mafia has poisoned law enforcers both as users and as dealers in Indonesia and around the world. Statements about committing or fighting drugs in our country and around the world are often heard by the public. Although countries around the world are committed to eradicating drug offences, illegal drug trafficking continues to increase and become rampant. Drug-related offenses are considered unusual crimes, according to some data. In addition to its detrimental effects, drug usage as a crime has a vast array of social, cultural, political, and economic ramifications. Extraordinary punishment is required for this kind of extraordinary crime, which has occurred globally as a transnational crime.

Prosecution of drug cases has been carried out extensively by law enforcement officers and is the subject of various judicial decisions. As such, law enforcement officials are expected to act as a deterrent in the fight against illicit drug trafficking. However, despite the tightening of law enforcement, drug trafficking and trade continues to increase, and anyone can be involved as a dealer regardless of age or social status. Various forms of criminal acts related to the illegal distribution and abuse of narcotics in Indonesia have been regulated in Law Number 35 of 2009 as an amendment to Law Number 22 of 1997 concerning Narcotics, as well as Minister of Health Regulation Number 4 of 2021 which regulates the classification of narcotics. This shows the seriousness of the Indonesian government in combating the illegal distribution and abuse of narcotics.

Law Number 35/2009 aims to ensure that narcotics may only be used in certain situations and only by authorised medical personnel or health professionals in appropriate doses. This is confirmed in Article 7 of Law Number 35/2009, which states that 'Narcotics may only be used for the benefit of health services and/or the development of science and technology.' The problem that often arises is the use of narcotics by addicts or abusers beyond medical needs, often exceeding the safe dose for the body, which can lead to overdose. Drug abuse can undermine the resilience of the community, nation and state.

A narcotics addict is someone who uses drugs with physical or psychological dependence, while a misuser is someone who uses drugs illegally or without authorization, as defined by Law Number 35/2009, which is governed by Articles 1 number 13 and 15. There are two categories of elements that contribute to drug offenses: internal and external influences. Internal factors include personal aspects of the offender, such as emotional instability and a sense of hopelessness that creates a desire to seek peace and comfort. While external factors include the influence of socialization, the environment, and pressure from certain parties that encourage drug abuse.

Drug traffickers can be sentenced to death, as stipulated in Article 114, Article 115, Article 118, and Article 119, depending on the category and level of the crime. As drugs have penetrated into various aspects of life, the death penalty is still considered relevant and needs to be applied consistently in our country. However, even though the death penalty has been imposed, the execution is often delayed, so the convicted person is still alive and even continues to commit crimes despite being in a correctional institution. This shows weaknesses in law enforcement for these cases.

Narcotics crime is a violation of the law in the nature of organized crime, and is a transnational crime. This condition requires that efforts to eradicate narcotics crimes be carried out thoroughly. In the era of globalization, narcotics abuse is increasingly widespread, and has become a major threat to all nations, especially Indonesia. This crime is no longer limited to one country, but has crossed the borders of other countries. In recent years, the circulation of narcotics of various types has become more widespread in Indonesia, posing a serious challenge to the government, which must ensure that the nation's generation is free from the threat of narcotics for a better future.

Drug middlemen are often referred to as drug brokers, where according to the Big Indonesian Dictionary, a broker is someone who becomes an intermediary and provides services to take care of something for a certain reward. In Law Number 35/2009 on Narcotics, there are provisions that

regulate the penalties for people who act as intermediaries. These sanctions vary depending on the type of narcotics class, the amount, and the form (whether it is still a plant or already in ready-to-use form).

The Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics, Article 114, paragraph (1), regulates the role of an intermediary in the drug trade. It states that "Anyone who unlawfully offers for sale, sells, buys, receives, mediates in the sale, purchase, exchange, or delivery of Class I Narcotics without authorization or unlawfully sells, buys, sells, or receives them faces life imprisonment or imprisonment for a minimum of five (five) years and a maximum of twenty (20) years, as well as a minimum fine of Rp1,000,000,000.00 (one billion rupiah) and a maximum of Rp10,000,000,000.00 (ten billion rupiah)." The act of offering for sale, selling, purchasing, intermediating in the sale and purchase, exchanging, handing over, or receiving class I narcotics, whether in the form of plants weighing more than one kilogram or more than five tree trunks, or in the form of non-plants weighing more than five grams, is punishable by the death penalty, life in prison, or imprisonment of at least six years and a maximum of twenty years, in addition to the maximum fine mentioned in paragraph (1) plus one-third. Drug abuse cases are no longer carried out in secret; instead, users and dealers now carry out their operations in public. Based on the facts seen almost every day both in print and electronic media, narcotics have now penetrated into various layers of society, from children, adolescents, adults, to parents who are involved in acts of abuse.

Law enforcement officers have enforced the law against drug crimes, and courts have rendered decisions in several court cases. It is envisaged that the widespread drug trafficking will be curtailed by these law enforcement initiatives. In actuality, however, drug trafficking rises in tandem with increased law enforcement activity.

Based on the background description above, the author is interested in raising the title: "Law Enforcement of Middlemen in the Crime of Narcotics Group I Not Plants and conduct further research to identify problems regarding how the legal arrangements related to intermediaries in the sale and purchase of narcotics group I not plants according to positive law and how the application of punishment law against intermediaries in the sale and purchase of narcotics group I not plants?"

METHOD

With an emphasis on law enforcement's efforts to combat intermediary offenders of class I drug offenses, this study approach seeks to uncover the facts in a methodical, consistent, and systematic manner. The study makes use of secondary legal documents in the form of books, journals, research reports, expert opinions, and other pertinent sources in addition to primary legal materials like Law Number 35 Year 2009 on Narcotics and Court Decisions. Data was collected through a case approach, by examining laws that have permanent legal force, as well as other statutory approaches that examine related regulations. Data analysis is carried out qualitatively with a descriptive approach to produce relevant conclusions in answering research problems.

RESULT AND DISCUSSION

Legal Arrangements Related to Intermediaries in the Sale and Purchase of Narcotics Group I Not Plants According to Positive Law

Drug abuse has a serious impact and should not be underestimated. Similar to corruption, narcotics poses a major threat to the progress of the nation and the security of the state. Cases of drug abuse still dominate compared to other types of crimes or offenses, although these are only cases that are revealed and recorded. It is also not uncommon for drug cases to be resolved "amicably" so that they are not officially recorded (dark numbers).

Narcotics itself is a substance or drug, either derived from plants or synthetic or semisynthetic, that can affect consciousness, relieve pain, and cause dependence. On the one hand, narcotics have benefits in the world of health, medicine, and scientific research. However, without strict supervision and control, narcotics can have a very detrimental negative impact. Legally, narcotics are legal as long as they are used in accordance with the law. However, in reality, narcotics are often misused for

purposes that are far from health or scientific interests, but rather as a lucrative illegal business. This abuse has a negative impact on the physical and mental condition of people of all ages, from teenagers, adults, to the elderly. The spread is also increasingly widespread, not only in big cities but also to small towns, sub-districts, and even remote villages.

The crime of narcotics abuse is included in a special type of criminal offense, the implementation of which is regulated using special procedural law provisions. Because the rule refers to Law Number 35 of 2009 concerning Narcotics rather than the Criminal Code, it is known as a particular criminal crime. As long as they adhere to the formal and material legality criteria, the behaviors governed by drug-related criminal charges are either illegal or devoid of rights. According to formal legality, an act is only punishable if it is covered by the relevant criminal legislation. In the narcotics law, narcotics offenses are divided into four categories, each accompanied by threats or criminal sanctions, namely :

1. First category: Covers the act of possessing, storing, controlling, or providing narcotics and narcotic precursors.
2. Second category: Covers the act of producing, importing, exporting, or distributing narcotics and narcotic precursors.
3. Third category: Covers the act of offering for sale, selling, buying, receiving, brokering, exchanging, or delivering narcotics and narcotic precursors.
4. Fourth category: Covers the act of carrying, sending, transporting, or transiting narcotics and narcotic precursors.

In addition to the categories of narcotics abuse above, Law Number 35/2009 also regulates several elements and classes of narcotics. This rule aims to determine the sanctions for the act of narcotics abuse. In this law, the elements of narcotics offenses include:

1. The element of every person

There is an element of the subject of law, which can only be used as a subject of law.

2. The element of without right or against the law

The existence of prohibited acts, acts committed in accordance with the formulation, offense. Unlawful, namely:

- a. Against formal law, namely if the act committed has previously been regulated in the Law
- b. Against Material Law, namely if the act committed violates the rules or values of life in society, there must be an error, the error in question is the reproach of the community when doing so so that there is a mental connection between the perpetrator and the event which will cause an effect. The mistake itself can be divided into two, namely deliberate/dolus and negligence.

3. The element of possessing, storing, controlling, or providing.

Article 112 paragraph (1) of Law Number 35 of 2009 about drugs states that "Anyone who owns, stores, controls, or provides narcotics Group I not plants without authorization or in violation of the law is in violation of the law."

4. Elements of narcotics group I in the form of plants, group I not plants, group II, and group III.

The classification of narcotics as referred to in Article 6 paragraph (1) of Law Number 35 of 2009 is as follows:

- a. Class I narcotics are drugs that have a significant potential for dependence and are solely permitted for scientific research purposes rather than being used in treatment.
- b. Class II narcotics are Medicinal drugs are employed as a last resort, can be utilized for therapeutic purposes or for scientific research, and have a significant potential for dependence.
- c. Class III narcotics are drugs that offer therapeutic benefits, are often used in treatment or scientific research, and have a slight risk of developing dependence.

Law Number 35 of 2009 concerning Narcotics regulates sanctions for those who commit drug-related offenses. This guarantees that every legal infraction carries the proper penalty to serve as a

deterrence to the offender. The Criminal Code (KUHP) governs the punishments for criminal offenders under Indonesian positive law. The Criminal Code's Article 10 divides penalties into two categories: primary punishment and supplemental punishment.

However, for drug addicts, they are actually more appropriately considered victims of promiscuity. Psychiatrists or psychiatric experts argue that giving criminal sanctions in the form of imprisonment to addicts is not appropriate. This is because imprisonment risks causing severe depression that can interfere with their mental health. Therefore, drug addicts are more in need of treatment in the form of rehabilitation that involves help from experts in the field of psychology.

Criminal sanctions are imposed on anyone who without authorisation or unlawfully possesses, stores, controls, or provides Class I Narcotics that are not derived from plants. This provision is regulated in Article 112 of the Narcotics Law, namely:

(1) Every person who without the right or against the law possesses, stores, controls, or provides Narcotics Group I not plants, shall be sentenced to a minimum imprisonment of 4 (four) years and a maximum of 12 (two betas) years and a fine of at least Rp800,000,000.00 (eight hundred million rupiah) and a maximum of Rp8,000,000,000.00 (eight billion rupiah).

(2) In the event that the act of possessing, storing, controlling, or providing non-plant narcotics Group I as referred to in paragraph (1) weighs more than 5 (five) grams, the perpetrator shall be punished with life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and the maximum fine as referred to in paragraph (1) plus 1/3 (one-third).

Criminal sanctions for perpetrators of drug abuse are primarily aimed at maintaining public order. Therefore, the perpetrator is sentenced to a penalty that serves as a warning and provides a deterrent effect. This sanction also acts as a prevention effort. In addition to prevention, criminal sanctions also aim to remove offenders from the community. This is done through imprisonment in a correctional institution, or even the death penalty as stipulated in Article 118 of the Narcotics Law if necessary. In addition, punishment also aims to correct and educate the perpetrator. With criminal sanctions, it is hoped that offenders can return to society with a better mental condition and become useful individuals.

Application of the Law of Punishment against the Middlemen of the Sale and Purchase of Narcotics Group I Not Plants

Authorities have conducted several law enforcement operations against drug cases, and judges have rendered a variety of rulings. It is hoped that law enforcement will be able to prevent the growing illegal drug trade and trafficking. Reality, however, demonstrates that the more strictly law enforcement is enforced, the more drugs are circulated and trafficked illegally. In fact, narcotics-related laws and regulations have been written and passed. Nevertheless, it is still challenging to prevent drug-related crimes. Numerous drug traffickers and dealers have recently been apprehended and given harsh penalties, including the death penalty. However, other criminals seek to grow their networks and areas of operation instead of being deterred by this.

In handling crime in Indonesia, the government as a state administrator has the responsibility to protect and improve the welfare of the community through various policies included in the national development program. These policies include social policies, one of which is law enforcement policy. In this policy, there are legislative policies and crime prevention policies, which are part of the overall law enforcement effort.

Law Number 35/2009 on narcotics has a broader scope, both in terms of norms, scope of material, and aggravated criminal threats. This expansion of coverage is based on several factors, including evolving needs and the fact that previous regulations are no longer adequate. In addition, this Law is also expected to be a more effective tool to prevent and eradicate drug abuse and illicit trafficking. To provide a deterrent effect and prevent people from abusing narcotics, more severe criminal penalties, both minimum and maximum, are considered necessary, given the serious impact of narcotics abuse on national security and resilience. Effectiveness in controlling, supervising,

preventing, and eradicating drug abuse requires organized national-level coordination. This coordination must take into account other laws, such as criminal procedure, health, police, customs, psychotropic, and defense and security.

However, Law Number 35/2009 on Narcotics, which defines a drug addict as someone who uses or abuses drugs to the extent of bodily and psychological dependence, has not adequately addressed concerns pertaining to drug addicts. Unfortunately, addicts are often put in a difficult position because they are considered part of a victimless crime. Drug addicts or users should not be treated as criminals, unless proven as dealers or part of a drug trafficking network. Even so, current national legal policy still emphasizes criminal threats against them. This can be seen in a number of articles such as Articles 127, 128, and 134 of the Narcotics Law.

When the Supreme Court released Circular Letter (SEMA) Number 4/2010, an intriguing occurrence surfaced. It controls where drug addicts, abuse victims, and abusers are placed in medical and social rehabilitation facilities. This policy responds to Law Number 35/2009's Article 103, paragraph (1), which establishes the legal foundation for their placement in rehabilitation centers.

In handling narcotics criminal cases, judges are the final party in the criminal law enforcement process at the judicial level. In considering drug case decisions, judges must not only pay attention to legal certainty, but also the value of public justice. It is the responsibility of judges to receive, review, hear, and render decisions on cases, which entails settling criminal issues. Although human with all their limitations, judges have an important position in upholding law and justice.

According to Sudikno Mertokusumo, in deciding cases, judges must consider three main principles: legal certainty, justice, and benefit. These three principles must be applied in a balanced and proportional manner. However, the criminal sanctions imposed on drug offenders are often considered to lack a deterrent effect and are influenced by norms outside the law, which become obstacles in strict law enforcement.

Under Indonesian law, judges are free to select the type of punishment that best meets their purposes because the country's criminal justice system is alternative. Under the general minimum and special maximum criminal systems, judges have the authority to impose sentences in drug crimes. Detering offenders is the aim of this minimum criminal system. Under Indonesian law, judges are free to select the type of punishment that best meets their purposes because the country's criminal justice system is alternative. Under the general minimum and special maximum criminal systems, judges have the authority to impose sentences in drug crimes. Detering offenders is the aim of this minimum criminal system. The purpose of applying specific minimum sanctions is to demonstrate the seriousness of the offense committed and lessen the discrepancy in punishment. The term "criminal disparity" itself describes how similar offenses are punished differently.

The main objective of the Narcotics Law is to ensure that people who abuse drugs have access to medical and social rehabilitation. However, in practice, many abusers are detained and imprisoned without going through the rehabilitation process. Abusers and addicts are indeed subject to criminal sanctions, but the root of the problem is drug addiction as an addictive disease that should be addressed through rehabilitation so that they can recover and not abuse drugs again. For this reason, judges are given special authority and are obliged to impose rehabilitation sentences for abusers who are in a state of addiction. If found guilty, judges can impose rehabilitation as a punishment. However, if not found guilty, the judge still has the authority to order rehabilitation as a form of treatment. This authority is regulated in Article 103 of the Narcotics Law, which emphasizes that rehabilitation sentences have the same status as other types of sentences, such as imprisonment, fines, or the death penalty.

This authority reflects the state's role in ensuring protection for abusers and addicts through medical and social rehabilitation efforts, as stipulated in Article 4. This shows that the Narcotics Law is modern, flexible and relevant to the times. It adopts a dual approach, namely a criminal law approach to address drug trafficking and a health approach to address abuse.

The excellence of Indonesia's Narcotics Law is also evident in its alignment with recent international conventions. It regulates various aspects, including international cooperation, a balanced

approach to reducing the demand and supply of drugs, and the replacement of prison sentences with rehabilitation for abusers. In addition, the law has anticipated the emergence of new types of narcotics by including Article 6 Paragraph 3, which allows changes to the classification of narcotics to be regulated through ministerial regulations without the need to revise the law as a whole.

Handling of Illicit Drug Use

Treating drug abuse involves a variety of factors that must be considered, especially to help individuals with addiction. This approach focuses on important aspects and relevant data related to the behavior of drug users. Many people start using illegal drugs for various reasons, but in many cases, addiction becomes a major factor that affects their entire lifestyle. Therefore, any form of treatment must consider the full impact of the addiction. One of the biggest challenges in maintaining abstinence is the negative influence of certain stimuli that can trigger former addicts to return to using.

Treatment for addiction to drugs such as heroin and cocaine begins with the detoxification process, which involves gradually stopping the use of the drug. Heroin withdrawal symptoms vary, ranging from mild anxiety, nausea, to severe reactions such as delirium, depending on the purity level of heroin consumed. Meanwhile, individuals who are intoxicated from certain substances can be helped with medications such as phenothiazines, which are often used to treat schizophrenia. However, it is important to note that users often take a combination of other drugs, such as amphetamines, which can affect the treatment process. Barbiturate withdrawal reactions, on the other hand, are very serious and potentially life-threatening. Symptoms usually appear 24 hours after the last ingestion, peaking on the second or third day, and can last up to a month if large doses were used. Therefore, barbiturate withdrawal should be done gradually under close medical supervision to avoid dangerous complications.

Detoxification is the first step in helping addicts recover, but it is often the easiest part of the rehabilitation process. The real challenge is helping the individual lead a normal life without drug dependency after detox is complete. This process requires great effort from both the therapist and the client, and is often marked by disappointment. Approaches to help users achieve recovery include both biological and psychological methods, both of which play an important role in the success of rehabilitation.

CONCLUSION

The complexity of the crime and the involvement of some parties in the misuse present significant obstacles for Indonesian law enforcement in their efforts to prosecute intermediary offenders of class I non-plant narcotics crimes. This study emphasizes the significance of the legal measures outlined in Law Number 35 of 2009 concerning Narcotics, which governs harsh penalties for offenders, such as the death penalty, incarceration, and hefty fines. Narcotics abuse, which has a devastating impact on various aspects of social, cultural, and economic life, remains a major threat to the nation. Using a positive law approach, this research confirms the need for strict supervision, revision of regulations, optimization of the role of the community, and enhancement of the integrity of legal apparatus. Although severe penalties have been applied, their effectiveness is often constrained by inconsistent implementation, so a synergy between law, rehabilitation, and collective awareness is needed to combat this crime in a sustainable manner.

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