

# COUNTRY REPORT ON DRUGS

Republic of Indonesia 1976-2016

**Indonesia Cerdas NAPZA**

and

**Rumah Cemara**

**2016**

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## Executive Summary

In a press statement, the President of Republic of Indonesia, Joko Widodo, stated, “I would like to see acts of drug eradication to be more intense, fearless, extreme, comprehensive and integrated.”<sup>1</sup> This statement means more raids, fire weapon engagement and death sentence execution as a justice tools for violation against the Narcotics Law. Users, victims or consumers of drugs will certainly live under the shadow of fear and anxiety, reflecting what has happened in the last 40 years or so, preventing them to be seen in public spaces (including to access public services).

The country’s stance is dealing with drugs is based on the ratification of the United Nation Single Convention on Narcotic Drugs in 1961, Psychotropic Substances in 1971, and Against Illicit Traffic in Narcotics and Psychotropic Substances in 1988. This antidrug spirit is reflected through authorization of several changes on the Narcotics Law in 1976, 1997 and to the most recent one in 2009. However, the approach through prosecution, rehabilitation and campaign has not provided the answer to the challenge in reducing the number of consumers (market) of illegal drugs in Indonesia.

Cannabis, opium and coca had become a commodity if many parts of the world when international prohibition was agreed in 1961. The society had utilized the benefit thousand years before the prohibition. Nevertheless, in the last 50 years, anti-drug policy has created a field of gold for outlaws, black market mobs and corrupted authorities.

For many years, ‘war on drugs’ has proven to fail in eradicating opium, coca or cannabis farms around the world. Indonesia is one of the many countries experiencing the failure. Not only the continuously increasing number of consumers, perpetrators and punishment threats; but also the development of new trend in drugs consumption in Indonesia which involved *Shabu* (crystal methamphetamine) and *Ecstasy* that have shown how this approach is creating more devastation.

The Republic of Indonesia need to take firm and courageous action, demanding the United Nation to review its approach in dealing with drugs operation. A task force is necessary to create to review the three UN Convention on Drugs, with particular consideration on ideology, philosophy and sociology. Internally, Indonesia need to conduct an in-depth study on the content, structure and culture in the Narcotics Law No. 35 year 2009. This way, future Narcotics Law implementation will include comprehensive scientific reviews based on political, social, economy, historical and culture aspects of Indonesia as a nation.

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<sup>1</sup> *Jokowi Tabuh Genderang Perang Terhadap Narkoba* (Jokowi Strikes the War Drum on Drugs) – Indra Akuntono. Kompas.com, 25 February 2016.

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## CHAPTER I. Prologue

### I.1. Background

In dealing with illegal drug distributions in the society, the government of Indonesia has affirmed 'war on drugs' and create this idea as the main foundation in message dissemination in many media platforms<sup>2</sup>. The official act of the nation has been legitimized through the ratification of the United Nation Single Convention on Narcotic Drugs in 1961, Psychotropic Substances in 1971, and Against Illicit Traffic in Narcotics and Psychotropic Substances in 1988. This anti-drug spirit is reflected through authorization of several changes on the Narcotics Law No. 35 in 1976, 1997 and to the most recent one in 2009.

The history of these three UN Conventions was closely attached to the roles of western nations such as the United States of America and European countries as the main supporters of global drugs prohibition policy at that time<sup>3</sup>. Prohibition and prosecution of what has been categorized as narcotics and psychotropic was globally applied following the UN Convention in 1961, 1971 and 1988.

The application of prosecution law (prohibition and eradication) in dealing with illegal drugs traffic has brought us into one conclusion, that a repressive approach is creating negative impacts. Take the United States of America as an example, where repressive prosecution law is used to prioritize on arrest and imprisonment rather than on medical and social rehabilitation has ranked them number one with the highest population of prisoners in the world. To date, there has been no evidence of reduction in consumption and traffic in that particular country<sup>4</sup>.

The impact of 'war on drugs' has created more harm to the human instead of the drugs as the commodity that is battled against. This lesson has been learned to alter the approach on drugs policy to become more strategic (and effective), demonstrated by European countries such as England and Switzerland with their heroin for treatment (diacetylmorphine) and Portugal that control drug possession through their administrative laws<sup>5</sup>.

Indonesia are at a position where they can benefit the most through analyzing various studies and research related to drugs. Therefore, the country can apply a more effective approach without having to perform trial and error process that can harm their own citizens.

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<sup>2</sup> *Indonesia Akan Hadapi Perang Besar, Perang Melawan Narkoba* (Indonesia is Facing a War, War on Drugs) – Agus Nuryadhyn. *Bangka.Tribunnews.com*, 16 March 2016.

<sup>3</sup> *UN Backs Prohibitionist Drug Policies espite Call for More 'Humane Solution'* – Jessica Glenza. *The Guardian*, 20 April 2016.

<sup>4</sup> [http://www.prisonstudies.org/highest-to-lowest/prison-population-total?field\\_region\\_taxonomy\\_tid=All](http://www.prisonstudies.org/highest-to-lowest/prison-population-total?field_region_taxonomy_tid=All)

<sup>5</sup> *Drug Policy in Portugal: The Benefits of Decriminalizing Drug Use* – Artur Domostawski. Warsaw: Open Society Foundation, 2011

Today, the harms of hardline prohibition-based policy in the USA and Mexico become the lessons and principal to review their actions where they are intensively reformulating their drugs policy. Indonesia, unfortunately, has refused to further anticipate the impact of punitive policy, despite the overcrowding prisons due to drug-related crimes. Furthermore, human rights violations repeatedly occur during the process of law enforcement, particularly in drug-related cases.

Yet, looking closer at policy, the government of Indonesia has a sufficiently progressive regulation in dealing with drug-related problems. This regulation was issued by the Coordinating Minister for People's Welfare in 2007 in responding to HIV/AIDS infections among people who use intravenous drugs. This policy has made not only the country become more responsive in providing HIV prevention services; but also people who inject drugs become willing to access public health services.

This regulation (*Peraturan Menkokesra No. 02/PER/MENKO/KESRA/II/2007*) on the National Policy on HIV and AIDS Intervention through Harm Reduction of Injecting Narcotics, Psychotropic Substance and Other Substances Use was issued to respond to the increasing HIV infections among people who inject drugs. This policy applies an alternative approach – public health in dealing with illegal drugs problem rather than penal approach.

As a result, public health and social service systems are more responsive and aware of the problems experienced by drug consumers. This experience in public health system in responding to drug problems through socio-cultural approach has contributed to the effort in humanizing people who use illegal drugs as productive members of the state and are part of the nation's development.

## 1.2. War on Drugs: Answer or Threat?

Global experience and various internal and external research and studies about illegal drugs use and traffic in Indonesia has reinforced the urge for the country to reform its approach and policy. The Indonesia's 'war on drugs' stance, merely abiding the UN Convention on Drugs has generated various reactions from the society. Academia, humanists, anti-corruption activists and other human-rights groups have intensively made critical points on the effectiveness of eradication and 'war on drugs' in Indonesia.

The pressure from the country through a punitive approach and total prohibition against illegal drugs draws a question, whether it is the right step for the people in Indonesia.

## 1.3. Methodology

This report is completed by using a qualitative approach and reference-based. This approach synthesizes literatures taken from:

- Regulation and law issued by the government;
- International treaties;

- Internal and external research and studies;
- Scientific paper and articles;
- Media articles.

## CHAPTER II. Trend and Market Share

### II.1. Prosecution and Illicit Drugs Consumption Trend in Indonesia

National Narcotics Board (BNN) reported between 2.9 and 3.6 million drug abusers who consume regularly and are addicted in Indonesia in the year of 2004<sup>6</sup>. In determining the statistics, since 2008, BNN has restricted the ‘abusers’ criteria to a person aged 10-59 years old who consume illicit drugs at least once in the last one year period.

It is estimated between 3.1 and 3.6 million Indonesian aged 10-59 years old are consuming illicit drugs in the last one year in 2008<sup>7</sup>. This number has increased in 2011 to between 3.7 and 4.7 million<sup>8</sup>. In 2014, the number was relatively stable at 3.8 to 4.1 million<sup>9</sup>.

Year	Citizens Aged 10-59 y.o
2004	2.9 – 3.6 million
2008	3.1 – 3.6 million
2011	3.7 – 4.7 million
2014	3.8 – 4.1 million

Table II.1. Estimated Number of Illicit Drugs Consumers

From 2004 to 2011, the number of illicit drugs consumers in Indonesia increased with stability and experienced a decrease in 2014. A similar trend is also reflected at the global picture. According to World Drug Report in 2015, there has been very little changes to the production, consumption and health consequences of illicit drug use<sup>10</sup>.

This measurement of drug use trend in Indonesia has been conducted since 2001 by the Department of Health (now the Ministry of Health). The Ministry, then, described drug consumption trend based on the number of visits to public health services,

<sup>6</sup> *Studi Biaya Ekonomi dan Sosial Penyalahgunaan Narkoba di Indonesia Tahun 2004* (Economy and Social Cost Study on Drug Abuse in Indonesia in 2004) – National Narcotics Board & Center of Health Research of Indonesia University, 2004

<sup>7</sup> *Survei Penyalahgunaan Narkoba di Indonesia: Studi Kerugian Ekonomi dan Sosial akibat Narkoba Tahun 2008* (Survey on Drugs Abuse in Indonesia: Study of Economy and Social Loss on Drugs in 2008) – National Narcotics Board & Center of Health Research of Indonesia University, 2009

<sup>8</sup> *Survei Nasional Perkembangan Penyalahgunaan Narkoba di Indonesia Tahun 2011 (Kerugian Sosial dan Ekonomi)* (National Survey on Development of Drug Abuse in Indonesia in 2011 – Social and Economy Loss) – National Narcotics Board & Center of Health Research of Indonesia University, 2011

<sup>9</sup> *Survei Nasional Perkembangan Penyalahgunaan Narkoba Tahun Anggaran 2014* (National Survey on Development of Drug Abuse in 2014 Fiscal Year) – National Narcotics Board & Center of Health Research of Indonesia University, 2014

<sup>10</sup> *World Drug Report 2015* – New York: United Nations, 2015

particularly Hospital for Substance Dependency, during the period of 1997 – 2004. The figure started with a peak in 1997 which was followed with some periods of stability until 2004<sup>11</sup>.

Despite the inconsistency in terms of title and authorized reporting agency (see footnote 6 – 9), there are numbers that can be concluded, they increased. BNN, alongside with the Health Research of Indonesia University (PPK UI), conducted a couple of surveys in 2008 and 2014 which projected an increase in the number of drug consumers, although it was done through a declining scenario.

Indonesia ratified of the United Nation Convention on Psychotropic Substances, 1971 through law No. 8 year 1996. This was followed a year later with law No. 7 year 1997 ratifying the United Nation Convention Against Illicit Traffic in Narcotics and Psychotropic Substance, 1998. At the same year, law No. 5 year 1997 on Psychotropic Substance was also passed and revision of law No. 9 year 1976 to law No. 22 year 1997 on Narcotics was also released.

Except for psychotropic substance, the maximum sentence of narcotics possession in the 1997 law remained unchanged. Law No. 22 year 1997 on Narcotics supplemented the consideration dimension, aligning with the 1988 UN Convention. The consideration states that, narcotics (and psychotropic substance) crime has become a transnational issue.

The creation of the National Coordinating Body of Narcotics (BKNN) in 1999 was based on the mentioned transnationalism. Since 2002, BNN officially replaced BKNN through a presidential decree. Further, BNN's authorities in prevention and eradication of illicit drugs are ruled in the Narcotics Law.

Law No. 35 year 2009 on Narcotics is the 'climax' for prosecution against drugs consumers in Indonesia. Those who possess and control illicit drugs, where most of them are personal users, are considered as law offenders with punishment that has continuously become heavier<sup>12</sup>.

Year	Maximum Sentence
1976	Six-year imprisonment and penalty of Rp. 10 million for illegal possession of coca leaves or cannabis plants. Ten-year imprisonment and penalty of Rp. 15 million for illegal possession of other narcotics.
1997	Ten-year imprisonment and penalty of Rp. 500 million for illegal possession of narcotics category 1 (non-plants) Fifteen-year imprisonment and penalty of Rp. 750 million for illegal possession of psychotropic substance category 1.
2009	Twelve-year imprisonment and penalty of Rp. 8 billion for

<sup>11</sup> *Gambaran Penyalahgunaan NAPZA Tahun 2001-2004* (Overview of Drug Abuse in 2001-2004) – Center of Statistics and Information of Department of Health Republic of Indonesia, 2005

<sup>12</sup> Indonesian Law on Narcotics; 1976 Article 36 verse 3; 1997 Article 78 verse 1b; 2009 Article 112 verse 1

illegal possession of narcotics category 1 (non-plants).
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Table II.2. Maximum Sentence for Drugs Possession.

Between 1977 and 1997, there was very little data on illegal drugs in Indonesia. It is challenging to try to analyze the consumption trend during that period. Today, there are various sources of data on drugs in Indonesia made available for public. The following table explains a comparison between the numbers of prosecution and consumers in Indonesia<sup>13</sup>.

Year	Maximum Sentence	Indonesian Convicts of Drug-related Case	Estimated Number of Drug Users
2006	Max. 10-year imprisonment, penalty of Rp. 500 million	31.568 people	-
2007		36,101 people	-
2008		44.599 people	3.1 – 3.6 million people
2009	Max. 12-year imprisonment, penalty of Rp. 8 billion	35.299 people	-
2010		29.681 people	-
2011		32.763 people	3.7 – 4.7 million people
2012		32.892 people	-
2013		43.885 people	-
2014		35.177 people	3.8 – 4.1 million people
2015		42.797 people	-

Table II.3. Prosecutions and Numbers of Drug Consumer in Indonesia.

From the table above, it is clearly visible that there has been a rise in numbers of convicted drug-related crime, weight of maximum sentence and the drug consumers in Indonesia. The increase of maximum sentence weight in 2009 is parallel with the number of people who were convicted with drug-related crime following the revision of the law. With or without the toughening of punishment, in the last ten years, there has been on average 30,000 people convicted with drug-related crime every year.

Other than restricting by the age, in the 2008 survey report, BNN determined the category based on drug consumption frequency, which includes:

- Recreational Use : Consuming < 5 times in the last year
- Regular Use : Consuming 5 to 49 times in the last year
- Addicted : Consuming > 50 times in the last year

This report uses two terminologies to differ the two types of consumption, which are:

- Recreational Consumption : Consuming < 5 times in the last year
- Regular Consumption : Consuming > 5 times in the last year

<sup>13</sup> Compiled from various sources

These two categories were used to identify the trend of recreational use compared against regular use, not at the severity level of the consumption itself.

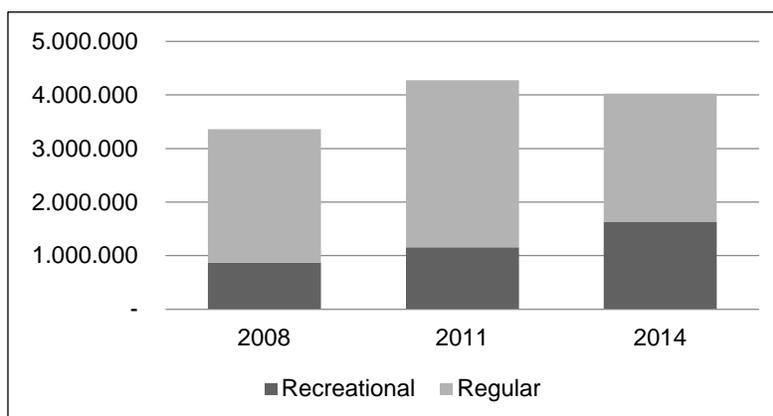


Diagram II.1. Recreational vs Regular Consumption

Despite the decrease in the 2014 estimated numbers of illegal drugs consumers, the number of recreational users has shown an increment. Pressure at workplace, social and economy skills and social pressure are the most common reasons people started trying drugs based on the BNN's report in 2014.

*Shabu* (crystal methamphetamine), is mostly used as a supplementary to increase stamina and performance at work. In recent time, *shabu* is the second most used illegal drugs in Indonesia after cannabis.

The United Nation Office on Drugs and Crime (UNODC) conducted an assessment on ATS (Amphetamine-Type Stimulants) in 2013 in Indonesia. The data was taken from the national survey report completed by BNN in 2008 and 2011.

The result shows that there is an estimation of 3.7 to 4.7 million drug consumers in Indonesia, 1.1 to 1.3 million of them are consuming *shabu*; 938,000 to 969,000 are consuming ecstasy; 2.8 million are cannabis users; and 110,000 are heroin consumers<sup>14</sup>.

Changes in socio-economy from village farming to city and market industrial base are the reasons behind the growth of ATS consumption in affected countries. ATS interests those who see it as a modern life-style, both for recreational and as a doping at work. Doping and stimulants are common in global culture that is competitive and industrial-centered as a result of economy development in East and Southeast Asia along with the change in the high work ethic and rhythm<sup>15</sup>.

<sup>14</sup> INDONESIA: Situation Assessment on Amphetamine-Type Stimulants – Global SMART Programme. New York: UNODC, 2013

<sup>15</sup> ATS and Harm Reduction: Experiences from Myanmar, Thailand, and Southern China –Tom Blickman. Amsterdam: Transnational Institute, 2011

This sub-chapter explains that other than the increase in the numbers of consumers, convicts and the weight of maximum punishment, there is a new trend of drug use that is also increasing, the use of *shabu* and ecstasy, where both are synthetic drugs.

The following table shows the increasing numbers of shabu and ecstasy confiscated as evidence in the last ten years. The law No. 35 year 2009 categorizes all substances listed in the law No. 5 year 1997 on Psychotropic Substances as narcotics. This move has seen a reduction in reported cases on psychotropic substance. However, the trend on other dangerous substances have been relatively inclining. These substances are used in the creation of drugs. Ecstasy and *shabu* are synthetic drugs that most of the materials are categorized as precursor in the Narcotics Law. Ecstasy and *shabu* related cases are categorized under other dangerous substances.

Year	Cases			Evidence		
	Total	Psycho tropic	Dangerous Substance s	Ecstasy (in pills)	<i>Shabu</i> (in grams)	Cannabis (in gram)
2005	16.252	6.733	1.348	233.467	93.156,42	20.904.654,45
2009	30.878	8.779	10.964	309.382	237.838,30	110.764.253,90
2010	26.614	1.181	7.599	424.515	354.065,84	23.891.244,25
2013	35.436	1.612	12.705	1.137.940	398.602,55	17.763.959,76
2015	34.296	752	9.720	1.072.328	2.360.829,58	23.211.355,60

Table II.4. Drug-related Cases and the Evidence<sup>16</sup>

## II.2. Efforts to Reduce Illegal Drug Consumption

Other than through punishment-based approach and massive coverage on drug cases on the media, efforts to prevent and eradicate the use and distribution of illicit drugs (P4GN) are conducted by BNN through campaign and rehabilitation.

In 2014, BNN targeted 100,000 people who use drugs to enroll their drug dependency rehabilitation program. 38,427 people were reported to have enrolled in the program throughout 2015<sup>17</sup>. This number includes those who attended in 196 community-based rehabilitation centers. These centers are supported by BNN to achieve the set target in 2014.

Mandatory Report Recipient Institutions (IPWL) was introduced to convene responsibilities to attend rehabilitation programs as stated in the Narcotics Law. Other than government-based service units, civil society organizations were also able to register as IPWL. The responsibility of mandatory report was directed at adult drug users and the parents or guardian of those who are convicted with drug-related crime.

<sup>16</sup> Directorate of Narcotics Crime, Criminal Investigation Agency, Department of Police Republic of Indonesia

<sup>17</sup> 2015 End-year Press Release – National Narcotics Board, 2015

Throughout 2014 – 2015, BNN conducted socialization and campaign of P4GN through civil society and government institutions, and electronic media particularly national television and national radio station.

The following table shows that BNN’s budget allocated for prevention and eradication of illicit drugs significantly increased every year since 2008 and reached seven times more in 2015. Ideally, eradication should reduce the number of illicit drug traffic so drug consumption can be prevented. On the other side, prevention should reduce the effort on eradicating since the demand of drugs would become less.

Year	BNN's Budget Ceiling	Estimated Number of People who Tried Drugs for the First Time	Number of Convicts with Drug-Related Crime
2008	Rp264.881.455.976	872.928 people	-
2009	Rp239.600.000.000	-	-
2010	Rp346.900.000.000	-	-
2011	Rp723.610.000.000	1.159.649 people	20,420 people
2012	Rp970.000.000.000	-	25,171 people
2013	Rp1.022.552.882.000	-	26,101 people
2014	Rp 735.051.825.000	1.624.026 people	28,609 people
2015	Rp1.412.308.919.000	-	26,173 people

Table II.5. BNN's Budget and the Number of Drug Consumer

The above data does not really show the effectiveness of BNN’s efforts in prevention and eradication of illicit drugs. Drug consumption has not been preventable among people aged 10-59 years old. In fact, the number increased significantly in 2011 and 2014. Also, prosecution barely reached 2% of the total number of consumers who tried drugs respectively.

Despite the massive efforts on media coverage on drug-related issues and prosecutions, the efforts of prosecution, rehabilitation and campaign have not been able to reduce the number of people (market) who use drugs in Indonesia.

At the end of 2014, there was no media that did not expose the death penalty execution on tens of drug-related convicts. In general, Indonesians were made aware of the execution; yet, new drug cases have been detected, even not long following the execution.

This indicates that even the most punitive punishment – death, has not stopped people from investing in illegal drugs market in Indonesia. Even with high exposure of the death penalty on the media, demand and supply of illicit drugs remains high in the society.

ATS was formerly not categorized as illicit drugs and its production and consumption were not prosecuted. However, since the revision in 1997, many production laboratories

have been raided and many of them decided to relocate their laboratories in remote areas. Today, ATS has the most market demand and it continues to grow. This condition is also reinforced by the fact that it is relatively easier and cheaper to produce other than having more flexibility in moving the location of the production, including inside a prison.

In many places in Indonesia, *shabu* is easier to get than cannabis, even in Aceh where it is well-known for its cannabis farm.

### II.3. Prohibition and Commodification of Illicit Drugs

Black market allows significant profit up to hundreds of times compared to regulated market. Lack of permit, quality and pricing standard, and supervision have enabled illicit drugs to become a very promising business. Many producers use unstandardized raw materials, employ anyone including children in the process of production and distribution. Synthetic drugs production offer more profit since it does not require land for farming purpose.

Indonesia is considered as a suitable potential market for illicit drugs, particularly ATS. With more than 100 million of its citizens are working, endurance and stamina are required not only to perform, but also to survive in competition.

With the current economy situation in Indonesia, illegal drugs business is very promising, particularly for those who desire express financial improvement. The business allows maximum profit. People can be involved in different ranges, starting as a re-seller, supplier or even producer. Millions of informal workers, unemployed and children are the potential to be part of this business network.

Comparison	2008	2011	2014
Estimated Number of Consumer	3.1-3.6 million	3.7-4.7 million	3.8-4.1 million
New Consumer	872.928 people	1.159.649 people	1.624.026 people
Cost of Consumption (in million)	Rp15.376.071	Rp17.542.841	Rp42.945.590

Table 11.6. Number of Consumer and Cost of Drug Consumption

The above table shows the cost of illegal drugs consumption that has constantly increased since 2008. From 2008 to 2011, there was a 32.84% increase in people who used drugs along with 14.09% increase in the cost of consumption. While from 2011 to 2014, the number of people significantly rose by 40.04% with the total cost that reached 144.8% surge.

The hefty increase the in cost shows that there is no one else that has control over the price of illicit drugs other than the producers in the black market. Black market economy structure allows price increment to be determined by one side since there is no

involvement from the government nor any transparency in the public market. Social aspect that plays the part as a price controller in the economy has no role due to the prohibition policy.

Prohibition that is reflected into criminal law has also been far from effective in preventing drug traffic in the society. The policy implementation, in many places, have been counter-productive with the effort to protect the citizens from drugs. The prohibition has made drug traffic become unmanageable, distributed anywhere and can be reached by anyone including children.

The following data shows the amount of drugs that have been confiscated through the legal system along with the amount of drugs that are still available in the black market.

Evidence	Estimation	Confiscated		In the Market		2013 Confiscated	
Cannabis (gram)	158.522.831	8.417.329	5,31%	150.105.502	94,69%	17.763.959	11,20%
Heroin (gram)	9.284.430	7.894	0,08%	9.276.536	99,92%	11.054	0,11%
Ecstasy (butir)	14.376.448	37.277	0,25%	14.339.171	99,75%	1.137.940	7,91%
<i>Shabu</i> (gram)	219.837.040	447.513	0,20%	219.389.527	99,80%	398.602	0,18%

Table II.7. Drugs that are Confiscated and still in the Market

The table above shows that only 0.2% of *shabu* has been confiscated with 99.8% are still available in the market. While 5.31% of cannabis being confiscated, 94.69% are still out there. The number of confiscated drugs in 2014 is quite similar to the year before, with on average 90% of the drugs have got away from the authorities.

The prosecution law that has sent tens of thousands of people to prison every year could only confiscate a very small number of illicit drugs, the majority are still being distributed freely in the market. This also corresponds to the comparison between tens of thousands of people who are imprisoned and millions of people who are estimated to be using drugs (Table II.3.).

Drugs have been consumed by human since thousands of years ago. *Shabu*, despite being synthesized for the first time in 1893, has an active substance that has long been used for the benefit of humankind. *Efedrin* and *pseudoefedrin* are contained in *Ephedra sinica* herb. This herb has been used in China as a traditional medicine since 2,000 years ago<sup>18</sup>.

Drugs consumption has always been linked with the effects caused, both psychologically and physiologically. These effects made the drugs to be consumed in a society, recommended, and become a commodity that is demanded and can be commercialized (commodification).

<sup>18</sup> *The Pharmacology of Chinese Herbs, Second Edition* – Kee C. Huang. Boca Raton: CRC Press, 2010

That there is a demand of drugs in the society cannot be denied. This demand includes illicit drugs for the purpose of work, recreation and treatment. Normally, demand will be managed by a supply that is profit oriented. Where prohibition and prosecution are applied, drugs are supplied in black market with multiple times profit.

When international prohibition took place in 1961; cannabis, coca plant and opium had become a commodity in many parts of the world. The prohibition that has been for fifty years has only profited the outlaws, international drug syndicate and corrupted authorities. Tens of years of 'war on drugs' has been proven unsuccessful to eradicate farms of opium, coca or cannabis.

The world needs to learn from the infamous alcohol prohibition on the United States of America (1919 – 1933) that contributed to the increase of number of domestic murder. 'War on drugs' (1971 – present) not only has increased the number of death related to gang war; but also has contributed to the overcrowded prisons, infections of diseases and death related to multiple-drug combination.

When the global prohibition took place, some types of drugs had become a commodity including ecstasy (MDMA). This substance was categorized as psychotropic substance in the 1986 convention. The demand of this substance has remained high with a promising profit in the black market. This is the mechanism of an illegal commodity in a black market, where the demand meets the supply.

Politicians often take advantage through gaining public sympathy by supporting 'war on drugs.' Drug prosecution has continuously contributed to provide 'fields of gold' for corruption among law enforcement authorities. BNN reported that between 2008 and 2011, there was a 12 times increase in the cost of law enforcement from Rp. 882 billion to Rp. 11 trillion.

The report states that the increase was mostly contributed by the 'shortcut' process in the prosecution process that was often taken by the convicted and the family. The higher the case is (sentence), the more expensive the 'shortcut' is.

Two other highest costs after drug consumption are the cost of law enforcement and imprisonment. Court is not the final process of the whole prosecution policy. The convicted will have to go through a period of imprisonment based on the court's decision.

A person can be imprisoned for many years because of possessing drugs. Producers and distributors can be sentenced longer. Bribe is a very common practice during this process.

Comparison Components	2008	2011	2014
Consumer (people)	3.1-3.6 million	3.7-4.7 million	3.8-4.1 million
<b>Individual Cost</b>	(in million)		
Drug Consumption	15.376.071	17.542.841	42.945.590

Overdose	22.124	204.934	12.932
Detoxification and Rehabilitation	1.094.519	1.336.956	157.483
Accident	323.220	2.835.586	163.878
Law Inforcement Costs	882.602	11.019.744	1.152.328
Prison Costs	839.813	2.923.736	1.028.117
Cost of Other Interrupted Activities	188.705	1.002.678	244.352

Table II.8. Individual Cost Related to Drugs

Prison costs are mostly for bribing purpose, including to reduce the prison term and personal facilities during the imprisonment. These facilities include bedding, cooking equipment, cellphone, entertainment such as home theater and personal toilet. Many individuals of prison wardens are also act as courier to support the supplies of prohibited items in the prison, including drugs.

#### II.4. Illicit Drugs Market Potential in Indonesia

BNN and PPK UI reported in the last few years, the most popular illicit drugs that have been used in most of provinces in Indonesia are cannabis, *shabu* and ecstasy. Other than being the most consumed, those three types of drugs are also being seized the most as evidence.

Different than heroin that is a depressant-type of drug, consuming *shabu* will make someone becomes more active, enthusiastic and confident. *Shabu* is a stimulant type of drugs. It is often used as a doping to improve performance and productivity.

The big questions are, how cocaine, that is also a stimulant, has never been reported to be consumed much in Indonesia? How the prosecution law for ATS since 1997 has never been able to reduce the distribution of *shabu* in Indonesian society?

A field of coca farm is required to produce certain amount of cocaine. This is the main difference between cocaine and *shabu* or ecstasy. Cocaine is not a type of amphetamine that can be produced from synthetic materials.

Although in 1904 – 1935, Java Island was one of the highest producers of coca leaves<sup>19</sup>, cocaine consumption in Indonesia has never been as high as *shabu*. The ratio is 39,408 : 419,448 among a group of workers in Indonesia; cannabis consumers reach 966,002; and ecstasy with 302,444. These figures indicate that ATS has dominated

<sup>19</sup> *The Rise and Demise of Coca and Cocaine: As Licit Global 'Commodity Chains,' 1860-1950* –Paul Gootenberg. New York: SUNY-Stony Brook 2001

Indonesian market, considering that it has a reputation for cannabis, coca and opium soil<sup>20</sup>.

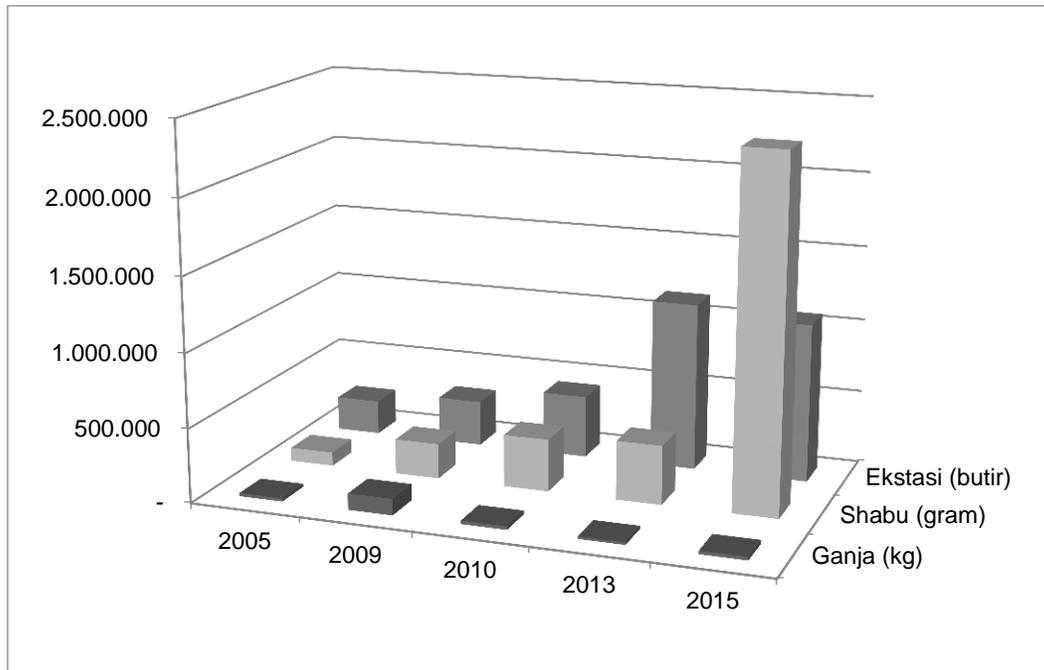


Diagram II.2. Most Popular Drugs Confiscated in Indonesia

The fact that shabu and ecstasy are the second and third most consumed drugs in Indonesia after cannabis, the synthetic materials of ATS production make it the most suitable type of drug in a country where it has declared a war on drugs through eradication and creation of an anti-drug society.

The illegal commodity that can be produced without having to be dependent to the altitude and humidity to develop certain plants, has become a potential investment for many. War on drugs that has included destroying fields and farms in recent years has created *shabu* and ecstasy as the top commodity. Synthetic drugs do not require farms, and the production can be mobilized to avoid raids.

In general, synthetic stimulants are demanded because they fit with the socio-economy situation in Indonesia. We can find how energy drinks, including coffee, have become an industry with variety of brands and products. Not just brand, but also packaging, starting from stalls to cafes to instant coffee sachets. These products rely on synthetic materials to increase consumption span and reduce the cost of production.

A liberal business competition always create victims among the customers – the society. However, prohibition does not necessarily mean removing the damage in the

<sup>20</sup> *Opium to Java: Jawa dalam Cengkeraman Bandar-Bandar Opium Cina, Indonesia Kolonial (Java in the Rule of Chinese Opium Dealers) 1860-1910* – James RRush. Yogyakarta: Mata Bangsa, 2000

society nor does it reduce the demand of drugs. The needs for this commodity has been built in the society for thousands of years.

Prohibition policy has created this commodity to be monopolized and controlled by crime syndicates from production, distribution to selling. With its maximum profit, this business can bribe any authorities at any levels. This is what has made illegal drug business continue to survive despite the countless global efforts on war on drugs.

Prohibited synthetic stimulant such ATS is a commodity that fits in the context of socio-economy (working society), socio-politic (anti-drug campaign), and economy-politic (capitalist syndicate) in Indonesia that cannot be isolated from the global context.

## CHAPTER III. Global Policy Analysis

### III.1. The History of the UN Convention on Illicit Drugs

The Single UN Convention on Narcotics, 1961, was applied on 13 December 1964. This convention forces countries that have ratified to abide the international treaty in regards to production, traffic and consumption of narcotics.

However on 21 May 1971, the Economy and Social Board of the UN held a conference to consider amendment to the single convention. Further conference was held at the UN Head Office, Geneva on 6-24 March 1972. The result was an agreement on a new protocol in 1972 that changed the UN Single Convention on Narcotics, 1961. The change was applied on 8 August 1975.

With the application of the UN Convention Against Traffic of Illicit Narcotics and Psychotropic Substance, 1988, the mechanism of implementation of the UN Convention on Narcotics (1961) and Psychotropic Substance (1971) was expanded significantly on 11 November 1990 through a conference. The participants of the conference recognized that the two treaties have become inadequate to stop the increase of drugs smuggling and traffic.

The focus of this new treaty is to stop organized crime through developing international partnership in capturing and prosecuting major syndicate and to impoverish them. This is done through confiscating their treasures, freezing their assets, and other ways that will stop them from doing their business on illegal drugs. This treaty also categorizes precursor drugs as materials that must be controlled and monitored by international drug monitoring authorities.

The UN Single Convention on Narcotics, 1961, amended in 1972, and enforced by the UN Convention Against Traffic of Illicit Narcotics and Psychotropic Substance, 1988, becomes a complete package owned by the ruler of drugs watch and prohibition. This reign rules countries member of the UN in terms setting policy on illicit drugs intervention.

If the 1961 and 1971 contain substance classifications which are categorized as dangerous for human beings, the 1988 convention emphasizes on the institutional aspects of what should be created by each country of the treaty signee. These countries abide to the convention to monitor and prosecute offenders, including those who are involved in consuming drugs. The spirit is war against those who plant, possess, keep, gain, sell, distribute and consume drugs, particularly drugs under category one.

The creation of a super body in a country of treaty signee is one way to win the 'war on drugs.' This institution has discrete authority to eradicate all drugs under category number one in the country.

'War on drugs' is led by the first-world countries that dominate the voices in the UN. As a result, other countries follow to apply the spirit even though they have to fight on a war against their own citizens. There is a strong pressure to apply this convention. 'War on drugs' propaganda is also continuously being spread by the first-world countries. This pressure and propaganda are surely affecting the weaker countries and those that do not have a sovereignty of their own country. Then, how about Indonesia?

### III.2. Indonesia Sovereignty

Indonesia was under the rule of Soeharto when the 'war on drugs' propaganda started using the three packages of the UN Conventions as the instruments. Everybody understood that under the New Order regime, Soeharto controlled almost every aspect of life of Indonesians. Living under fear created blind obedience for survival reasons. There were many cases of resistance that led to misery and death.

The power of absolute regime of Soeharto was closely attached to the roles of western countries led by the United States of America. These superpower countries supported all the New Order policy. The western was ready to support and provide anything that Soeharto needed in the name of development. However, it was all for a price. Indonesia had to fulfill the demands of these countries.

Indonesia's position, being more dependent, became an easy target for the westerns that aim to gain, steal, and exploit the natural and human resources of Indonesia. Though, the ethic of bilateral aid should be done with no attachment. However, this was not the case of the bilateral and multilateral relationship between Indonesia and those western countries.

With this kind of international relationship, how does it affect towards the policy in Indonesia, particularly in relation with illicit drugs?

At the end of the New Order regime, Indonesia ratified two UN Conventions, on Psychotropic Substance 1971, and Against Traffic of Illicit Narcotics and Psychotropic Substance 1988. Indonesia, then formulated its own policy on drugs. As a big country, Indonesia has been dictated by issuing Law on Psychotropic Substance and revised Law on Narcotics in 1997 which the two later merged as one Law in 2009.

Other than becoming the 'climax' of drug prosecutions in Indonesia, Law No. 35 year 2009 on Narcotics is a form of obedience towards the first-world countries.

Categorization of substance in the Law is the key to the overflowing number of people with drug related issue in the prison. Most of them are consumers who are not supposed to be in prison, considering the drug consumption does not stop behind the bars. Moreover, experts never use imprisonment as one of the methods of drug recovery process.

Nevertheless, the experts of drug recovery in Indonesia are pretty much powerless with the current policy that has been un-arguable. This argument has always been used by

law enforcement authorities in Indonesia to prosecute anyone involved in this commodity.

The validity of the scientific proof behind this policy is in doubt, particularly on the part that states that category one drugs can only be used for scientific purposes. Historians and humanists are as powerless too, where they are unheard in this UN Convention. They do not argue that there has been a type of a plant that has not been used anymore in the tradition of Indonesia – cannabis.

Cannabis has a vital role in the society. In Aceh, cannabis leaves have been used by many as spices and coffee mixture. The leaves are planted on yards as to prevent pests and insects. Cannabis is not seen as a threat to the health of the society in Aceh. Culturally, people in Aceh use cannabis leaves as part of their tradition. This tradition has never been argued. Cannabis does not merely provide additional spices and taste to Aceh's traditional food and coffee.

On a Javanese traditional dagger, there is a part that is known as the central of inner power. This part is named 'Gonjo' a Javanese word that means *ganja* in Indonesian or cannabis<sup>21</sup>. It is believed that 'Gonjo' was named because cannabis was used as part of the materials molded together with other materials.

In Ternate, there is a ritual that has survived for hundreds of years where it involves burning cannabis seeds as a medium to communicate with spiritual souls. This ritual is strongly believed by the traditional people of Ternate.

Since the UN Convention on Narcotics was ratified in Indonesia, followed with the release of Law on Narcotics, cannabis has become a prohibited substance. Cannabis has been used for cultural purposes by several ethnics in Indonesia. However, prohibition in Indonesia has been made without taking cultural, social and historical aspects of the benefit of cannabis into account. In both the convention and the Law, cannabis is categorized as category one where its use is strictly prohibited other than for scientific purposes.

For that reason, one culture of Indonesian has gone where cannabis used to be a useful spice for cooking, pests repellent or even property of traditional ritual. Therefore, it is clear that the UN Convention, as the main reference to the Law on Narcotics, is lacking socio-cultural perspective. The ratification of the convention did not include the spirit to protect inherited traditions that can be beneficial for the environment and spirituality of certain ethnics.

This is the tragic of Indonesia, submitting to the power of the UN Convention on Narcotics that is controlled by the first-world countries. It is an unreserved surrender.

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<sup>21</sup> Lema "ganja" di Kamus Besar Bahasa Indonesia merupakan kata benda berasal dari Bahasa Jawa yang berarti bagian keris yang melekat pada bilah. (Entry: "ganja" based on the Dictionary of Bahasa Indonesia is a noun formed from a Javanese that means a part of a dagger that is attached to the blade).

## CHAPTER IV. Conclusion and Recommendation

### IV.1. Conclusion

IV.1.1. There has been a development of a 'syndicate' between the capitalist power and the institutional power (country), including brutalism. This syndicate does not only creating but also maintaining policies at the global level to continuously exploit maximum profit, overlooking the people's welfare that should have been protected by the country at any length.

IV.1.2. In Indonesia, the global policies are reflected through the Law No. 35 year 2009 on Narcotics that emphasizes on prosecution. The application of the Law has instead created a black market of illicit drugs that is controlled by criminal syndicate and protected by corrupted law enforcement authorities.

IV.1.3. Prosecution does not result in creating a society that fears and avoids illicit drugs. Propaganda on drug-related crime through various media, has even created drugs as a commodity with limitless demand from the society.

IV.1.4. The ratification of drug policy in Indonesia did not take economy, social and cultural aspects into account. Prosecution has continuously contributed to the diminishing of inherited traditions and culture.

### IV.2. Recommendation

#### For the UN

IV.2.1. Creating a task force that aims to thoroughly review the three UN Conventions based on ideology, physiology and sociology aspects.

IV.2.2. Identifying country producers of illicit drugs for both plants and synthetic and announcing the capacity of production, distribution network and selling price.

IV.2.3. Hosting a global conference to discuss the socio-cultural benefit of plants that are categorized as narcotics by the UN.

IV.2.4. Temporarily suspending the Commission on Narcotics Drugs (CND) conference until a new policy is ratified taking into account, social and cultural aspects on the benefit of drugs' raw materials.

#### For the Indonesian Government

IV.2.5. Creating a task force that aims to analyze the benefits of plant and synthetic drugs based on economy, social and cultural aspects.

IV.2.6. Conducting thorough review on the content, structure and legal aspects of the Law No. 35 year 2009 on Narcotics.

IV.2.7. Suspending imprisonment for convicted drug consumers.

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