



## Indonesia's Criminal Law Policy On The Victim Of Narcotics Abuse In The Perspective Of Victimology

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ARTICLE INFO	ABSTRACT
<p><b>Keywords:</b> Criminal Law Policy; Narcotics Abuse; Victimology; Law No. 35/2009</p> <p><b>How to cite:</b> Ariyanti, V. (2018). Indonesia's Criminal Law Policy On the Victim of Narcotics Abuse in The Perspective of Victimology. <i>Veteran Law Review</i>, 1(1), 32-49.</p>	<p>The design constructed by the formulation in the Law No. 35 of 2009 concerning Narcotics is that addicts and victims of narcotics abuse are given punitive measures (i.e. medical rehabilitation and social rehabilitation), whereas non-addicted narcotics abuse is given a criminal penalty. Parameters of narcotic abuse victims in the Law No. 35 of 2009 are very restricted and they are difficult to prove. Therefore, in addition to using the law, law enforcement officials also use other rules to determine the parameters of victims of drug abuse. The Law No. 35/2009, and also the law enforcement officers, uses the positivist victimology paradigm that places narcotics abusers as both perpetrators of crimes and victims of their own actions (self-victimizing victims). Meanwhile, according to radical victimology paradigm, narcotics abusers belong to precipitative victims. Based on that, this study recommend that the law formulation need to be made on the definition of drug abuse victims with the concept of depenalization, i.e. future criminal law policy includes narcotics abusers into victims who are required to undergo medical and social rehabilitation.</p> <p>Copyright ©2018 VELREV. All rights reserved.</p>

### 1. Introduction

Illicit circulation of narcotics which leads to narcotics abuse among the community has become a big problem and is also an extraordinary crime; therefore extraordinary efforts are needed to deal with it.<sup>1</sup> The handling of narcotics problems is not enough to be imposed by law enforcers alone, but it must also be supported by the participation of all elements of society. The government's seriousness in overcoming the problem of narcotics abuse is

<sup>1</sup> Sujono, A. R. & Daniel, B. (2011), *Komentar dan Pembahasan Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika*, Jakarta: Sinar Grafika. p. 15.

marked by the establishment of the National Narcotics Agency (BNN) which is very vigorous in carrying out preventive and repressive efforts.<sup>2</sup>

Preventive and repressive efforts have also been included in the Law Number 35 of 2009 on Narcotics (hereinafter referred to as Law No. 35/2009). Preventive efforts are carried out through preventive measures by government officials by involving the community as set forth in Article 104 to Article 108 (in Chapter XIII Community Participation) of the Law No. 35/2009. Repressive actions in the handling of narcotics crimes are carried out by law enforcement officers by adhering to Law No. 35/2009 and other applicable laws and regulations. This repressive effort includes the prohibition of planting or using narcotics for the purpose of health therapy without the permission of the authorities.<sup>3</sup>

The handling of narcotics users without rights or unlawful by law enforcement officers is based on the criteria of narcotics users, namely criteria for misuse of drugs, criteria for addicts, and criteria for victims who accidentally/unintentionally use narcotics. In Article 1 number 15 of Law No. 35/2009 it is defined that "narcotics abusers are people who use narcotics without rights or against the law". But this definition is restricted to people who use narcotics in the try and occasional stage, who have not yet reached the addiction stage.

This can be seen from the definition of addicts, namely in Article 1 number 13 which states that "narcotics addicts are people who use or abuse narcotics and in a state of dependence on narcotics, both physically and psychologically". The victims of drug abuse are defined in the Elucidation section of Article 54 of Law No. 35/2009 that "what is meant by 'narcotics abuse victims' is someone who accidentally uses drugs because they are persuaded, deceived, cheated, forced, and/or threatened to use narcotics".

For addicts and victims of narcotics abuse, it applies the provisions of articles on addicts and victims of narcotics abuse that require law enforcement to impose sanctions in the form of medical rehabilitation and social rehabilitation (e.g. Article 54).<sup>4</sup> As for narcotics abusers, it applies articles relating to narcotics abuse with the threat of imprisonment (for example Article 127 paragraph 1).<sup>5</sup> Thus, based on the provisions in Law No. 35/2009, narcotic abusers in the trial phase or occasionally use are threatened

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<sup>2</sup> Bakhri, S. (2012), *Kejahatan Narkotika dan Psikotropika: Suatu Pendekatan Melalui Kebijakan Hukum Pidana*, Bekasi : Gramata Publishing, p. 148.

<sup>3</sup> For example the case that happened to a husband named Fidelis Arie, who planted marijuana and used the marijuana for the treatment of his wife. Fidelis Arie's claim of planting marijuana for his wife's treatment was not considered by the panel of judges. He was found guilty and sentenced to eight months in prison and a fine of Rp. one billion or one month in prison in lieu of fines. Yohannes Kurnia Irawan, 2017, "Fidelis Divonis 8 Bulan Penjara dan Denda Rp 1 Miliar", *Kompas.com*, <https://regional.kompas.com/read/2017/08/02/11564981/fidelis-divonis-8-bulan-penjara-dan-denda-rp-1-miliar>, accessed on May 30, 2018.

<sup>4</sup> Article 54 of Law Number 35 of 2009: "Narcotics addicts and Narcotics abuse victims must undergo medical rehabilitation and social rehabilitation".

<sup>5</sup> Article 127 Paragraph (1): Each abuser of: a. Narcotics Group I shall be sentenced to a maximum of 4 (four) years of imprisonment; b. Narcotics Group II shall be sentenced to a maximum of 2 (two) years in prison; and c. Narcotics Group III shall be sentenced to imprisonment for a maximum of 1 (one) year.

with imprisonment, while for narcotic abusers who are already in the stage of addicts or people who accidentally use narcotics for being persuaded/deceived/cheated/forced/threatened, are given punitive measures in the form of medical rehabilitation and social rehabilitation, whereas according to Article 4 letter (d) the Law on Narcotics aims to “guarantee the regulation of medical and social rehabilitation efforts for drug abusers and narcotics addicts”.

Provisions on sanctions for perpetrators of drug abuse in Law No. 35/2009 adheres to the principle of double track system, a two-track system concerning sanctions in criminal law, namely the type of criminal sanctions and types of punitive measures.<sup>6</sup> Drug abusers can be given criminal sanctions, or they can be given medical and social rehabilitation sanctions, or they can be given criminal sanctions and added by medical and social rehabilitation sanctions.<sup>7</sup>

There are many problems that occur in the practice of eradicating narcotics abuse, among other things are the differences in perceptions among law enforcement officers, which then lead to different handling of narcotics abusers among them, many cases of drug addicts and drug abusers who are caught by the police and then treated like dealers. These problems need to be overcome by looking at the criminal law policy in relation to narcotics abuse, especially in terms of formulation policies and application policies.

Based on the above background, I consider it is necessary to discuss more deeply the criminal law policy regarding victims of narcotics abuse, both at the level of legislative formulation and at the level of practice in the field by law enforcement officials. This discussion is needed as an effort to seek justice and as a legal protection effort for addicts and narcotics abusers who are actually victims of other parties' criminal acts in the form of illicit drug trafficking. In the end, the criminal law policy is expected to be able to support the implementation of development to achieve national goals based on social justice for all Indonesian citizens.

## 2. Method of Research

Type of this research is normative empirical with a qualitative descriptive approach. The object of this study is a criminal law policy regarding victims of narcotics abuse, which includes formulation policies, and application policies. The execution policy is not the object of this dissertation research.

The data sought for this study is data in the form of *das sollen* and data in the form of *das sein*. Data in the form of *das sollen* namely the legislation relating to legal provisions concerning criminal acts of narcotics abuse. *Das sollen* data is in the form of primary legal materials, namely all laws and regulations concerning narcotics that apply today. In addition, other data is in the form of secondary legal material (i.e. in the form of publications on narcotics law, minutes of the DPR discussion session in ratifying Law No.

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<sup>6</sup> Sholehuddin, M. (2003), *Sistem Sanksi dalam Hukum Pidana: Ide Dasar Double Track System & Implementasinya*, Jakarta: Raja Grafindo Persada. p. 7.

<sup>7</sup> Iskandar, A. (2015), *Jalan Lurus Penanganan Penyalah Guna Narkotika dalam Konstruksi Hukum Positif*. Karawang : Tanpas Communications. p. 25.

35/2009, and opinions of legal experts), tertiary legal materials (i.e. legal dictionaries and encyclopedias). The data in the form of *das sein* is data derived from facts in the field. This data is obtained from respondents and informants.

Respondents for this study consisted of law enforcement officers who handled narcotics crime cases ranging from police, prosecutors, and judges, including the National Narcotics Agency (BNN), officials of medical and social rehabilitation institutions, as well as addicts and narcotics abusers. The informants consisted of criminal law experts, sociologists, and members of the Commission III of the House of Representatives of the Republic of Indonesia (DPR RI). The method of collecting data from respondents and informants was conducted by interview.

Data collection in this study uses interview techniques and study of library materials. Interviews are conducted with the respondents mentioned above. Sampling of respondents from the legal apparatus and officials of rehabilitation institutions was carried out by means of purposive sampling, namely the legal apparatus and officials who had handled narcotics crime cases. Whereas respondents from addicts and victims were randomly sampled, especially those who were undergoing legal examination or who had been sentenced to criminal penalties based on court decisions. The number of respondents was taken by one person from each district/city in Yogyakarta Province who came from law enforcement agencies (police, prosecutors, judges, and BNN), officials of medical and social rehabilitation institutions, as well as addicts and victims of narcotics abuse.

## 2.1. Definition of Criminal Law Policy

The word policy etymologically means “a definite course or method of action selected from among alternatives and in light of given conditions to guide and determine present and future decisions” or “a high-level overall plan embracing the general goals and acceptable procedures especially of a governmental body”.<sup>8</sup> The term policy has the same meaning as the term ‘*kebijakan*’ in Indonesian language and *politiek* in the Dutch, so the term ‘legal policy’ is the same as the term politics of law (*kebijakan hukum/rechtpolitiek*).

The term “criminal law policy” is the same as the term “penal policy” or *strafrechts-politiek* in the Dutch. In Indonesian, that term is commensurate with the terms *politik hukum pidana* (criminal law politics), *kebijakan kriminal* (criminal policy), and *kebijakan legislatif* (legislative policy).<sup>9</sup> According to Barda Nawawi Arief, implementing a criminal law policy means making choices to achieve the best results of criminal legislation, in the sense of fulfilling the requirements of justice and usability.<sup>10</sup>

The criminal law policy means how to make and formulate the best criminal legislation, which contains the extent to which the applicable

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<sup>8</sup> Word ‘policy’ in Merriam-Webster Dictionary, <https://www.merriam-webster.com/dictionary/policy>, accessed on August 10, 2018.

<sup>9</sup> Najih, M. (2014). *Politik Hukum Pidana: Konsepsi Pembaharuan Hukum Pidana dalam Cita Negara Hukum*. Malang : Setara Press. p. 51.

<sup>10</sup> Nawawi A. B. (2014). *Bunga Rampai Kebijakan Hukum Pidana (Perkembangan Penyusunan Konsep KUHP Baru)*. Bandung : Citra Aditya Bakti. p. 26.

criminal provisions need to be amended or renewed, what is done to prevent the occurrence of criminal acts, as well as how investigation, prosecution, trial, and criminal execution must be carried out.<sup>11</sup> Criminal law policy is only part of the politics of national law which has different parts. Nevertheless, the implementation of criminal law policies can occur together from all parts in an integrated manner. Parts of the national legal politics include criminalization policy, punishment policy, criminal justice policy, law enforcement policy, and administrative policy.<sup>12</sup>

The criminal law policy is essentially an attempt to realize criminal laws and regulations to suit the conditions at a certain time (*ius constitutum*) and the future (*ius constituendum*). The logical consequence is that criminal law policy is identical with penal reform in the narrow sense, because as a system, criminal law consists of culture, structure, and substance of law.

The formulation of criminal acts in criminal law legislation is a problem that needs attention in shaping criminal law. The formulation of criminal laws is a follow-up to the activities of weighing and determining unwanted actions that need to be prohibited in written criminal law.<sup>13</sup> Two central problems in criminal policy using the means of penal (criminal law) are the problem of determining: 1) what actions should be determined as crimes; and 2) what sanctions should be used or imposed on the offender.<sup>14</sup> Based on the explanation above, the criminal law policy is divided into three stages, namely the formulation policy stage, the application policy (judicial) stage, and the execution policy stage.

The first stage of the criminal law policy is the formulation policy. It is the stage of formulating a law as part of the legislative process of a statutory regulation, so that the policy of criminal law formulation is defined as an attempt to make and formulate a good criminal law. This formulation stage is also called '*in abstracto*' law enforcement stage by the legislature, also referred to as the legislative policy stage. This stage is the legislative power that is authorized in terms of determining or formulating what can be convicted that is oriented to the main problems in the criminal law which includes unlawful acts, wrongdoings or criminal liability and what sanctions can be imposed by lawmakers.

The formulation policy stage is the most strategic stage of efforts to overcome crime through criminal law, because if there are errors/weaknesses in legislative policy, then efforts to overcome crime in the next stage (application and execution) will be hampered. This is due to all the steps in the next stage are coming from the formulation stage as the initial stage of criminal law enforcement. In the formulation stage, criminal law enforcement efforts are not only the duty of the law enforcement apparatus, but also the duty of the law-making apparatus. This is understandable because in the formulation stage, the formulation and stipulation of law are carried out.

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<sup>11</sup> *Ibid.*, p. 26-27.

<sup>12</sup> Najih, M. (2014), *Op.Cit.*, p. 54-55.

<sup>13</sup> Mudzakkir, *op.cit.*, p. 7.

<sup>14</sup> Nawawi A. B., 2010, *Op.Cit.*, p. 35.

The second stage of the criminal law policy is the application stage, namely the stage of application of criminal law by law enforcement officials ranging from the police, prosecutors, to the court. This policy is also called the stage of judicial policy. This application stage is a power of law enforcement officers in terms of applying criminal law, ranging from police, prosecutors, to judges in court. The final process of judicial policy is a court decision, as a goalkeeper against crimes committed by every person who commits a crime. Criminal court decisions in various courts reflect a clear evidence that judges always believe in convicting criminals, even for certain crimes, harsh crimes are used up to death penalty standards.<sup>15</sup>

The third stage of the criminal law policy is the execution stage, which is the stage of the implementation of criminal penalties in a concrete manner by the criminal executing apparatus. This policy is also called the executive or administrative policy stage. This executive / administrative stage is part of implementing criminal law by criminal executing officers.<sup>16</sup> The execution policy is an administrative law enforcement stage. Law enforcement according to *Black Law Dictionary* means “the act of putting something such as a law into effect, the execution of a law”.<sup>17</sup>

## 2.2. Narcotics Abuse

Etymologically narcotics come from the Greek language, *narke* or *narkam*, which means being drugged so that people who use them do not feel anything.<sup>18</sup> In English language, the term of ‘narcose’ or ‘narcosis’ means putting to sleep and giving anesthesia.<sup>19</sup> The most common definition of narcotics is as stated in Article 1 of Law No. 35/2009: “substances or drugs derived from plants or non-plants, both synthesis and semisynthesis, which can cause a decrease or change in consciousness, loss of sense, reduce to relieve pain, and can cause dependence, which are divided into certain types”.

In the Law No. 35/2009, Narcotics is classified into three types as stated in Article 6 and the definition for each of the narcotics types is contained in the Elucidation of Article 6 of the law, which is concisely covering as follow:

a. Narcotics Type I

“Narcotics Type I” is Narcotics which can only be used for the purpose of scientific development and is not used in therapy, and has very high potential to cause dependence. Examples: Heroin, Cocaine, Leaf Cocaine, Opium, Marijuana, MDMA/Ecstasy, and more than 65 other types.

b. Narcotics Type II

“Narcotics Type II” is Narcotics which is useful for treatment and used as a last resort and can be used in therapy and / or for the purpose of

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<sup>15</sup> Bakhri, S. (2012), *Op.Cit.*, p. 78.

<sup>16</sup> Muladi. (1995). *Kapita Selektta Sistem Peradilan Pidana*, Semarang : Badan Penerbit Universitas Diponegoro. p. 13-14.

<sup>17</sup> Black, H. C. (1999), *Black Law Dictionary*, Minnesota: St. Paul Mn West Publishing, Co. p. 797.

<sup>18</sup> Mardani. (2008). *Penyalahgunaan Narkoba dalam Perspektif Hukum Islam dan Hukum Pidana Nasional*, Jakarta: Raja Grafindo.p 78.

<sup>19</sup> Echols, J. M., & Sadili, H. (1996). *Kamus Inggris – Indonesia*, Jakarta: Gramedia. p 390.

developing science and having high potential to cause dependence. Examples: Morphine, Fentanyl, Methadone, and others.

c. Narcotics Type III

“Narcotics Type III” is Narcotics which is useful for treatment and is widely used in therapy and / or for the purpose of developing science and having mild potential resulting in dependence. Example: Codein, Buprenorphine, Ethylmorphine, Codeine, Nicocodine, Polcodine, Propiram, and there are thirteen kinds including several other mixtures of certain narcotics.

Narcotics users are basically not the same, but there are several levels or stages. Koentjoro said that the stages of narcotics abuse began with the habit of smoking and / or drinking alcoholic beverages, which made it easier to abuse drugs. The next stage is the stage of trial and curiosity. This happens because basically every human being has a sense of curiosity. At this stage they try and want to know what the taste and influence of narcotics are, and in addition there is a view among teenagers that narcotics (and also cigarettes) are a symbol of today’s youth.<sup>20</sup>

After trying, the next stage is to start consuming narcotics more often, but only limited to certain times such as a birthday or having a time with friends for “recreation’ or having fun. The next stage is frequent use, or using narcotics repeatedly (regularly), which causes the potential to become dependent is greater. The level of dependence on narcotics is getting worse when they have become dependent and chaotic. In chaotic situations, usually the person has started to leave common sense in fulfilling his dependence on narcotics.<sup>21</sup>

Subagyo Partodiharjo divides the narcotics user stages into four categories, namely experimental users who are just at the experimental stage, novice users who use narcotics for social and recreational purposes, periodic users who use narcotics in certain situations and circumstances, and loyal users who have reach the addiction stage.<sup>22</sup> The following are the stages of narcotics users:

- a. The experimental stage (trial phase): the stage of a person once or several times tries to use narcotics in a relatively short time then he/she stops using narcotics. Usually the motive at this stage is a high sense of curiosity and wants to get an extraordinary experience as told by other people or friends.
- b. Recreational stage (stage of social recreation): someone who uses narcotics more often and uses one or several types of drugs alone or together in a group, which is agreed upon together in advance. At this stage, a person begins to grow a sense of loyalty to friends in using drugs (narcotics).
- c. Situational stage (in certain situations and circumstances): a person usually uses narcotics in certain situations, usually in situations of

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<sup>20</sup> Koentjoro, (2015). “Pencegahan Penyalahgunaan Narkoba di Kalangan Pelajar dan Mahasiswa”. in Sri Suryawati, Derajad S. Widhyaharto, and Koentjoro (eds.), 2015, *UGM Mengajak Raih Prestasi Tanpa Narkoba*. Yogyakarta: Gadjah Mada University Press. p. 49.

<sup>21</sup> *Ibid.*

<sup>22</sup> Partodiharjo, S. (2007). *Kenali Narkoba dan Musuh Penyalahgunaannya*, Jakarta: Esensi. p. 88.

increased stress such as facing an exam, disappointed by failing an exam, to relieve drowsiness, to improve school performance and exercise, eliminate shame and doubt. However, the person experiences a pattern of repetitive behavior in using narcotics when dealing with these conditions. The risk for addiction is more likely to occur at this situational stage.

- d. Addiction stage (addiction stage): someone who uses narcotics is difficult to stop drug use because there has been a long-running addiction. The dependence is both physical and psychological, and there is occupation to get the drug in sufficient quantities to reduce the unpleasant symptoms, which is experienced when the drug is stopped.

Stages of drug users are important to know not only by doctors who make diagnoses, or by parents to find out the condition of their children who are found to be consuming narcotics, but also important for law enforcement officers to be able to distinguish between narcotics abusers, narcotics addicts and victims of narcotics abuse that have to undergo different legal processes in accordance with the laws and regulations. In addition, the stages of narcotics abuse should also be the basis for decision making on criminal matters.

### 2.3. Victims of Crime

Victims of crime are defined as those who have suffered losses as a result of a crime and/or their sense of justice has been directly disrupted as a result of their experience as a target of crime.<sup>23</sup> Arif Gosita gives a definition that victims are those who suffer physically and spiritually as a result of the actions of others who seek fulfillment of their own or others' interests that are contrary to the interests of the rights of the injured party.<sup>24</sup> Victims of crime do not always have to be individuals, but can also be groups of people, communities, or legal entities.<sup>25</sup> The Law No. 31 of 2014 concerning Amendments to Law No. 13 of 2006 concerning Protection of Witnesses and Victims states in Article 1 number 3 that the definition of victim is "a person who has suffered physical, mental, and / or economic losses caused by a crime".

Definition of crime victims is not only related to people who suffer losses as a result of a crime, because victims of crime are related to crime, and the crime itself is growing more and more varied. In addition, thoughts and discussions about victims of crime are increasingly developing following the development of crime and even the discussion is increasingly broad to the political, social, economic issues and even to the issue of human rights.<sup>26</sup>

Meanwhile the interests of victims of criminal acts have been represented by the state apparatus, namely the police as investigators, and

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<sup>23</sup> Yulia, R. (2010). *Viktimologi Perlindungan Hukum terhadap Korban Kejahatan*, Yogyakarta: Graha Ilmu.p. 51.

<sup>24</sup> Gosita, A. (2009). *Masalah Korban Kejahatan: Kumpulan Karangan*. Jakarta: Universitas Trisakti. p. 90.

<sup>25</sup> Mansur, D. A., & Gultom, E. (2008), *Urgensi Perlindungan Korban Kejahatan: Antara Norma dan Realita*, Jakarta: Raja Grafindo Persada. p. 45.

<sup>26</sup> Sahetapy, J. E. (1987). *Viktimologi Sebuah Bunga Rampai*. Jakarta: Pustaka Sinar Harapan. p. 96.



public prosecutors as prosecution agent, but the relationship between victims of criminal acts on the one hand and police and prosecutors on the other is symbolic, while the relationship between the defendants and The legal advisor is principally pure in the legal relationship between the service user and the service provider that is regulated in civil law. The police and prosecutors act to carry out the duties of the state as representatives of victims of crime and or the community, while legal counsel (advocate) acts on the direct authority of the defendant who acts on behalf of the defendant himself. In short, the victims in this justice system are only used for the interests of the authorities in the context of upholding the law, so that in essence, the victims and other parties involved in the implementation of criminal justice do not uphold the law perfectly.

The importance of victims of crime obtaining attention is to depart from the idea that the victim is a party who is harmed in the event of a crime, so that it should receive attention and service in order to provide protection for the victim's interests. In addition, victims often have a very important role for the occurrence of a crime, so that it is hoped that by obtaining a broad and deep understanding of the victims of crime, we will be able to easily find efforts to overcome crime. That in the end will lead to justice and decreasing the quantity or quality of crime.<sup>27</sup>

In relation to the position of victims in the criminal law system, it is necessary to see the extent of the role of victims in terms of the occurrence of a crime, so that the victims' rights can be clearly known in accordance with justice both for the victims themselves and for the perpetrators. Stephen Schafer formulates the typology of victim precipitation typology as follows:

**Table 1. Schafer's Victim Precipitation Typology**

1. <i>Unrelated Victims (no victim responsibility)</i>	<i>Instances in which the victim is simply the unfortunate target of the offender.</i>
2. <i>Provocative Victims (victim shares responsibility)</i>	<i>The offender is reacting to some action or behavior of the victim.</i>
3. <i>Precipitative Victims (some degree of victim responsibility)</i>	<i>Victims leave themselves open for victimization by placing themselves in dangerous places or times, dressing inappropriately, acting, or saying the wrong things, etc.</i>
4. <i>Biologically Weak Victims (no victim responsibility)</i>	<i>The aged, young, infirm, and others who, due to their physical conditions, are appealing targets for offenders.</i>
5. <i>Socially Weak Victims (no victim responsibility)</i>	<i>Immigrants, minorities, and others who are not adequately integrated into society are seen as easy targets by offenders.</i>
6. <i>Self-Victimizing (total victim</i>	<i>Individuals who are involved in such</i>

<sup>27</sup> Mansur, D. A., & Gultom, E. *Op.Cit.*, p. 29.

<i>responsibility)</i>	<i>crimes as drug use, prostitution, gambling, and other activities in which the victim and the criminal act in concert with one another.</i>
7. <i>Political Victims (no victim responsibility)</i>	<i>Individuals who are victimized because they oppose those in power or are made victims in order to be kept in a subservient social position.</i>

*Source: William G. Doerner and Steven P. Lab, 2012, p. 6.*

In the victimology, there are many schools or paradigms to see victims, including positivist victimology, radical victimology, critical victimology and postmodern victimology. **Positivist victimology** is a victimology paradigm that explains how the victim arises in a criminal act, especially from the aspect of a person's condition that causes the appearance of a criminal act (causal conditions for criminal behaviour). Lorraine Wolhuter explains that positivist criminology is concerned with finding the causal conditions for criminal behavior. Positivist victimology deals with the measurement of the amount of victimization, the development of typologies of victimization, explanations of why some people are more prone to victimization than others, and the relationship between the criminal and the victim which may indicate the ways in which victims may precipitate crime.<sup>28</sup>

The **radical victimology** paradigm sees victimization not from the victims of crime, but from the bigger picture, namely structural factors related to the way the community is organized, the role of the state, and the legal system in the social construction.<sup>29</sup> Radical victimology includes victims those who are affected by hazardous waste, sexism, racism, poverty, fraudulent advertising, and pollution.<sup>30</sup>

**Critical victimology** was developed in response to the inadequacies of positivist and radical victimology. Critical victimology paradigm criticizes positivist victimology for searching for regularities or patterns which precipitate victimization. The victim-blaming that is implicit in the concept of victim precipitation has marginalized feminist concerns with gendered crimes, such as domestic violence, rape, sexual harassment and child abuse. Mawby and Walklate define critical victimology as an attempt to examine the wider social context in which some versions of victimology are interwoven with questions of policy response and service delivery to victims of crime.<sup>31</sup> The paradigm of **postmodern victimology** can be understood from the perspective of postmodern criminology.

Postmodern criminology examines the relationship between humans and language in the creation of meaning, identity, truth, justice, power, and

<sup>28</sup> Wolhuter, L., Olley, N., & Denham, D. (2009). *Victimology: Victimisation and Victims' Rights*. New York: Routledge-Cavendish. p. 14.

<sup>29</sup> Dignan, J. (2005). "Chapter One: Victims, Victimization and Victimology", dalam *Understanding Victims and Restorative Justice*, Open University Press, <https://www.mheducation.co.uk/openup/chapters/0335209807.pdf>, p. 33.

<sup>30</sup> Wilson, J. K. (2009). *The Praeger Handbook of Victimology*, California: ABC-CLIO. p. 328.

<sup>31</sup> Wilson, J. K. *Op.Cit.*, p. 63.

knowledge. This relationship is learned through the process of discourse analysis, which is a method of examining how meaning and feeling are built. Postmodern criminology identifies conflicts in which various segments of society struggle to express reality or existence.<sup>32</sup> Postmodern criminology offers an entirely different conception on the nature of the conflict. What is at stake is neither money, status, nor power. Instead, postmodern criminology identifies the conflict to be waged over how a person's very existence is defined and lived through language and prevailing discourses. In that sense, the goal of the conflict is control of reality.<sup>33</sup>

According to Muhammad Mustofa, postmodern victimology emphasizes the restorative justice approach that pays great attention to the relationship between victims and violators, because restorative justice is seen as a conflict resolution mechanism that aims to restore the relations of the parties to the conflict as before the conflict.<sup>34</sup>

#### **2.4. Criminal Policy on the Narcotics Abuse Victims in the Law No. 35/2009**

It is very difficult to understand the vision, mission and direction of government policies in the prevention and eradication of illicit drug trafficking activities, as stated in Law No. 35/2009. This is because there are two interests that must be adopted by the government in one policy, namely on the one hand the government seeks to guarantee the availability of narcotics for the benefit of health services and/or scientific development, while on the other hand the government must also strive prevent and eradicate illicit drug trafficking.

The two roles that must be carried out at once make the government collide with the problem of harmonization, namely the harmonization of material/ substance from the provisions it regulates, and external (international/global) harmonization, namely the adjustment of the formulation of narcotics criminal acts with similar provisions from other countries especially with the substance of the United Nation Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances in 1988 which the Government ratified with Law No. 7 of 1997 and Law No. 8 of 1996 concerning the Ratification of the UN Convention on Psychotropic. From the issue of harmonization, in the end, the government inevitably criminalized drug abusers in the prevention and eradication of illicit drug trafficking activities. Based on this, it is necessary to understand how law enforcement officers apply the provisions contained in Law No. 35/2009 concerning Narcotics against members of the public who are caught in narcotics abuse cases.

The Law No. 35/2009 makes a major separation with regard to the regulation of criminal provisions, namely: (1) concerning the eradication of narcotics and narcotics precursors; and (2) concerning narcotics abuse by

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<sup>32</sup> Arrigo, B. A., & Bernard, T. J. (1997). "Postmodern Criminology in Relation to Radical and Conflict Criminology". *Critical Criminology*, (Vols. 8, No. 2, p. 42).

<sup>33</sup> *Ibid.*, p. 43.

<sup>34</sup> Mustofa, M. (2016), "Viktimologi Postmodern". *Simposium Nasional dan Pelatihan Hukum Pidana dan Kriminologi Ke-III*, Fakultas Hukum Universitas Lambungmangkurat Banjarmasin, 16-19 Mei 2016.

narcotics addicts, drug abuse victims, and narcotics abusers. Eradication of illicit drug trafficking is listed, among others, in Article 111 to Article 126 of Law No. 35/2009, while those related to narcotics abusers are found in Article 127 and Article 128 of Law No. 35/2009. Therefore, one of the things that needs attention is that provisions such as Article 111 to Article 126 of Law No. 35/2009 can only be imposed on someone in the framework of “circulation” both in trade and non-trade, such as the transfer of health services and the development of science and technology (Article 35), so that it cannot be for example a narcotics abuser submitted to the court and subject to criminal sanctions based on provisions relating to narcotics circulation.

Law No. 35/2009 concerning Narcotics mentions several terms that have the same essence as narcotics users, namely narcotics addicts, narcotics abusers, and victims of narcotics abuse. These various terms have different impacts and implications, but in reality there are inconsistencies in treating people who use narcotics without these rights. In this case, Law No. 35/2009 treats the law differently between narcotics abusers and addicts, even though the two categories can be said to be victims of illicit drug trafficking. In addition, Law No. 35/2009 also defines narcotics abuse victims narrowly only to people who accidentally use narcotics because they are persuaded, deceived, cheated, forced, and/or threatened to use narcotics.

In principle, the drug abusers receive medical rehabilitation guarantees and also social rehabilitation as stipulated in Article 4 point (d), which states that the Narcotics Law aims to “guarantee the regulation of medical and social rehabilitation efforts for misuse of drugs and narcotics addicts”. However, criminal provisions also regulate criminal sanctions for people who abuse narcotics.

The problems that occur in the practice of eradicating narcotics abuse are differences in perceptions among law enforcement officers, which then lead to different handling of narcotics abusers among them. Police investigators, as well as prosecutors, often use articles that should not be given to addicts and narcotics abusers, which then leads to criminal sentences by the court to the addicts and drug abusers. Law enforcement officials in Indonesia can use Articles 111 and 112 in Law No. 35/2009 to impose criminal penalties on addicts and narcotics abusers.<sup>35</sup> Both articles stipulate that every person without rights or against the law owns, or keeps, or controls, or provides narcotics, is sentenced to at least 4 (four years) imprisonment. Addicts, abusers, and even victims who accidentally use narcotics can be included in these two articles because they can own, store, or control narcotics, even though Article 111 and 112 are basically intended for illicit drug traffickers.

The attitudes of law enforcement officers are actually related to their views and understanding of a criminal law policy in the context of law enforcement. The attitudes, views, and understanding of law enforcement agencies regarding the laws and regulations are part of legal culture, because

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<sup>35</sup> Zikrie, I. “Korban Narkoba Seharusnya Tidak Dijebloskan ke Penjara”, *CNN Indonesia*, <http://www.cnnindonesia.com/nasional/20150516160000-12-53598/korban-narkoba-seharusnya-tidak-dijebloskan-ke-penjara>, accessed on February 9, 2016.

whether or not the implementation of a criminal law policy is determined by the attitudes, views and understanding of law enforcement officials regarding the provisions of a statutory regulation as legal substance. Law enforcement officials themselves are part of the legal structure, which is an important component in a law enforcement policy.<sup>36</sup>

Another problem that arises in the practice of narcotics law enforcement is that there are many cases of drug addicts and drug abusers who are caught by the police and then treated like dealers, because drug addicts and drug abusers are charged with Article 111 or Article 112 of Law No. 35/2009. The provisions of Article 111 and Article 112 are often associated with addicts, misuse of drugs, and victims of drug abuse because both articles contain elements of possessing, storing, controlling, or providing narcotics. Addicts, useless abusers, and victims who accidentally use narcotics are also basically people who have, store, and control narcotics, so that in their legal process they are often equated with illegal drug traffickers.

Addicts, narcotics abusers, and victims who accidentally use narcotics can actually be considered victims of narcotics abuse, namely victims of drug trafficking syndicates. Narcotics dealers make efforts that can influence someone to try consuming narcotics, which in the end can become an addict who always needs narcotics and will buy it from the dealers. Narcotics abusers like this if caught by the police are eventually convicted with imprisonment, even though the imprisonment sentence and the placement of narcotics abusers in prisons are not effective, and that also may not cause a deterrent effect.<sup>37</sup>

These problems need to be overcome by looking at the criminal law policy in relation to narcotics abuse, especially in terms of formulation policies and application policies. Marcus Priyo Gunarto also argued that the reforms of criminal law through the renewal of the Criminal Code (KUHP) and Criminal Procedure Code (KUHAP), as an effort to prevent overcapacity in prison, are also important to build a framework of thought of law enforcement officers (as a form of legal cultures) that leads to use of imprisonment selectively and restrictively, so that not all people found guilty are subject to imprisonment, but they can be given other criminal sanctions that are not in the form of deprivation of liberty.<sup>38</sup>

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<sup>36</sup> Law enforcement is essentially an integrated system of legal substance, legal structure system, and legal culture system. Barda Nawawi Arief is of the view that reforms in the field of law enforcement and legal structure, even in the field of legal substance (legislation) are closely related to reform in the field of legal culture. Barda Nawawi Arief, 2014, *Masalah Penegakan Hukum dan Kebijakan Penanggulangan Kejahatan*, cet. 4, Kencana, Jakarta, p. 5.

<sup>37</sup> Badan Narkotika Nasional (BNN). (2017). "Hasil Survey Penyalahgunaan dan Peredaran Gelap Narkotika pada Kelompok Pelajar dan Mahasiswa di 18 Provinsi Tahun 2016". BNN bekerjasama dengan Pusat Penelitian Kesehatan Universitas Indonesia, [http://www.bnn.go.id/\\_multimedia/document/20180508/jurnal\\_data\\_puslitdatin\\_bnn\\_2017.pdf](http://www.bnn.go.id/_multimedia/document/20180508/jurnal_data_puslitdatin_bnn_2017.pdf), accessed on December 12, 2017.

<sup>38</sup> Gunarto, M. P. (2013). "Restrukturisasi Peradilan Pidana sebagai Upaya Mencegah Kelebihan Kapasitas Narapidana di Lembaga Pemasyarakatan". *Inaugural Professorship Speech Paper at UGM Faculty of Law*, delivered in front of the Open Senate Meeting of the Council of Professors of Gajah Mada University. p. 6.

The legal process carried out by the Police and National Narcotics Agency (BNN) to criminal acts of narcotics abuse is conducted to determine the type of criminal act of a suspect, whether he/she is a narcotics abuser who uses narcotics only on trial, or several times, or even having become addicts, or a victim who accidentally uses narcotics. The police and BNN revealed that narcotics abusers and narcotics addicts are initially victims of abuse because there is persuasion in consuming narcotics; initially someone just wants to try, and he/she uses drugs more often, and eventually he/she become addicted. Suspects of narcotics abusers are stipulated based on Law No. 35/2009, and with the evidence specified by reference to Supreme Court Circular Letter (SEMA) No. 4/2010, Joint Decree (PERBER) of 2014 concerning the Handling of Narcotics Addicts and Narcotics Abuse Victims into Rehabilitation Institutions, PERKABA (Head of the Criminal Investigation Agency Regulation) No. 865 of 2015, or Chief of Police Telegram Letter No. STR / 865 / X / 2015 concerning the Placement of Narcotics Suspects and Abuse in Rehabilitation Institutions.

Moreover, The Attorney General's Office has never indicted suspects of narcotics abuse with a single charge, but always with alternative charges. The indictment made by the Public Prosecutor is based on the Minutes of Investigation from the Investigator (Police). In the Indonesian Attorney General's Regulation (PERJA) No. 29 of 2015 concerning Technical Guidelines for Handling Narcotics Addicts and Narcotics Abuse Victims into Rehabilitation Institutions, suspects and defendants basically have the right to undergo medical or social rehabilitation. However, in PERBER 2014 there is a maximum limit of 6 days from the Integrated Assessment Team (TAT), even though there is a time off for the TAT. If the delay is 6 days then the suspect is not assessed, and this is detrimental to the suspect of misuse, addicts and victims of drug abuse. If there are no assessment results, then the suspect cannot be rehabilitated and then he/she is detained. The prosecutor's policy in determining the victims of narcotics abuse is Article 127 of Law No. 35/2009 and Article 55 of the Criminal Code concerning trial articles so that sanctions can be imposed.

In addition, Parameters of victims of narcotics abuse to distinguish them from those who have, control, store narcotics, according to the judge are adjusted to the provisions of Supreme Court Circular Letter (SEMA) No. 4/2010 and Joint Decree (PERBER) of 2014. It must be proven that there is an inner intention from the element of controlling narcotics, because a user must fulfill the element of possession, by submitting mitigating witnesses, even experts from the Integrated Assessment Team (TAT). The results of the rehabilitation recommendations from the Integrated Assessment Team (TAT) are not binding on judges, so that decisions are not always rehabilitation even though there are assessment results. The judges are of the opinion that it is expected that in the future there will be rules for narcotics abusers who are still in the stage of trying to be able to carry out social rehabilitation without medical rehabilitation. Decisions given by District Court judges throughout Yogyakarta Province are based on strict rules to determine whether a defendant is an addict and/or victim of narcotics abuse who is entitled to undergo medical rehabilitation and social rehabilitation, but if it is

not proven to be an addict or victim, then he was categorized as a narcotics abuser who was sentenced to prison.

Based on the description and discussion of criminal law policy on victims of narcotics abuse above, it can be concluded that parameters of victims of narcotics abuse that distinguish it from those who “control, possess, store, or buy” narcotics are based on Regulation of the Head of the National Narcotics Agency No. 11 of 2014, Attorney General Regulation No. Per-029/A/Ja/12/2015, Circular Letter of the Attorney General (SEJA) No. SE-002/A/JA/02/2013, Supreme Court Circular Letter (SEMA) No. 4 of 2010, Supreme Court Circular Letter (SEMA) No. 3 of 2011, and Joint Regulation (PERBER) of 2014. These regulations mentions that the suspects of drug abusers shall not be prosecuted if he/she is in accordance with the conditions as follows: 1) the suspect is arrested by the National Police investigator or BNN investigator in a state of being caught red-handed; 2) when the suspect is caught red-handed, there is evidence of narcotics for the use of 1 (one) day; 3) laboratory test letters show that the suspect uses narcotics based on the request of the investigator; 4) there is a Certificate from a psychiatrist/government psychiatrist appointed by law enforcement officers; and 5) there is no evidence that the suspect is involved in illicit drug trafficking.

Parameters of victims of narcotics abuse in the Law No. 35 of 2009 are too narrow and very difficult to prove. Therefore, in addition to using the law, law enforcement officers also use these regulations to determine the parameters of victims of narcotics abuse. With these parameters, a narcotics abuser found “possessing, controlling, storing, or buying” narcotics must be proven in advance that the elements of “possessing, controlling, storing, or buying” are truly for the purpose of being used for the abuser him/herself. The judge considers that the defendants of narcotics abuses who are not included in the category of addicts and are not proven to be victims who accidentally use narcotics are given imprisonment sanctions based on Article 127 Paragraph (1) and do not receive medical rehabilitation and/or social rehabilitation. When viewed from the perspective of victimology, law enforcement officers use the positivist victimology paradigm that places narcotics abusers as both perpetrators of crimes and victims of their own actions (self-victimizing victims). The paradigm causes narcotics abusers do not get their rights as victims, so there is a tendency for law enforcement officials to impose criminal sanctions, even though the parameters mentioned above cumulatively have been fulfilled.

On the other hand, the radical paradigm of victimology sees that criminal acts of narcotics abuse are organized crime that can set a condition of a person as an individual and as a part of society, and give him/her certain views that narcotics can be a solution to the problems he/she faces. Thus, someone who wants to use narcotics, in fact he has been affected by this view, so that a narcotics user (either because he/she wants to try or be recreational or has become an addict) basically he/she puts him/herself into a target of illicit drug trafficking. In the radical victimology paradigm, this condition can be included in the precipitative victim, namely victims leave themselves open for victimization by placing themselves in dangerous places

or times. By looking at how he/she obtains narcotics without rights, he/she is a victim of criminal acts of other people, namely illegal drug traffickers. Thus, narcotics abusers are included as victims of narcotics abuse, not perpetrator, so that the legal protection of narcotics abusers should be included in Law No. 35 of 2009 concerning Narcotics that can obtain their rights as victims, namely the right to receive guidance and rehabilitation.

Therefore, based on the radical paradigm of victimology, criminal law policy of the narcotic abusers in Indonesia in the future (*ius constituendum*) includes narcotics abusers into drug abuse victims who require them to undergo sanctions in the form of medical rehabilitation and social rehabilitation, not undergo criminal sanctions. Based on the theory of victim protection, the legal provisions regarding narcotics abusers in the future (*ius constituendum*) directed to the depenalization, namely the legal handling of drug abusers by not imposing criminal sanctions, but it is replaced with sanctions in the form of the obligation to undergo medical rehabilitation and social rehabilitation. The concept of depenalization is applied to Article 54, Article 103, and Article 127 of Law Number 35 of 2009 by eliminating criminal sanctions for addicts, narcotics abusers, and victims who accidentally use narcotics. Depenalization places the three drug user groups equally, namely entitled to get medical rehabilitation and social rehabilitation as a form of punitive measures.

### 3. Conclusion

The criminal law policy for victims of narcotics abuse in Law No. 35 of 2009 is constructed by the formulation that addicts and victims of narcotics abuse are given punitive measures (medical rehabilitation and social rehabilitation) while narcotics abusers who are not addicts (using narcotics in the trial phase) are given criminal sanctions. The construction is based on the formulation of the Law that victims of narcotics abuse are people who accidentally use narcotics because they are persuaded, deceived, cheated, forced, and/or threatened. The determination of whether a suspected drug abuser is an addict or victim who must be rehabilitated or not, remains through a court decision in accordance with the Law.

The Law No. 35/2009, and also the Indonesian law enforcement officers, uses the positivist victimology paradigm that places narcotics abusers as both perpetrators of crimes and victims of their own actions (self-victimizing victims). The paradigm causes narcotics abusers do not get their rights as victims, so there is a tendency for law enforcement officials to impose criminal sanctions, even though the parameters of victims cumulatively have been fulfilled. On the other hand, the radical paradigm of victimology sees that narcotics abusers are victims of illicit narcotics trafficking. This is because narcotics crimes are organized, which can set a condition of persons as an individuals and as a part of society, and give them certain views that narcotics can be a solution to the problems he/she faces. Thus, someone who wants to use narcotics, in fact he has been affected by this view, so that a narcotics user (either because he/she wants to try or be recreational or has become an addict) basically he/she puts him/herself into a target of illicit drug trafficking. In the radical victimology paradigm, this condition can be included in the precipitative victim.

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## References

- Arief, B. N. (2014). *Bunga Rampai Kebijakan Hukum Pidana (Perkembangan Penyusunan Konsep KUHP Baru)*. Bandung: Citra Aditya Bakti.
- Arief, B. N. (2014). *Masalah Penegakan Hukum dan Kebijakan Penanggulangan Kejahatan*. (Vols 4). Jakarta: Kencana.
- Arrigo, B. A., & Thomas J. B. (1997). "Postmodern Criminology in Relation to Radical and Conflict Criminology". *Critical Criminology*. (Vols. 8, No. 2. Autumn 1997).
- Badan Narkotika Nasional (BNN). (2017). "Hasil Survey Penyalahgunaan dan Peredaran Gelap Narkoba pada Kelompok Pelajar dan Mahasiswa di 18 Provinsi Tahun 2016". BNN bekerjasama dengan Pusat Penelitian Kesehatan Universitas Indonesia, from [http://www.bnn.go.id/\\_multimedia/document/20180508/jurnal\\_data\\_puslitdatin\\_bnn\\_2017.pdf](http://www.bnn.go.id/_multimedia/document/20180508/jurnal_data_puslitdatin_bnn_2017.pdf). accessed on December 12, 2017.
- Bakhri, S. (2012). *Kejahatan Narkotika dan Psicotropika: Suatu Pendekatan Melalui Kebijakan Hukum Pidana*. Bekasi: Gramata Publishing.
- Black, H. N. (1999). *Black Law Dictionary*. St. Paul Mn West Publishing, Co. Minnesota.
- Dignan, J., (2005). "Chapter One: Victims, Victimization and Victimology", dalam *Understanding Victims and Restorative Justice*. Open University Press, <https://www.mheducation.co.uk/openup/chapters/0335209807.pdf>.
- Echols, J. M., & Sadili, H. (1996). *Kamus Inggris – Indonesia*. Jakarta: Gramedia.
- Gosita, A. (2009). *Masalah Korban Kejahatan: Kumpulan Karangan*. Jakarta: Universitas Trisakti.
- Gunarto, M. P. (2013). "Restrukturisasi Peradilan Pidana sebagai Upaya Mencegah Kelebihan Kapasitas Narapidana di Lembaga Pemasyarakatan". *Inaugural Professorship Speech Paper at UGM Faculty of Law*, delivered in front of the Open Senate Meeting of the Council of Professors of Gajah Mada University. Yogyakarta. December 24, 2013.
- Irawan, Y. K. (2017). "Fidelis Divonis 8 Bulan Penjara dan Denda Rp 1 Miliar". *Kompas.com*, <https://regional.kompas.com/read/2017/08/02/11564981/fidelis-divonis-8-bulan-penjara-dan-denda-rp-1-miliar>. accessed on May 30, 2018.
- Iskandar, A. (2015). *Jalan Lurus Penanganan Penyalah Guna Narkotika dalam Konstruksi Hukum Positif*. Karawang: Tanpas Communications.
- Koentjoro. (2015). "Pencegahan Penyalahgunaan Narkoba di Kalangan Pelajar dan Mahasiswa". in Sri Suryawati, Derajad S. Widhyaharto, and Koentjoro (eds.), 2015. *UGM Mengajak Raih Prestasi Tanpa Narkoba*. Yogyakarta: Gadjah Mada University Press.
- Mansur, D. M. A., & Gultom, E. (2008). *Urgensi Perlindungan Korban Kejahatan: Antara Norma dan Realita*. Jakarta: Raja Grafindo Persada.

- Mardani. (2008). *Penyalahgunaan Narkoba dalam Perspektif Hukum Islam dan Hukum Pidana Nasional*. Jakarta: Raja Grafindo.
- Merriam-Webster Dictionary Online, <https://www.merriamwebster.com/dictionary>
- Muladi. (1995). *Kapita Selekta Sistem Peradilan Pidana*, Semarang: Badan Penerbit Universitas Diponegoro.
- Mustofa, M. (2016). "Viktimologi Postmodern", *Simposium Nasional dan Pelatihan Hukum Pidana dan Kriminologi Ke-III*. Banjarmasin: Fakultas Hukum Universitas Lambungmangkurat.
- Najih, M. (2014). *Politik Hukum Pidana: Konsepsi Pembaharuan Hukum Pidana dalam Cita Negara Hukum*. Malang: Setara Press.
- Partodiharjo, S. (2007). *Kenali Narkoba dan Musuhi Penyalahgunaannya*. Jakarta: Esensi.
- Sahetapy, J. E. (1987). *Viktimologi Sebuah Bunga Rampai*. Jakarta: Pustaka Sinar Harapan.
- Sholehuddin, M. (2003). *Sistem Sanksi dalam Hukum Pidana: Ide Dasar Double Track System & Implementasinya*. Jakarta: Raja Grafindo Persada..
- Sujono, A. R., & Daniel, B. (2011). *Komentar dan Pembahasan Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika*.(Vols. 1). Jakarta: Sinar Grafika.
- Wilson, J. K. (2009). *The Praeger Handbook of Victimology*. California: ABC-CLIO.
- Wolhuter, L., Olley, N., & Denham, D. (2009). *Victimology: Victimisation and Victims' Rights*. New York: Routledge-Cavendish.
- Yulia, R (2010). *Viktimologi Perlindungan Hukum Terhadap Korban Kejahatan*. Yogyakarta: Graha Ilmu.
- Zikrie, I. "Korban Narkoba Seharusnya Tidak Dijebloskan ke Penjara", *CNN Indonesia*, <http://www.cnnindonesia.com/nasional/20150516160000-12-53598/korban-narkoba-seharusnya-tidak-dijebloskan-ke-penjara>, accessed on February 9, 2016.