



Accountability of a Person Possessing, Controlling or Providing
Types of Drugs not from Plants with the use of Restorative Justice
(a Case Study of the Cassation Decision number
1423K/PID.SUS/2016)

Aditia Johan Permana¹, Yusuf Muhamad Said²

¹²Sekolah Tinggi Ilmu Hukum IBLAM
Kramat Jaya No. 25, Senen, Jakarta Pusat, Indonesia

Email: aditajohan8@gmail.com¹, theo217@yahoo.com²

Abstract

Narcotics crime is an extraordinary crime. Therefore, the handling must also be extraordinary, not only using Law No. 35 of 2009 concerning Narcotics, but also the Criminal Code and the Crime of Money Laundering (TPPU). BNN until March 2021 had confiscated 3,462.75 kilograms of marijuana evidence, an increase of 143.64 percent compared to 2,410 kilograms of evidence in 2020, even though in a pandemic condition, covid 19 drug trafficking has increased marked by an increase in evidence confiscated in the context of enforcement. law. Thus, the condition of the pandemic and the consequences of working from home, the circulation of narcotics and the like rose, especially the type of marijuana. BNN asks for support from all parties to jointly support the eradication of these prohibited items. The research method is carried out in a normative juridical manner, which relies on literacy from various books, journals, expert opinions and is equipped with State Court Decisions to Cassation Decisions Against cases of handling illegal drug trafficking, class I. All are analyzed and made a narration so that it can be concluded in a study. In conclusion, the handling of drug crimes, in Indonesia still uses positive legal parameters, the aspect of imprisonment is not yet related to the aspect of restorative justice, it is not easy because there are no binding statutory regulations, except for regulations under the law other than the impact of drugs can damage the order. socially and economically to the potential to lose the best generation of the nation.

Keywords: Restorative Justice; Narcotics; Case Justice.

A. Introduction

Badan Narkotika Nasional (BNN) released the discovery that drug trafficking has increased every year even though in the era of the Covid 19 pandemic. The increase in drug circulation was conveyed by the Head of BNN Petrus R. Golose in a Hearing Meeting (RDP) with Commission III of the DPR.

The agency confiscated 808.68 kilograms of crystal methamphetamine in just three months, or 70.19 percent of the total confiscated in 2020, which was 1,152.2 kilograms, or 70.19 percent compared to the amount of evidence. in 2020 as much as 1,152.2 kilograms.

So it's only been three months since BNN has carried out a quick drug operation, the evidence that can be confiscated is 70.19 percent. (Ant, 30/3 2022).

The type of narcotics that is widely circulated is marijuana, or drugs from plants, because during January-March 2021 there has been an increase, which is an increase of 143.64 percent compared to the evidence in 2020.

BNN until March 2021 had confiscated 3,462.75 kilograms of marijuana evidence, an increase of 143.64 percent compared to 2,410 kilograms of evidence in 2020, even though in a pandemic condition, Covid-19 drug trafficking has increased marked by an increase in evidence confiscated in the context of enforcement. law.

The increase in water supply, as is applicable in economic law (supply and demand), is thought to have increased demand due to the implementation of the Work from Home (WFH) policy. So that officers find it difficult to control entry into private rooms.

Thus, the condition of the pandemic and the consequences of working from home, the circulation of narcotics and the like rose, especially the type of marijuana. Therefore, BNN asks for support from all parties to jointly support the eradication of these prohibited goods.

Narcotics crime is a special crime (extra ordinary) because in its handling it does not only use the Criminal Code but uses Law Number 35 of 2009 concerning Narcotics. As the basis for its formulation, Article 5 paragraph (1) and Article 20 of the 1945 Constitution of the Republic of Indonesia. However, before the Narcotics Law was passed, Indonesia had ratified Law Number 8 of 1976 concerning the Ratification of the 1961 Single Convention on Narcotics and its 1972 Protocol, and Law Number 7 of 1997 concerning Ratification of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988.

When viewed from international rules, the prohibition on the circulation of illegal drugs has actually been around for quite a while in 1961, but the government only seriously ratified it after the community's victims of drugs have increased until now. And the circulation of narcotics continues to increase every year because of the weak pattern of eradication due to the existence of "backups" from unscrupulous law enforcement officers.

Narotika, etymologically comes from the Greek language which means referring to something that can make a person unconscious (fly), while in English it is more directed to drugs that make users addicted (Soedjono, 2010: 3). Therefore, the circulation of the goods is regulated within the user so as not to make the users drunk or addicted.

Narcotics abuse is a common enemy for the Indonesian people. Narcotics play a big role in the process of destroying the state. The effect is so great that narcotics addicts are called the lost generation.(Clara, 2011:1) (Crimes surrounding drug abuse are increasingly worrying. The impact of narcotics abuse is not only on the decline in human quality, but also on the increase in the number and quality of crime. If narcotics used incorrectly, can turn humans into cruel, inhumane, low-minded, temperamental, and have worse morals than animals (Subagiyo, 2010:4) (3).

Narcotics crime is a type of crime that is quite serious, as well as threatening the future of the nation's generation. Therefore, this form of crime needs to be handled properly, seriously, considering that narcotics abuse is increasing day by day. This is

evident from the news in both print and electronic media which almost every day reports about the arrests of narcotics abusers by state officials, both through the National Narcotics Agency and the Indonesian Police. The spread of abusers and victims of narcotics crimes has even penetrated all levels of society without exception, starting from children, adolescents, youth, parents, both educated and uneducated people as well as from various types of professions. (Wresniwiro, 2009: 36). That's why, handling cases related to crimes that are classified as extra ordinary, is not easy to be transformed in the implementation of restorative justice law.

Article 127 of the Narcotics Law with other criminal offenses, narcotics users who obtain narcotics legally must meet the elements of "controlling", "possessing", "keeping", and/or "buying" narcotics. It is also regulated as a separate crime in the narcotics law. The definition of Narcotics based on the provisions of Article 1 point 1 of Law Number 35 of 2009, what is meant by narcotics, substances or drugs originating from plants or non-plants, both synthetic and semi-synthetic, which can cause a decrease or change in consciousness, loss of taste, reduce to eliminate pain, and can lead to dependence. It is the nature of dependence that is dangerous for the other party, because if someone is in a pinch, and doesn't find the desired item, their actions become brutal and tend to be against the law, such as injuring people around them, or stealing things even though it belongs to their own parents. That is the danger of dependence.

In practice, law enforcement officers also link (including include/juncto) between criminal offenses for narcotics users and criminal offenses for controlling, possessing, storing or buying narcotics without rights and against the law where the criminal threat becomes much higher and uses special minimum sanctions, namely minimum 4 (four) years in prison and a minimum fine of IDR 800,000,000 (eight hundred thousand rupiah). These sanctions are often used by law enforcers from investigators to judges.

Based on this, narcotics crime has received special attention from the government so that it is included in the category (ordinary crime) of extraordinary crimes, due to its multidimensional impact. The meaning is as a crime that has a large and multi-dimensional impact on social, cultural, economic and political as well as the enormity of the negative impact caused by this crime.

Therefore, extraordinary punishment crimes would be relevant to accompany the crime model with extraordinary characteristics which nowadays is increasingly reaching various lines of life, such as cases of narcotics abuse which are categorized without rights or against the law possessing, storing, controlling or providing class I narcotics, not plants. whose cases have already received an incrah decision or a permanent decision, because an appeal has been made to the *Mahkamah Agung* (MA).

Case study of Cassation Decision No. 114/PID.SUS/2016/PT MD, for the defendant DEDI HERNANDA NASUTION (30 years old), the Public Prosecutor was charged with unlawfully or unlawfully possessing, storing, controlling, or providing Narcotics Category I Non-Plant, so that being prosecuted and threatened with a criminal offense in accordance with Article 112 Paragraph (1) of the 2009 Narcotics Law, is as follows: " Everyone who without rights or against the law owns, keeps, controls, or provides Narcotics Category I which is not a plant shall be punished with a minimum imprisonment of 4 (four) years and a maximum of 12 (twelve) years and a maximum fine of Rp. 8 billion.

The facts at the trial, in the Rantauprapat District Court the decision was Number 740/Pid. Sus/2015/PN.Rap., dated February 4, 2016 with imprisonment for 7 (seven) years and a fine of Rp. 1,000,000,000.00 (one billion rupiah).

The prosecutor as a public prosecutor did not accept it so he made an appeal, but in this appeal the Medan High Court with its decision number 114/PID.SUS/2016/PT.MDN., April 11, 2016 decided to reduce it to 5 years in prison. The public prosecutor continued to make legal efforts up to the Cassation, to the Supreme Court with the verdict Number 1423 K/PID.SUS/2016. For that decision, the Supreme Court actually reduced the sentence to 4 years in prison and a fine of Rp. 800 million or could be replaced with a prison term of 3 (three) months.

On this basis, law enforcement against narcotics crimes, which are included in extraordinary crimes, has not shown a good direction, so it is necessary to study and analyze the handling of narcotics crimes through restorative justice in order to help reduce state financial losses and drastically reduce narcotics circulation.

B. Method

This paper discusses the distribution of illegal narcotics, where the handling is not optimal even though this crime is an extra ordinary crime. Therefore, the research method used is normative juridical, namely analyzing the relationship between applicable laws and regulations with legal theories and practices of implementing positive law regarding the problems discussed, in this case the researcher completes a case study of the decision of the Parapat District Court in Medan. to the Supreme Court's Cassation Decision. This study will analyze legal issues, facts, and other legal phenomena related to the legal approach, then obtain a comprehensive picture of the problem to be studied. Research in the form of descriptive analysis will only describe the condition of the object or problem and is not intended to draw or draw generally accepted conclusions regarding legal liability, for those or someone who can be responsible for possessing or controlling substances prohibited by the state (read narcotics class I). (Soerjono Sukanto, 2010:81).

Accurate data in the form of data obtained through library materials consisting of primary, and tertiary legal materials in the form of legal materials used in research with binding force including basic norms and rules such as legislation, official records or treatises in making legislation, and Judges' Decisions. (Mahmud M.2010: 141).

C. Results and Discussion

1. Restorative Justice Justice Becomes Discourse

The formulation of the formulation of criminal sanctions against perpetrators of narcotics crime class I non-plants is regulated in Law No. 35 of 2009, part of the improvement of Law No. 22 of 1997 on Narcotics by optimizing law enforcement efforts and taking effective action against narcotics abuse because in addition to damaging the future nation can also cause public unrest. (Wijayanti Puspita Dewi, 2019:59)

The enactment of the Law on Narcotics, Types of Psychotropics Group I and Group II as contained in its attachments, concerning psychotropics have been

transferred to Narcotics Group I according to the Narcotics Law Number 35 of 2009 and attachments regarding the types of Psychotropics Class I and Group II in Law Number 5 1997 concerning Psychotropics which have been revoked or refined. That is, the new law raises the level of class II to group I with the consequences of a heavier penalty.

Normative use of narcotics for oneself is not explicitly stated in Law No. 35 of 2009, only explaining several terms that have almost the same essence as abuse for oneself, such as narcotics addicts, abusers, victims of users, former addicts and patients who are currently addicted to drugs. treated.

Article 4 letter d of the Narcotics Law states that the purpose of the law is to guarantee the regulation of medical and social rehabilitation efforts for narcotics abusers and addicts. This is in line with Article 54 of the Narcotics Law which states that narcotics addicts and victims of narcotics abuse are obliged to undergo medical rehabilitation and social rehabilitation, so that the right of abusers to receive rehabilitation as regulated in Article 54 becomes "escaped" because in the Law on drugs it increases the qualification degree of the type of drug abuser. mild to severe or into group I.

The handling of narcotics cases using restorative justice, apart from being contained in Articles 4, 54 and Article 127 (a) of the Narcotics Law, is also regulated in the Guidelines for the Settlement of Narcotics Crimes by the Attorney General's Office as outlined in Guidelines No. 18 of 2021. Article 127 states that narcotics users are Self-defense is a type of crime without victims, where narcotics traffickers for themselves are not accompanied by other non-criminal qualifications such as dealers, manufactures, imports, exports and various other qualifications in the Law on Narcotics.

Therefore, the Attorney General's Office as a public prosecutor has handled restorative justice based on Article 127 Paragraph (1) of the Narcotics Law and Guidelines Number 18 of 2021. The handling of cases is carried out based on Guidelines Number 18 of 2021. Leonard Eben Ezer Simanjuntak, Head of Information Center Law of the Attorney General's Office (Kapuspenkum Kejagung) in handling criminal cases of Narcotics Abuse through Rehabilitation with a Restorative Justice Approach as the Implementation of the Prosecutor's Dominus Litis Principle as a reference for public prosecutors. (Gatra, 2022).

The reason for the prosecutor's use of the Prosecutor's Guide No. 18 of 2021 based on the dominus litis principle is to be able to resolve criminal cases of narcotics abuse through rehabilitation at the prosecution stage. The completion of the handling of criminal cases of narcotics abuse through rehabilitation as a mechanism cannot be separated from the implementation of restorative justice, with the spirit to restore the original situation which was carried out by restoring the perpetrators of the crime of narcotics abuse who were victimless crimes.

According to Leonar Eben, the completion of the handling of criminal cases of narcotics abuse through rehabilitation is carried out by prioritizing restorative justice and expediency (doelmatigheid), as well as considering the principles of fast, simple, and low-cost justice, the principle of criminal justice as a last resort (ultimum remedium), cost and benefit analysis. , and offender recovery. Guideline Number 18 of 2021 consists of 9 chapters, with the scope of pre-prosecution, prosecution,

supervision, training, and financing for the settlement of the handling of criminal cases of narcotics abuse through rehabilitation with a restorative justice approach as the implementation of the dominus litis principle.

The Prosecutor's Policy, which uses Guidelines No. 18 of 2021 regarding the implementation of restorative justice, is a new leap from handling narcotics cases so far. So far, the handling has been more on the aspect of punishment, or the aspect of legal certainty, as a result, the inmates of prisons in various places exceed their capacity, thus there is a need for a new and more effective and efficient strategic leap, in order to reduce the number of prison inmates who have "overwhelmed".

With the restorative justice system in Indonesia which has begun to be promoted in its implementation, although there are considerable obstacles, such as the absence of a common view of law enforcers, there is no law that regulates restorative justice, so that legal officials still prefer to "punish" or use positive law because of certain motives or it is easier to provide legal accountability towards certainty and deterrent aspects.

The qualifications of a narcotics user for oneself are different from other types of qualifications that are categorized as narcotics crimes such as Dealers, Importers, Exporters, Carriers, Sellers, Producers and other types of actions, where the qualification of the act is a very dangerous crime and has the impact of serious losses. both to the victims and to the interests of the nation and state in the future and future generations (Sunarso, 2004:65).

At that point there is a difference in the perception of law enforcers, whether to carry out restorative justice or continue to carry out positive law. it seems that the implementation of restatif justce will continue to be a discourse as long as the discourse has not been rounded into a law that can suppress debate from legal stakeholders.

2. Study on Cassation Decision Number 1423 K/PID.SUS/201698

The chronology of the crime of illegal distribution of narcotics against Dedi Hernanda Nasution, can be concluded, Rantau Prapat District Court Decision Number 740/Pid.Sus/2015/PN.Rap96 Rantau Prapat District Court Decision Number 740/Pid.Sus/2015/PN.Rap., dated February 04, 2016 whose full statement is as follows:

- a. To declare that the Defendant, Dedi Hernanda Nasution alias Nanda, has been legally and convincingly proven guilty of committing the criminal act "Without the right to surrender Narcotics Category I" as stated in the Primary Indictment for violating Article 114 Paragraph (1) of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics;
- b. Sentencing the Defendant with imprisonment for 7 (seven) years and a fine of Rp. 1,000,000,000.00 (one billion rupiah) provided that if the fine is not paid, it is replaced with imprisonment for 6 (six) years.) month;
- c. Determine the period of arrest and detention that has been served by the Defendant to be deducted entirely from the sentence imposed;
- d. Determine that the Defendant remains in custody.

Meanwhile, the Service's effort to appeal the decision of the first-level District Court received the following decision: Medan High Court Decision Number 114/PID.SUS/2016/PT.MDN97. Medan High Court Decision Number 114/PID.SUS/2016/PT.MDN., April 11, 2016 which is in full as follows:

- a. Receive appeal requests from the Defendant and the Public Prosecutor;

- b. Amend the Decision of the Rantau Prapat District Court dated February 04, 2016 Number 740/Pid.Sus/2015/PN.RAP., for which an appeal is requested insofar as it concerns sentencing, so that the full order reads as follows:
- 1) To declare that the Defendant, Dedi Hernanda Nasution alias Nanda, has been legally and convincingly proven guilty of committing the crime of "Without the right to surrender Narcotics Category I" as stated in the Primary Indictment in violation of Article 114 Paragraph (1) of Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics;
 - 2) Sentencing the Defendant with imprisonment for 5 (five) years and a fine of Rp. 1,000,000,000.00 (one billion rupiah) provided that if the fine is not paid, it is replaced with imprisonment for 3 (three) years) month.

While in the cassation the judge at the Supreme Court decided to reject the appeal from the Cassation Petitioner/Prosecutor/General Prosecutor at the Rantau Prapat District Attorney and corrected the Medan High Court Decision Nomo114/PID.SUS/2016/PT.MDN., April 11, 2016 which amended the the decision of the Rantau Prapat District Court Number 740/Pid.Sus/2015/PN.Rap, dated 04 February 2016, so that the full order reads as follows:

- a. To declare that the Defendant, DEDI HERNANDA NASUTION alias NANDA, has not been legally and convincingly proven guilty of committing a crime as stated in the Primary Indictment;
- b. To acquit the Defendant from the Primary Indictment;
- c. Declaring that the Defendant DEDI HERNANDA NASUTION alias NANDA has been legally and convincingly proven guilty of committing a criminal act "Every person who without rights or against the law owns, keeps, controls, or provides Narcotics Category I is not a plant" as stated in the Subsidiary Indictment;
- d. Sentencing the Defendant with imprisonment for 4 (four) years and a fine of Rp. 800,000,000.00 (eight hundred million rupiah) provided that if the fine is not paid, it will be replaced with imprisonment for 3 (three) years. month;
- e. Determine the period of arrest and detention that the Defendant has served is deducted entirely from the sentence imposed;
- f. Determine that the Defendant remains detained;

From the three different decisions, it indicates that there is no uniformity of views by legal officials, especially by judges, in handling the same case on the basis of the Narcotics Law. Although all judges' opinions differ in the number of decisions and fines, the spirit of the law still uses a positive legal system, with aspects of certainty and punishment.

One of the judges' considerations was that the judge did not carry out the decision through a restorative justice trial or continued to detain the defendant, because the type of narcotics he used was classified as a dangerous group, group I. The type of dangerous narcotics group, such as marijuana, is classified as a class I narcotic (Sasangka, 2003:38). . However, there are other types of narcotics that are not plants that are included in groups II and III which are also dangerous, such as opioids, consisting of fentanyl, heroin, hydrocodone with acetaminophen, hydrocodone, hydromorphone, methadone oxycodone, oxycodone with acetaminophen and oxycodone with aspirin.

In the medical world, the above medicines are basically safe to use according to a doctor's prescription, for short-term use. As an effect to relieve disease, these drugs also bring a sense of comfort. (Bayu Puji: 2018:27). However, the judges from the District Court, the High Court to the Supreme Court, continue to carry out their sentences using the Narcotics Law No. 35 of 2009, with the belief that the defendant can be held responsible and legally responsible for his actions of possessing, and controlling non-plant narcotics or belonging to category 1.

D. Conclusion

The crime of trafficking narcotics and other addictive substances, including the crime of extraordinary crime, is an extraordinary crime, because it has extraordinary destructive power to society and the next generation. Therefore, law enforcers in handling drug cases, especially dealers, producers, and dealers should receive severe punishment using Article 113 (1) and paragraph (2). Any person who without rights or against the law produces, imports, exports, or distributes Narcotics Category I, shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a minimum fine of Rp. 1,000,000,000.00 (one billion rupiah) and a maximum of Rp. 10,000,000,000.00 (ten billion rupiah). (2) In the case of producing, importing, exporting or distributing Narcotics Category I as referred to in paragraph (1) in the form of plants weighing more than 1 (one) kilogram or exceeding 5 (five) tree trunks or in the form of non-plants weighing more than 5 (five) grams, the perpetrator is sentenced to the death penalty. That punishment has been carried out by law enforcers so far. However, for users, law enforcers should use Articles.

Article 54 and Article 55 concerning rehabilitation or use of restorative justice. "Narcotics addicts and victims of narcotics abuse are required to undergo medical rehabilitation and social rehabilitation."

Drug crimes, it is quite difficult to distinguish, whether someone is an addict, a victim or a person who distributes or controls, because everyone who has, can certainly be charged with being a person who controls, distributes and uses. That is why law enforcers often have different views which lead to different decisions.

Articles in the Narcotics Law regulate criminal liability as well as accountability in the Criminal Code, but the concept of criminal responsibility in the Narcotics Law is quite different in the Criminal Code. Where in the Criminal Code one of the elements of criminal responsibility is an error, in the Narcotics Law the concept of criminal responsibility does not have any errors or contains the principle of strict liability where people in their actions have fulfilled the elements of the articles in the Narcotics Law, that person has committed a narcotic crime. As well as this narcotic crime is included in the transnational organized crime which spreads so fast and knows no boundaries. By looking at this, the strict liability principle is enforced in the Narcotics Law, of course in terms of preventing and eradicating narcotics crimes.

In the process of proving guilt, it is very important in criminal law where by mistake a person can be held accountable for his actions. The Narcotics Law in its criminal provisions does not explain in detail the elements of error, but in proving narcotics crimes in the sentencing process in the trial the element of error must still

exist without neglecting the *geen straf zonder schuld* principle, because of the importance of this error in the process.

In addition, based on Article 103 of Law No. 35 of 2009 concerning Narcotics, the Supreme Court of the Republic of Indonesia has made a breakthrough by issuing a Circular Letter of the Supreme Court No. 04 of 2010 concerning the determination of the use, victims of use, and Narcotics Addicts to the Institute for Medical Rehabilitation and Social Rehabilitation as a substitute from the Circular Letter of the Supreme Court Number 07 of 2009. However, in its application the SEMA is constrained because in deciding cases of narcotics users, judges cannot intervene with other law enforcement officers (investigators and public prosecutors).

References

- Bayu Puji Hariyanto. Pencegahan dan Pemberantasan Peredaran Narkoba Di Indonesia, *Jurnal Daulat Hukum*. Vol. 1 (1) 2018:201-210.
- Clara R.P. Ajikusuma d.k.k., *Petunjuk Praktis Bagi Keluarga Untuk Mencegah Penyalahgunaan Narkoba*, (Yogyakarta, Media Pressindo, 2011),
- George Bernard Shaw, *Persaingan Masyarakat*, Rajawali press, jakarta, 1999
- Hans Kelsen, *Teori Hukum Murni*, (Bandung, Nusamedia, 2008), .
- <https://www.antaraneews.com/berita/2049630/bnn-peredaran-narkoba-meningkat-saat-pandemi>, diunduh April 2022.
- <https://www.zonareferensi.com/pengertian-tanggung-jawab/>, diunduh April 2022.
- <https://www.gatra.com/news-527947-hukum-tersangka-pasal-127-ayat-1-uu-narkotika-penangaannya-sesuai-pedoman-182021.html>
- KUHPidana UU No 1 Tahun1946
- Mahmud Marzuki, *Penelitian Hukum*, (Jakarta: Kencana, 2010),
- Peraturan Kejaksaan N 18 Tahun 2021
- Putusan PN hingga Putusan Kasasi No 114/PID.SUS/2016/PT.MDN97. Putusan Pengadilan Tinggi Medan Nomor 114/PID.SUS/2016/PT.MDN., tanggal 11 April 2016.
- Ridwan H.R, *Hukum Administrasi Negara*, (Yogyakarta, UII Press, 2002),
- Ronny Hanitijo, *Metodologi Penelitian Hukum*, (Jakarta : Ghalia Indonesia, 2000),
- Sasangka, Hari, *Narkotika dan Psicotropika dalam Hukum Pidana*, (Bandung, Mandar Maju, 2003),
- Soedjono Dirdjosisworo, *Hukum Narkotika Indonesia*,(Bandung, PT. Citra Aditya Bakti, 2010.
- Soekidjo Notoatmojo, *Etika dan Hukum Kesehatan*, (Jakarta, Rineka Cipta, 2010
- Soerjono, Soekanto, *Pengantar Penelitian Hukum*, (Jakarta: UI Press, Jakarta, 2010
- Soekanto Soerjono dan Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, (Jakarta: PT RajaGrafindo Persada, 2005), hlm. 62
- Subagyo Partodiharjo, *Kenali Narkoba & Musuhi Penggunaannya*, (Jakarta, Esensi, 2010),
- Titik Triwulan dan Shinta, *Perlindungan Hukum Bagi Pasien*, (Jakarta, Prestasi Pustaka, 2010),
- UUD 1945
- UU No 35 Tahun 2009, tentang Narkotika
- Wijayanti Puspita Dewi. Penjatuhan Pidana Penjara Atas Tindak Pidana Narkotika Oleh Hakim Di Bawah Ketentuan Minimum Ditinjau Dari Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika. *Jurnal Hukum Magnum Opus* Vol. II Nomor 2. 2019,
- Willy, Heriadi. *Berantas Narkoba, Tak Cukup Hanya Bicara (Tanya Jawab)*. (Yogyakarta, Kedaulatan Rakyat, 2005),
- Wresniwiro, M. *Narkotika, Psicotropika dan Obat Berbahaya*. (Jakarta, Yayasan Mitra Bintibmas. 2009),