

## **Sentencing Below the Minimum Criminal Penalty: An Analysis of Judicial Decisions on Drug Offenders**

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### **Abstract**

This research dissects the phenomenon of judicial sentencing disparities, particularly sentences below the minimum criminal penalty for drug offenders. It reveals that these disparities are influenced by various factors, including the application of restorative justice, judicial discretion, the accused's role, and the type and quantity of narcotics, using a normative legal approach and qualitative content analysis of court decisions. Such disparities create legal uncertainty, diminish deterrence, and can hinder efforts to combat the illicit narcotics trade. The research recommends enhancing judges' understanding of punishment goals and restorative justice, improving the Public Prosecutor's thoroughness in indictments, developing clearer sentencing guidelines, strengthening rehabilitation capacity, and intensifying prevention efforts. It also proposes amending Law Number 35 of 2009 to mandate indictment under Article 127 when the accused tests positive for drug use, fostering a more rehabilitative approach and reducing potential sentencing disparities due to varying legal interpretations.

**Keywords:** Drug Offenders; Judicial Discretion; Minimum Criminal Penalty; Restorative Justice; Sentencing Disparity.

### **Introduction**

Narcotics present a paradox in the modern world, possessing both the power to heal and the potential to destroy. Chemical compounds such as morphine, which alleviates suffering in cancer patients, or codeine, which relieves severe coughs, have been mainstays in the medical field for centuries (Maher et al., 2020). Conversely, narcotics abuse, particularly of highly addictive Class I2 substances like heroin and cocaine, has spawned a global epidemic, devastating millions of lives. Addiction, overdoses, and various communicable diseases cast a long, dark shadow over the issue of narcotics abuse (Ifeoma et al., 2020).

Law Number 35 of 2009 on Narcotics, which serves as the legal framework for narcotics control in Indonesia, attempts to navigate this complex issue. By classifying narcotics into three categories based on their medical potential and risk of dependence<sup>3</sup>, the government seeks to strike a balance between medical needs and public protection. However, the reality on the ground reveals that the illicit narcotics trade remains a persistent threat that erodes the nation (Tatara et al., 2023).

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<sup>2</sup> The classification of narcotics, as detailed in Annex I of Law Number 35 of 2009, has been updated through Minister of Health Regulation Number 30 of 2023 to address the emergence of new psychoactive substances posing a risk to public health.

<sup>3</sup> The classification of narcotics into three categories is regulated in Article 6 of Law Number 35 of 2009.

International narcotics syndicates, with their organized networks and substantial capital, continually seek loopholes to smuggle various types of narcotics into Indonesia (Singh & Lasmar, 2024). Crystal meth, ecstasy, synthetic marijuana, and other narcotics variants flood the black market, reaching various segments of society, from students to professionals (Mosher & Akins, 2007).

In the face of the relentless narcotics onslaught, the judiciary stands as the last line of defense. However, the reality on the ground reveals significant challenges in achieving true justice. Data from the Makassar District Court from May to July 2024 uncovers troubling disparities in decisions and outcomes. This phenomenon raises fundamental questions about the consistency and effectiveness of law enforcement, particularly in addressing extraordinary crimes like the illicit narcotics trade, which poses a grave threat to the nation's future generations.

One factor suspected of contributing to sentencing disparities is the application of restorative justice. This concept, which prioritizes repairing harm and rebuilding relationships between offenders, victims, and the community, has brought a welcome shift to the Indonesian criminal justice system (Sinaga, 2021). In cases involving narcotics users or those struggling with addiction, who are often considered victims themselves, restorative justice offers a more compassionate alternative to incarceration (Lestari et al., 2023). Through rehabilitation and social reintegration programs, the hope is that these individuals can re-enter society as productive members. However, the use of restorative justice to impose sentences below the minimum criminal penalty for those who play an active role in the narcotics supply chain—owners, sellers, distributors, or intermediaries—has sparked intense debate (Nasrullah, 2020). Critics contend that lenient sentences for such offenders could undermine efforts to combat the illicit narcotics trade (Prasetya et al., 2023).

This research aims to dissect the phenomenon of judicial sentencing disparities, particularly sentences below the minimum criminal penalty, for narcotics owners, sellers, distributors, or intermediaries in the Makassar District Court. By meticulously analyzing judicial verdicts and considering factors that may influence judges' decisions—such as the accused's role, the type and quantity of narcotics involved, and the application of restorative justice—this research seeks to uncover the root causes of these disparities. It is expected that this research will significantly contribute to the development of more effective, consistent, and just law enforcement policies. By understanding the complexities of sentencing disparities, strategic steps can be formulated to strengthen the criminal justice system in its fight against the illicit narcotics trade. Ultimately, only through a collective commitment from all elements of society can we achieve an Indonesia free from the shackles of narcotics.

## **Method**

This research utilizes a normative legal approach, drawing on statutes and court decisions to analyze discrepancies between established legal norms and actual law enforcement practices (Qamar & Rezah, 2020). Primary legal materials include Law Number 35 of 2009 and narcotics-related court decisions from the Makassar District Court. Secondary legal materials comprise legal textbooks, scholarly

articles, legal journals, and pertinent online resources addressing judicial sentencing disparities below the minimum criminal penalty.

Court decisions were sourced from the Official Website of the Supreme Court of the Republic of Indonesia. While an initial search employed a search engine with relevant keywords, all narcotics-related court decisions from the Makassar District Court were downloaded to ensure comprehensive data collection. Each decision was then meticulously read and analyzed to identify those explicitly involving sentences below the minimum criminal penalty. Only these specific decisions were selected as primary legal material for this research.

This research employs a qualitative content analysis methodology. Relevant court decisions were thoroughly read, understood, and analyzed to identify patterns, trends, and factors influencing judicial sentencing disparities. This analysis also included the interpretation of relevant legislation to gain insights into the legal norms applied in judicial practice (Sampara & Husen, 2016). The analysis results are presented descriptively, employing clear, logical, and systematic language. The aim is to provide a comprehensive overview of the phenomenon of judicial sentencing disparities below the minimum criminal penalty for drug offenders in the Makassar District Court.

## **Results and Discussion**

### **A. Disparity of Judges' Decisions in Sentencing below the Minimum Criminal Penalty**

Out of 256 Makassar District Court decisions examined from May to July 2024, several controversial rulings emerged where judges imposed sentences below the statutory minimum outlined in Law Number 35 of 2009.

Table 1. Disparities in Makassar District Court Decisions from May to July 2024

<b>Decision Number</b>	<b>Decision Date</b>	<b>Articles of Indictment by the Public Prosecutor that were Proven in Court</b>	<b>Sentencing based on Judge's Decision</b>
132/Pid.Sus/2024/PN Mks	05 June 2024	Article 112 section (1)	2 years imprisonment and a fine of IDR 800,000,000
445/Pid.Sus/2024/PN Mks	24 June 2024	Article 112 section (1)	2 years imprisonment and a fine of IDR 800,000,000
420/Pid.Sus/2024/PN Mks	01 July 2024	Article 114 section (1) juncto Article 132 section (1)	4 years imprisonment and a fine of IDR 1,000,000,000
421/Pid.Sus/2024/PN Mks	01 July 2024	Article 114 section (1) juncto Article 132 section (1)	4 years imprisonment and a fine of IDR 1,000,000,000
652/Pid.Sus/2024/PN Mks	31 July 2024	Article 114 section (1)	2 years imprisonment and a fine of IDR 1,000,000,000

*Source: Processed from the Supreme Court Decision Website<sup>4</sup>*

<sup>4</sup> All Makassar District Court Decision data were obtained from the Official Website of the Supreme Court: <https://putusan3.mahkamahagung.go.id/search.html>.

The stark disparity in these decisions, especially in cases involving narcotics owners, sellers, distributors, or intermediaries, is highlighted in Table 1. These findings will be further analyzed to uncover the root causes of such sentencing disparities and their impact on the fight against the illicit narcotics trade. This analysis aims to shed light on the factors influencing judicial decision-making in these complex cases.

**1. Disparity of Decision Number 132/Pid.Sus/2024/PN Mks**

In Decision Number 132/Pid.Sus/2024/PN Mks, the accused was found guilty of narcotics use. In handing down a sentence below the minimum criminal penalty, the judge considered several mitigating factors. First, the small amount of evidence found on the accused (0.1034 grams, less than one gram) suggested a relatively low level of wrongdoing and negative impact. Second, the positive methamphetamine urine test and the accused's open admission of narcotics use since 2003 indicated a long history of dependence, positioning him as a victim rather than a perpetrator. Third, the absence of evidence linking the accused to the illicit narcotics trade further supported his position as a user, not a distributor. Additionally, the judge took into account the accused's polite demeanor in court and his candid confession, which demonstrated awareness and remorse for his actions, suggesting a potential for positive behavioral change. Finally, the accused's promise to refrain from future drug use was also considered, signaling good intentions for self-improvement.

**2. Disparity of Decision Number 420/Pid.Sus/2024/PN Mks**

In Decision Number 420/Pid.Sus/2024/PN Mks, the accused was found guilty of narcotics use. The accused had purchased a minimal quantity of narcotics (0.0766 grams net) for personal consumption. These facts, corroborated by witness testimony and the accused's confession, painted a picture of an individual struggling with addiction rather than posing a threat to society. Consequently, the accused's role as a user, coupled with the lack of evidence linking them to narcotics distribution, became a pivotal factor in the judge's decision to consider a reduced sentence.

**3. Disparity of Decision Number 421/Pid.Sus/2024/PN Mks**

In Decision Number 421/Pid.Sus/2024/PN Mks, the accused was found guilty of acting as an intermediary in a narcotics distribution network, purchasing crystal meth from a seller and delivering it to a consumer. However, legal facts also established that the accused was a narcotics user. The judge's decision to impose a sentence below the minimum criminal penalty was based on several considerations reflecting the principles of justice and proportionality. First, the small quantity of narcotics involved (less than 1 gram) indicated a relatively minor role in the distribution network and a lower level of culpability. Second, the fact that the narcotics had not yet been consumed or further distributed demonstrated a lack of actual harm, though the potential danger remained a concern. Third, the accused's role as an intermediary, rather than a primary dealer or distributor, suggested a lower level of involvement in the overall operation. Finally, the accused's admission of

guilt, polite demeanor in court, and lack of prior convictions suggested a potential for rehabilitation and social reintegration, offering hope for future behavioral change.

**4. Disparity of Decision Number 445/Pid.Sus/2024/PN Mks**

In Decision Number 445/Pid.Sus/2024/PN Mks, both accused were found guilty of narcotics use. The judge's decision to impose a sentence below the minimum criminal penalty was rooted in a holistic and rehabilitative approach. The positive methamphetamine urine tests confirmed their status as users rather than dealers or distributors. Furthermore, the minimal amount of narcotics possessed (only 0.0155 grams) indicated personal consumption, not distribution. The judge also recognized that the accused possessed the narcotics for their own use, reinforcing their position as victims of addiction in need of help and rehabilitation, not harsh punishment.

**5. Disparity of Decision Number 652/Pid.Sus/2024/PN Mks**

In Decision Number 652/Pid.Sus/2024/PN Mks, the accused was found to have knowingly participated in illegal activity for financial gain, fully aware that the narcotics would be sold to buyers arranged by the narcotics owner's subordinate. While the accused played a passive role, merely guarding the evidence and awaiting buyers while others conducted the sale, the judge acknowledged their understanding of their involvement in the larger narcotics distribution chain. The relatively small amount of evidence (0.8061 grams) also contributed to the judge's decision to reduce the sentence. Additionally, the accused's status as a housewife with dependents was taken into consideration, demonstrating the court's effort to apply individualized punishment by considering the accused's social and economic circumstances (Tomaz et al., 2023).

**B. The Implications of Judicial Sentencing Disparities on Efforts to Combat the Illicit Narcotics Trade**

The disparity in judicial verdicts in narcotics cases, particularly those involving sentences below the minimum criminal penalty, has complex and far-reaching implications for efforts to combat the illicit narcotics trade. This is evident in various decisions where the accused played different roles within narcotics networks, from users to intermediaries. This disparity stems from the application of restorative justice and judicial discretion, as outlined in Law Number 35 of 2009 and further emphasized in the Chairperson of the Supreme Court's Circular Number 3 of 2023.<sup>5</sup> While well-intentioned, this policy creates a challenge in balancing the diverse goals of punishment: deterrence (retributive theory), community protection (utilitarian theory), and offender rehabilitation (rehabilitative theory) (Gunarto et al., 2023).

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<sup>5</sup> The Chairperson of the Supreme Court's Circular Number 3 of 2023 also encompasses the Chairperson's Circular Number 4 of 2010, the Chairperson's Circular Number 3 of 2015, and the Chairperson's Circular Number 1 of 2017.

The Chairperson of the Supreme Court's Circular Number 3 of 2023 empowers judges to issue verdicts that deviate from the minimum criminal penalties outlined in Article 111, Article 112, or Article 114 section (1) of Law Number 35 of 2009. Specifically, if the Public Prosecutor does not indict under Article 127 (which addresses rehabilitation for narcotics users), but legal facts revealed during the trial prove the accused is a victim of narcotics abuse, the judge can still deviate from the minimum criminal penalty stipulated in the indictment. However, this flexibility in sentencing, while well-intentioned, has led to disparities in verdicts, particularly in cases involving sentences below the minimum criminal penalty. This inconsistency has complex and far-reaching implications for efforts to combat the illicit narcotics trade, as evidenced in various decisions across a spectrum of roles within narcotics networks, from users to intermediaries.

In cases involving accused users who purchase narcotics, the sentencing disparity evident in Decisions Number 132/Pid.Sus/2024/PN Mks, 420/Pid.Sus/2024/PN Mks, and 445/Pid.Sus/2024/PN Mks can generate legal uncertainty and undermine efforts to prevent drug abuse. Individuals facing similar charges may receive vastly different sentences, depending on the judge's interpretation of the facts and the perceived severity of the narcotics use. This inconsistency can erode public trust in the justice system, discouraging people from reporting narcotics abuse or cooperating with law enforcement. Moreover, inconsistent lenient sentencing can weaken the deterrent effect envisioned by retributive theory, potentially signaling that narcotics use is tolerated (Steffen, 2020). This, in turn, could fuel demand, encourage illicit trafficking, and hinder rehabilitation efforts.

For those accused of playing a dual role as both intermediaries and users, the lenient sentence in Decision Number 421/Pid.Sus/2024/PN Mks highlights complex challenges beyond those previously discussed. While aimed at rehabilitation, such leniency can diminish the deterrent effect of the law and signal that involvement in narcotics networks won't be met with serious consequences (Volkow & Blanco, 2023). This can undermine efforts to combat the illicit narcotics trade, as offenders actively participating in distribution may believe they can evade harsh punishment by claiming to be users. Furthermore, sentencing disparities in these cases can lead to injustice, where individuals with varying levels of culpability receive similar sentences, contradicting the principle of proportionality in retributive theory (Riba et al., 2023).

Meanwhile, for those accused of acting as intermediaries who are not users, the disparity evident in Decision Number 652/Pid.Sus/2024/PN Mks carries significant implications. Sentencing below the minimum criminal penalty, with a focus solely on the accused's limited role and the quantity of evidence, can be perceived as overlooking the broader harmful impact of narcotics and contradicting the utilitarian goal of community protection (Altman, 2023). This can lead to a sense of injustice for victims of narcotics abuse and the community at large, as well as diminish the effectiveness of law enforcement efforts. Such sentencing disparities in cases involving intermediaries can send a dangerous message to society, suggesting that involvement in narcotics distribution networks may not result in appropriate punishment (Cheng et al., 2020).

To mitigate the negative consequences of sentencing disparities and strengthen the fight against the illicit narcotics trade, a comprehensive and multi-pronged approach is crucial. A key initial step is the development of more transparent and consistent sentencing guidelines that account for all relevant factors and provide clear guidance to judges (Hamilton, 2021) in implementing the Chairperson of the Supreme Court's Circular Number 3 of 2023. This would help to ensure greater predictability and fairness in sentencing, reducing the potential for arbitrary decisions and promoting public trust in the judiciary. Additionally, enhancing judges' understanding of the devastating effects of narcotics, the diverse goals of punishment, and the importance of firm law enforcement through targeted training and continuing education programs is essential (White et al., 2023). While judicial discretion is necessary for tailoring sentences to individual circumstances, it's equally important that judges are equipped with the knowledge and tools to make informed and consistent decisions that align with both the spirit of the law and the broader societal goals of justice.

Simultaneously, bolstering rehabilitation capacity, with a focus on detoxification and comprehensive psychological, social, and economic recovery, is vital to support effective rehabilitative approaches (Delmiati & Irsal, 2023). This investment in rehabilitation not only aids in reducing recidivism but also aligns with the rehabilitative theory of punishment, emphasizing the potential for offenders to reform and reintegrate into society. Finally, intensifying prevention efforts, such as educating the public about the dangers of narcotics, developing life skills, strengthening social support networks, and increasing access to mental health services, is also crucial in reducing demand and preventing vulnerable individuals from falling prey to abuse and illicit trafficking (Nelson & Obot, 2020). Addressing the root causes of drug addiction and providing individuals with the tools to resist it is a critical component of any comprehensive strategy to combat the narcotics trade.

### **Conclusions and Suggestions**

The research concludes that the disparity in sentencing below the minimum criminal penalty for drug offenders in the Makassar District Court is a complex issue arising from various factors. These include the application of restorative justice, judicial discretion, the accused's role in the drug trade, and the type and quantity of narcotics involved. While the implementation of restorative justice and judicial discretion aims to create a more balanced and rehabilitative approach, it also poses a challenge in reconciling the diverse goals of punishment: retribution, deterrence, rehabilitation, and community protection. This disparity, observed in cases involving individuals ranging from users to intermediaries, leads to legal uncertainty, undermines deterrence, and potentially hampers efforts to combat the illicit narcotics trade. The Public Prosecutor's frequent failure to indict under Article 127 of Law Number 35 of 2009, even when evidence suggests the accused is a drug user, further exacerbates the issue and contributes to sentencing inconsistencies. To address these challenges, strategic measures are necessary, including developing clearer and more consistent sentencing guidelines, enhancing judges' understanding of punishment goals and restorative justice, strengthening

rehabilitation programs, and intensifying prevention efforts through education and outreach.

Based on these conclusions, several recommendations are proposed. Judges should enhance their understanding of punishment goals and restorative justice, considering all relevant factors in each narcotics case comprehensively. The Public Prosecutor must improve the thoroughness of indictment letters, ensuring the inclusion of all applicable articles, including the rehabilitation option for users, when their elements are met. Furthermore, the development of more transparent and consistent sentencing guidelines and the strengthening of rehabilitation capacity for drug offenders are crucial. Society's active participation in prevention efforts and support for rehabilitation programs are also essential. Finally, lawmakers should consider amending Law Number 35 of 2009 to mandate the Public Prosecutor to indict under Article 127 when the accused is proven to be a drug user based on a positive urine test, thus promoting a more rehabilitative approach and reducing potential sentencing disparities.

#### **Author Biography**

Nasrullah Nasrullah, a dedicated academic, serves as a lecturer at the Faculty of Law, Universitas Muslim Indonesia. His passion extends beyond teaching, as he actively engages in legal research and writing, particularly within the field of criminal law.

## References

- Altman, M. C. (2023). In Defense of a Mixed Theory of Punishment. In M. C. Altman (Ed.), *The Palgrave Handbook on the Philosophy of Punishment* (pp. 195-219). Palgrave Macmillan. [https://doi.org/10.1007/978-3-031-11874-6\\_9](https://doi.org/10.1007/978-3-031-11874-6_9)
- Cheng, K. K.-y., Ri, S., & Pushkarna, N. (2020). Judicial Disparity, Deviation, and Departures from Sentencing Guidelines: The Case of Hong Kong. *Journal of Empirical Legal Studies*, 17(3), 580-614. <https://doi.org/10.1111/jels.12260>
- Circular of the Chairperson of the Supreme Court of the Republic of Indonesia Number 4 of 2010 on the Placement of Abusers, Victims of Abuse, and Narcotics Addicts into Medical Rehabilitation and Social Rehabilitation Institutions. <https://jdih.mahkamahagung.go.id/legal-product/sema-nomor-4-tahun-2010/detail>
- Circular of the Chairperson of the Supreme Court of the Republic of Indonesia Number 3 of 2015 on the Enactment of the Formulated Results of the 2015 Supreme Court Chamber Plenary Meeting as Guidelines for the Implementation of Duties for the Courts. <https://jdih.mahkamahagung.go.id/legal-product/sema-nomor-3-tahun-2015/detail>
- Circular of the Chairperson of the Supreme Court of the Republic of Indonesia Number 1 of 2017 on the Enactment of the Formulated Results of the 2017 Supreme Court Chamber Plenary Meeting as Guidelines for the Implementation of Duties for the Courts. <https://jdih.mahkamahagung.go.id/legal-product/sema-nomor-1-tahun-2017/detail>
- Circular of the Chairperson of the Supreme Court of the Republic of Indonesia Number 3 of 2023 on the Enactment of the Formulated Results of the 2023 Supreme Court Chamber Plenary Meeting as Guidelines for the Implementation of Duties for the Courts. <https://jdih.mahkamahagung.go.id/legal-product/sema-nomor-3-tahun-2023/detail>
- Decision of the District Court of Makassar Number 445/Pid.Sus/2024/PN Mks on Accused(s): RUDI BIN MUHTAR & SAIFUL Alias IPUL BIN RASYID. <https://putusan3.mahkamahagung.go.id/direktori/putusan/zaef321053e62d38bdb1313635383338.html>
- Decision of the District Court of Makassar Number 652/Pid.Sus/2024/PN Mks on Accused: ANTI BINTI SATTU. <https://putusan3.mahkamahagung.go.id/direktori/putusan/zaef538ec93a079aa5c4303735363539.html>
- Decision of the District Court of Makassar Number 132/Pid.Sus/2024/PN Mks on Accused: HAIRUL SYARIF BIN SYARIFUDDIN. <https://putusan3.mahkamahagung.go.id/direktori/putusan/zaef31ee013486baa18c313235323536.html>
- Decision of the District Court of Makassar Number 420/Pid.Sus/2024/PN Mks on Accused: IQBAL BIN SAHARUDDIN. <https://putusan3.mahkamahagung.go.id/direktori/putusan/zaef3f644cda5120903a313630323239.html>

- Decision of the District Court of Makassar Number 421/Pid.Sus/2024/PN Mks on Accused: MUH. RIFKI Alias IKKI BIN KAMARUDDIN. <https://putusan3.mahkamahagung.go.id/direktori/putusan/zaef3f645fb2802ebdca313630333030.html>
- Delmiati, S., & Irsal, I. (2023). Implementation of Medical Rehabilitation and Social Rehabilitation for Addicts and Victims of Drug Abuse. *Ekasakti Journal of Law and Justice*, 1(1), 21-29. <https://doi.org/10.60034/ejlg.v1i1.3>
- Gunarto, G., Agustiana, A., & Wahyuningsih, S. E. (2023). Legal Reconstruction of Medical and Social Rehabilitation of Narcotic Abuse Victims Based on Humane Values. *Scholars International Journal of Law, Crime and Justice*, 6(1), 1-9. <https://doi.org/10.36348/sijlcj.2023.v06i01.001>
- Hamilton, M. (2021). Sentencing Federal Drug Offenders: Evidence of Judicial Activism. *Federal Sentencing Reporter*, 34(1), 23-28. <https://doi.org/10.1525/fsr.2021.34.1.23>
- Ifeoma, O. J., N., A. G., Chimezie, N. B., Bashir, I. W., Ngozi, O. G., Uzochukwu, A. F., & Onyemaechi, N. P. (2020). Effect of Drug Abuse and Health Risks among Undergraduates of Federal Universities in Nigeria. *Global Journal of Health Science*, 12(8), 107-117. <https://doi.org/10.5539/gjhs.v12n8p107>
- Law of the Republic of Indonesia Number 35 of 2009 on Narcotics (State Gazette of the Republic of Indonesia of 2009 Number 143, Supplement to the State Gazette of the Republic of Indonesia Number 5062). <https://jdih.dpr.go.id/setjen/detail-dokumen/tipe/uu/id/568>
- Lestari, R. A., Rivanie, S. S., & Soewondo, S. S. (2023). Implementation of Restorative Justice for Narcotic Abusers: A Case Study in the Takalar Public Attorney's Office. *SIGN Jurnal Hukum*, 5(1), 207-220. <https://doi.org/10.37276/sjh.v5i1.275>
- Maher, D. P., Shah, B. J., & Vorobeychik, Y. (2020). Opioid and Non-opioid Therapy. In J. Mao (Ed.), *Spine Pain Care: A Comprehensive Clinical Guide* (pp. 231-257). Springer. [https://doi.org/10.1007/978-3-030-27447-4\\_19](https://doi.org/10.1007/978-3-030-27447-4_19)
- Mosher, C. J., & Akins, S. (2007). *Drugs and Drug Policy: The Control of Consciousness Alteration*. Sage Publications. <https://doi.org/10.4135/9781452224763>
- Nasrullah, N. (2020). Putusan Hakim terhadap Pemberian Sanksi di Bawah Batas Minimal pada Tindak Pidana Narkotika. *SIGN Jurnal Hukum*, 2(1), 1-19. <https://doi.org/10.37276/sjh.v2i1.59>
- Nelson, E.-U., & Obot, I. (2020). Beyond Prohibition: Responses to Illicit Drugs in West Africa in an Evolving Policy Context. *Drugs and Alcohol Today*, 20(2), 123-133. <https://doi.org/10.1108/DAT-07-2019-0033>
- Prasetya, M. D., Sari, I. P., Said, S., & Akbar, A. (2023). Forms and Developments of Narcotics Crime during the Covid-19 Pandemic: A Case Study of Court Decision. *SIGN Jurnal Hukum*, 4(2), 291-307. <https://doi.org/10.37276/sjh.v4i2.164>
- Qamar, N., & Rezah, F. S. (2020). *Metode Penelitian Hukum: Doktrinal dan Non-Doktrinal*. CV. Social Politic Genius (SIGN).
- Regulation of Minister of Health of the Republic of Indonesia Number 30 of 2023 on the Changes to Narcotics Classification (Bulletin Gazette of the Republic

- 
- of Indonesia of 2023 Number 643). <https://peraturan.go.id/id/permenkes-no-30-tahun-2023>
- Riba, J. M. L., Cabello, Ú. R., Gómez, D. V., & Vasilescu, C. (2023). Equality Before the Courts? Studying Citizenship Disparities in Sentencing in Catalonia. *European Journal on Criminal Policy and Research*, 29(4), 601-624. <https://doi.org/10.1007/s10610-022-09530-w>
- Sampara, S., & Husen, L. O. (2016). *Metode Penelitian Hukum*. Kretakupa Print.
- Sinaga, H. S. R. (2021). Implementation of Restorative Justice in Indonesian General Courts (Based on the Decree of the Director-General of the Supreme Court of the Republic of Indonesia No. 1691/DJU/SK/PS.00/12/2020). *International Journal of Research - Granthaalayah*, 9(4), 424-434. <https://doi.org/10.29121/granthaalayah.v9.i4.2021.3886>
- Singh, R., & Lasmar, J. M. (2024). The Tri-Border Area: A Hub of Illicit Trade with Global Impact. In Y. Krylova (Ed.), *Hubs of Illicit Trade in the Global Economy* (pp. 157-193). Routledge. <https://doi.org/10.4324/9781003493181-5>
- Steffen, J. R. (2020). Moral Cognition in Criminal Punishment. *British Journal of American Legal Studies*, 9(1), 143-179. <https://doi.org/10.2478/bjals-2020-0002>
- Supreme Court of the Republic of Indonesia on Search of Decision Directory. <https://putusan3.mahkamahagung.go.id/search.html>
- Tatara, B. A., Suhirwan, S., & Afifuddin, M. (2023). The Economic Impact of Asymmetric Warfare through Illicit Drug Trafficking in Indonesia. *Journal of Enterprise and Development*, 5(1), 88-101. <https://doi.org/10.20414/jed.v5i1.6802>
- Tomaz, V., Moreira, D., & Cruz, O. S. (2023). Criminal Reactions to Drug-Using Offenders: A Systematic Review of the Effect of Treatment and/or Punishment on Reduction of Drug Use and/or Criminal Recidivism. *Frontiers in Psychiatry*, 14, 1-19. <https://doi.org/10.3389/fpsy.2023.935755>
- Volkow, N. D., & Blanco, C. (2023). Substance Use Disorders: A Comprehensive Update of Classification, Epidemiology, Neurobiology, Clinical Aspects, Treatment and Prevention. *World Psychiatry*, 22(2), 203-229. <https://doi.org/10.1002/wps.21073>
- White, R. W., Knauff, J. K., & Kverno, K. S. (2023). Empowering Law Enforcement Officers to Engage Effectively with Individuals in Crisis. *Archives of Psychiatric Nursing*, 47, 1-5. <https://doi.org/10.1016/j.apnu.2023.08.005>